

# PENNSYLVANIA BULLETIN

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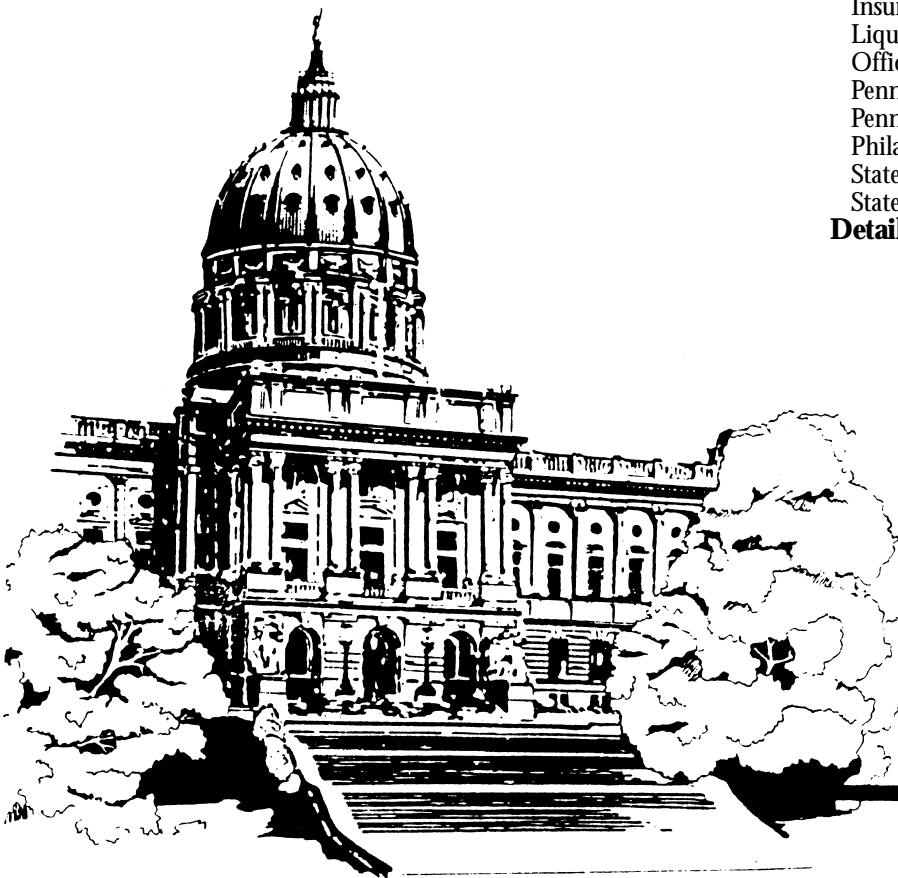
Saturday, May 26, 2007 • Harrisburg, PA

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**No. 390, May 2007**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

### **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

### **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

### ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

### **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE [ 210 PA. CODE CH. 19 ]

Order Adopting Amendments to Pa.R.A.P. 1925;  
No. 178 Appellate Procedural Rules; Doc. No. 1

#### Order

*Per Curiam*

And Now, this 10<sup>th</sup> day of May, 2007, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 36 Pa.B. 5967 on September 30, 2006:

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rule of Appellate Procedure 1925 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective 60 days after adoption.

Mr. Justice Fitzgerald did not participate in the consideration or decision of this matter.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

#### RECORD ON APPEAL FROM LOWER COURT

#### Rule 1925. Opinion in Support of Order.

(a) *General rule.*—Upon receipt of the notice of appeal, the judge who entered the order [ **appealed from** ] **giving rise to the notice of appeal**, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief [ **statement, in the form of an** ] opinion[ , ] of the reasons for the order, or for the rulings or other [ **matters** ] **errors** complained of, or shall specify in writing the place in the record where such reasons may be found.

If the case appealed involves a ruling issued by a judge who was not the judge entering the order giving rise to the notice of appeal, the judge entering the order giving rise to the notice of appeal may request that the judge who made the earlier ruling provide an opinion to be filed in accordance with the standards above to explain the reasons for that ruling.

(b) *Direction to file statement of [ matters ] errors complained of on appeal; instructions to the appellant and the trial court.*

[ —The lower court forthwith ] If the judge entering the order giving rise to the notice of appeal (“judge”) desires clarification of the errors complained of on appeal, the judge may enter an order

directing the appellant to file of record in the [ lower ] trial court and serve on the [ trial ] judge a concise statement of the [ matters ] **errors** complained of on [ the ] appeal [ **no later than 14 days after entry of such order** ] (“Statement”). [ A failure to comply with such direction may be considered by the appellate court as a waiver of all objections to the order, ruling or other matter complained of. ]

(1) *Filing and service.*—Appellant shall file of record the Statement and concurrently shall serve the judge. Filing of record and service on the judge shall be in person or by mail as provided in Pa.R.A.P. 121(a) and shall be complete on mailing if appellant obtains a United States Postal Service form in compliance with the requirements set forth in Pa.R.A.P. 1112(c). Service on parties shall be concurrent with filing and shall be by any means of service specified under Pa.R.A.P. 121(c).

(2) *Time for filing and service.*—The judge shall allow the appellant at least 21 days from the date of the order’s entry on the docket for the filing and service of the Statement. Upon application of the appellant and for good cause shown, the judge may enlarge the time period initially specified or permit an amended or supplemental Statement to be filed. In extraordinary circumstances, the judge may allow for the filing of a Statement or amended or supplemental Statement nunc pro tunc.

(3) *Contents of order.*—The judge’s order directing the filing and service of a Statement shall specify:

(i) the number of days after the date of entry of the judge’s order within which the appellant must file and serve the Statement;

(ii) that the Statement shall be filed of record;

(iii) that the Statement shall be served on the judge pursuant to paragraph (b)(1);

(iv) that any issue not properly included in the Statement timely filed and served pursuant to subdivision (b) shall be deemed waived.

(4) *Requirements; waiver.*

(i) The Statement shall set forth only those rulings or errors that the appellant intends to challenge.

(ii) The Statement shall concisely identify each ruling or error that the appellant intends to challenge with sufficient detail to identify all pertinent issues for the judge. The judge shall not require the citation to authorities; however, appellant may choose to include pertinent authorities in the Statement.

(iii) The judge shall not require appellant or appellee to file a brief, memorandum of law, or response as part of or in conjunction with the Statement.

(iv) The Statement should not be redundant or provide lengthy explanations as to any error. Where non-redundant, non-frivolous issues are set forth in an appropriately concise manner, the number of errors raised will not alone be grounds for finding waiver.

(v) Each error identified in the Statement will be deemed to include every subsidiary issue contained therein which was raised in the trial court; this provision does not in any way limit the obligation of a criminal appellant to delineate clearly the scope of claimed constitutional errors on appeal.

(vi) If the appellant in a civil case cannot readily discern the basis for the judge's decision, the appellant shall preface the Statement with an explanation as to why the Statement has identified the errors in only general terms. In such a case, the generality of the Statement will not be grounds for finding waiver.

(vii) Issues not included in the Statement and/or not raised in accordance with the provisions of this paragraph (b)(4) are waived.

(c) *Remand.*

(1) An appellate court may remand in either a civil or criminal case for a determination as to whether a Statement had been filed and/or served or timely filed and/or served.

(2) Upon application of the appellant and for good cause shown, an appellate court may remand in a civil case for the filing nunc pro tunc of a Statement or for amendment or supplementation of a timely filed and served Statement and for a concurrent supplemental opinion.

(3) If an appellant in a criminal case was ordered to file a Statement and failed to do so, such that the appellate court is convinced that counsel has been per se ineffective, the appellate court shall remand for the filing of a Statement nunc pro tunc and for the preparation and filing of an opinion by the judge.

(4) In a criminal case, counsel may file of record and serve on the judge a statement of intent to file an *Anders/McClendon* brief in lieu of filing a Statement. If, upon review of the *Anders/McClendon* brief, the appellate court believes that there are arguably meritorious issues for review, those issues will not be waived; instead, the appellate court may remand for the filing of a Statement, a supplemental opinion pursuant to 1925(a), or both. Upon remand, the trial court may, but is not required to, replace appellant's counsel.

[ (c) ] (d) *Opinions in matters on petition for allowance of appeal.*—Upon receipt of notice of the filing of a petition for allowance of appeal under Rule 1112[ (b) ] (c) (appeals by allowance), the appellate court below which entered the order sought to be reviewed, if the reasons for the order do not already appear of record, shall forthwith file of record at least a brief statement, in the form of an opinion, of the reasons for the order.

*Official Note:* [Subdivisions (a) and (b) of this rule are based on former Supreme Court Rule 56 and eliminate the blanket requirement of the prior practice for a service of a statement of matters complained of. See also former Superior Court Rule 46 and former Commonwealth Court Rule 25. Subdivision (c) of this rule is intended to provide the Supreme Court and the parties with at least a brief informal memorandum of the reasons for the decision of the appellate court below. See *In re Harrison Square Inc.*, 470 Pa. 246, 368 A.2d 285 (1977). ]

Subdivision (a) The 2007 amendments clarify that a judge whose order gave rise to the notice of appeal may ask a prior judge who made a ruling in question for the reasons for that judge's decision. In such cases, more than one judge may issue separate 1925(a) opinions for a single case. It may be particularly important for a judge to author a separate opinion if credibility was at issue in the pretrial ruling in question. See, e.g., *Commonwealth v. Yogel*, 307 Pa. Super. 241, 243-44, 453 A.2d 15, 16 (1982). At the same time, the basis for some pre-trial rulings will be clear from the order and/or opinion issued by the judge at the time the ruling was made, and there will then be no reason to seek a separate opinion from that judge under this rule. See, e.g., Pa.R.Crim.P. 581(D). Likewise, there will be times when the prior judge may explain the ruling to the judge whose order has given rise to the notice of appeal in sufficient detail that there will be only one opinion under 1925(a), even though there are multiple rulings at issue. The time period for transmission of the record is specified in Pa.R.A.P. 1931, and that rule was concurrently amended to expand the time period for the preparation of the opinion and transmission of the record.

Subdivision (b) This subdivision permits the judge whose order gave rise to the notice of appeal ("judge") to ask for a statement of errors complained of on appeal ("Statement") if the record is inadequate and the judge needs to clarify the errors complained of. The term "errors" is meant to encourage appellants to use the Statement as an opportunity to winnow the issues, recognizing that they will ultimately need to be refined to a statement that will comply with the requirements of Pa.R.A.P. 2116. Nonetheless, the term "errors" is intended in this context to be expansive, and it encompasses all of the reasons the trial court should not have reached its decision or judgment, including, for example, those that may not have been decisions of the judge, such as challenges to jurisdiction.

Paragraph (b)(1) This paragraph maintains the requirement that the Statement be both filed of record in the trial court and served on the judge. Service on the judge may be accomplished by mail or by personal service. The date of mailing will be considered the date of filing and of service upon the judge only if counsel obtains a United States Postal Service form from which the date of mailing can be verified, as specified in Pa.R.A.P. 1112(c). Counsel is advised to retain date-stamped copies of the postal forms (or pleadings if served by hand), in case questions arise later as to whether the Statement was timely filed or served on the judge.

Paragraph (b)(2) This paragraph extends the time period for drafting the Statement from 14 days to at least 21 days, with the trial court permitted to enlarge the time period or to allow the filing of an amended or supplemental Statement upon good cause shown. In *Commonwealth v. Mitchell*, 588 Pa. 19, 41, 902 A.2d 430, 444 (2006), the Court expressly observed that a Statement filed "after several extensions of time" was timely. An enlargement of time upon timely application might be warranted if, for example, there was a serious delay in the transcription of the notes of testimony or in the delivery of the order to appellate counsel. A trial

court should enlarge the time or allow for an amended or supplemental Statement when new counsel is retained or appointed. A supplemental Statement may also be appropriate when the ruling challenged was so non-specific—e.g., “Motion Denied”—that counsel could not be sufficiently definite in the initial Statement.

In general, nunc pro tunc relief is allowed only when there has been a breakdown in the process constituting extraordinary circumstances. See, e.g., *In re Canvass of Absentee Ballots of Nov. 4, 2003 Gen. Election*, 577 Pa. 231, 248-49, 843 A.2d 1223, 1234 (2004) (“We have held that fraud or the wrongful or negligent act of a court official may be a proper reason for holding that a statutory appeal period does not run and that the wrong may be corrected by means of a petition filed nunc pro tunc.”) Courts have also allowed nunc pro tunc relief when “non-negligent circumstances, either as they relate to appellant or his counsel” occasion delay. *McKeown v. Bailey*, 731 A.2d 628, 630 (Pa. Super. 1999). However, even when there is a breakdown in the process, the appellant must attempt to remedy it within a “very short duration” of time. *Id.*; *Amicone v. Rok*, 839 A.2d 1109, 1113 (Pa. Super. 2003) (recognizing a breakdown in process, but finding the delay too long to justify nunc pro tunc relief).

Paragraph (b)(3) This paragraph specifies what the judge must advise appellants when ordering a Statement.

Paragraph (b)(4) This paragraph sets forth the parameters for the Statement and explains what constitutes waiver. It should help counsel to comply with the concise-yet-sufficiently-detailed requirement and avoid waiver under either *Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006) or *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, 584 Pa. 678, 880 A.2d 1239 (2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). The paragraph explains that the Statement should be sufficiently specific to allow the judge to draft the opinion required under 1925(a), and it provides that the number of issues alone will not constitute waiver—so long as the issues set forth are non-redundant and non-frivolous. It allows appellants to rely on the fact that subsidiary issues will be deemed included if the overarching issue is identified and if all of the issues have been properly preserved in the trial court. This provision has been taken from the United States Supreme Court rules. See Sup. Ct. R. 14(1). This paragraph does not in any way excuse the responsibility of an appellant who is raising claims of constitutional error to raise those claims with the requisite degree of specificity. This paragraph also allows—but does not require—an appellant to state the authority upon which the appellant challenges the ruling in question, but it expressly recognizes that a Statement is not a brief and that an appellant shall not file a brief with the Statement. This paragraph also recognizes that there may be times that a civil appellant cannot be specific in the Statement because of the non-specificity of the ruling complained of on appeal. In such instances, civil appellants may seek leave to file a supplemental Statement to clarify their position in response to the judge’s more specific Rule 1925(a) opinion.

Subdivision (c) The appellate courts have the right under the Judicial Code to “affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings to be had as may be just under the circumstances.” 42 Pa.C.S. § 706. The following additions to the rule are based upon this statutory authorization.

Paragraph (c)(1) This paragraph applies to both civil and criminal cases and allows an appellate court to seek additional information—whether by supplementation of the record or additional briefing—if it is not apparent whether an initial or supplemental Statement was filed and/or served or timely filed and/or served.

Paragraph (c)(2) This paragraph allows an appellate court to remand a civil case to allow an initial, amended, or supplemental Statement and/or a supplemental opinion. See also 42 Pa.C.S. § 706.

Paragraph (c)(3) This paragraph allows an appellate court to remand in criminal cases only when the appellant has completely failed to respond to an order to file a Statement. It is thus narrower than (c)(2), above. Prior to these amendments of this rule, the appeal was quashed if no timely Statement was filed or served; however, because the failure to file and serve a timely Statement is a failure to perfect the appeal, it is presumptively prejudicial and “clear” ineffectiveness. See, e.g., *Commonwealth v. Halley*, 582 Pa. 164, 172, 870 A.2d 795, 801 (2005); *Commonwealth v. West*, 883 A.2d 654, 657 (Pa. Super. 2005). Direct appeal rights have typically been restored through a post-conviction relief process, but when the ineffectiveness is apparent and per se, the court in *West* recognized that the more effective way to resolve such per se ineffectiveness is to remand for the filing of a Statement and opinion. See *West*, 883 A.2d at 657. The procedure set forth in *West* is codified in paragraph (c)(3). As the *West* court recognized, this rationale does not apply when waiver occurs due to the improper filing of a Statement. In such circumstances, relief may occur only through the post-conviction relief process and only upon demonstration by the appellant that, but for the deficiency of counsel, it was reasonably probable that the appeal would have been successful. An appellant must be able to identify per se ineffectiveness to secure a remand under this section, and any appellant who is able to demonstrate per se ineffectiveness is entitled to a remand. Accordingly, this paragraph does not raise the concerns addressed in *Johnson v. Mississippi*, 486 U.S. 578, 588-89 (1988) (observing that where a rule has not been consistently or regularly applied, it is not—under federal law—an adequate and independent state ground for affirming petitioner’s conviction.)

Paragraph (c)(4) This paragraph clarifies the special expectations and duties of a criminal lawyer. Even lawyers seeking to withdraw pursuant to the procedures set forth in *Anders v. California*, 386 U.S. 738 (1967) and *Commonwealth v. McClendon*, 495 Pa. 467, 434 A.2d 1185 (1981) are obligated to comply with all rules, including the filing of a Statement. See *Commonwealth v. Myers*, 897 A.2d

493, 494-96 (Pa. Super. 2006); *Commonwealth v. Ladamus*, 896 A.2d 592, 594 (Pa. Super. 2006). However, because a lawyer will not file an *Anders/McClendon* brief without concluding that there are no non-frivolous issues to raise on appeal, this amendment allows a lawyer to file, in lieu of a Statement, a representation that no errors have been raised because the lawyer is (or intends to be) seeking to withdraw under *Anders/McClendon*. At that point, the appellate court will reverse or remand for a supplemental Statement and/or opinion if it finds potentially non-frivolous issues during its constitutionally required review of the record.

Subdivision (d) was formerly (c). The text has not been revised, except to update the reference to Pa.R.A.P. 1112(c).

The 2007 amendments attempt to address the concerns of the bar raised by cases in which courts found waiver: (a) because the Statement was too vague; or (b) because the Statement was so repetitive and voluminous that it did not enable the judge to focus on the issues likely to be raised on appeal. See, e.g., *Lineberger v. Wyeth*, 894 A.2d 141, 148-49 (Pa. Super. 2006); *Kanter v. Epstein*, 866 A.2d 394, 400-03 (Pa. Super. 2004), allowance of appeal denied, 584 Pa. 678, 880 A.2d 1239 (2005), cert. denied sub nom. *Spector Gadon & Rosen, P.C. v. Kanter*, 546 U.S. 1092 (2006). Courts have also cautioned, however, "against being too quick to find waiver, claiming that Rule 1925(b) statements are either too vague or not specific enough." *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006).

While conciseness and vagueness are very case-specific inquiries, certain observations may be helpful. First, the Statement is only the first step in framing the issues to be raised on appeal, and the requirements of Pa.R.A.P. 2116 are even more stringent. Thus, the Statement should be viewed as an initial winnowing. Second, when appellate courts have been critical of sparse or vague Statements, they have not criticized the number of issues raised but the paucity of useful information contained in the Statement. Neither the number of issues raised nor the length of the Statement alone is enough to find that a Statement is vague or non-concise enough to constitute waiver. See *Astorino v. New Jersey Transit Corp.*, 912 A.2d 308, 309 (Pa. Super. 2006). The more carefully the appellant frames the Statement, the more likely it will be that the judge will be able to articulate the rationale underlying the decision and provide a basis for counsel to determine the advisability of appealing that issue. Thus, counsel should begin the winnowing process when preparing the Statement and should articulate specific rulings with which the appellant takes issue and why. Nothing in the rule requires an appellant to articulate the arguments within a Statement. It is enough for an appellant—except where constitutional error must be raised with greater specificity—to have identified the rulings and issues that comprise the putative trial court errors.

[Pa.B. Doc. No. 07-925. Filed for public inspection May 25, 2007, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE  
[210 PA. CODE CH. 19]

Order Adopting Amendments to Pa.R.A.P 1931;  
No. 179 Appellate Procedural Rules; Doc. No. 1

Order

*Per Curiam:*

And Now, this 10th day of May, 2007, upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice, pursuant to Pa.R.J.A. 103(a)(3):

*It Is Ordered*, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rule of Appellate Procedure 1931 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective 60 days after adoption.

Mr. Justice Fitzgerald did not participate in the consideration or decision of this matter.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND  
TRANSMISSION OF RECORD AND RELATED  
MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1931. Transmission of the Record.

(a) *Time for transmission.*—The record on appeal, including the transcript and exhibits necessary for the determination of the appeal, shall be transmitted to the appellate court within [ 40 ] 60 days after the filing of the notice of appeal. If an appeal has been allowed or if permission to appeal has been granted, the record shall be transmitted as provided by Rule 1122 (allowance of appeal and transmission of record) or by Rule 1322 (permission to appeal and transmission of record), as the case may be. The appellate court may shorten or extend the time prescribed by this subdivision for a class or classes of cases.

\* \* \* \* \*

(d) *Service of the [ List of Record Documents] list of record documents.*—The clerk of the lower court shall, at the time of the transmittal of the record to the appellate court, mail a copy of the list of record documents to all counsel of record, or if unrepresented by counsel, to the parties at the address they have provided to the clerk. The clerk shall note on the docket the giving of such notice.

\* \* \* \* \*

Explanatory Comment—2007

The 2007 amendment expands the time period for the trial court to transmit the certified record, including any opinions drafted pursuant to Pa.R.A.P. 1925(a), from forty to sixty days. The

appellate court retains the ability to establish a shorter (or longer) period of time for the transmittal of the record in any class or classes of cases.

[Pa.B. Doc. No. 07-926. Filed for public inspection May 25, 2007, 9:00 a.m.]

file a statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) was entered by the trial court.

\* \* \* \* \*

[Pa.B. Doc. No. 07-927. Filed for public inspection May 25, 2007, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 21]

Order Adopting Amendments to Pa.R.A.P. 2111; No. 180 Appellate Procedural Rules; Doc. No. 1

Order

Per Curiam

And Now, this 10th day of May, 2007, upon the recommendation of the Appellate Court Procedural Rules Committee, this recommendation having been submitted without publication in the interest of justice, pursuant to Pa.R.J.A. 103(a)(3):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rule of Appellate Procedure 2111 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective 60 days after adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2111. Brief of the Appellant.

(a) General rule.—The brief of the appellant, except as otherwise prescribed by these rules, shall consist of the following matters, separately and distinctly entitled and in the following order:

\* \* \* \* \*

(10) In the Superior Court, a copy of the statement of [the matters] errors complained of on appeal, filed with the trial court pursuant to Rule 1925(b), or an averment that no order requiring a [Rule 1925(b)] statement of errors complained of on appeal pursuant to Pa.R.A.P. 1925(b) was entered.

\* \* \* \* \*

(d) Brief of the Appellant.—In the Superior Court, there shall be appended to the brief of the appellant a copy of the statement of [matters] errors complained of on appeal, filed with the trial court pursuant to Pa.R.A.P. 1925(b). If the trial court has not entered an order directing the filing of such a statement, the brief shall contain [a statement] an averment that no order to

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Proposed Amendments to Pa.Rs.Crim.P. 106 and 542

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Pa.Rs.Crim.P. 106 (Continuances in Summary and Court Cases) and 542 (Preliminary Hearing; Continuances) to clarify that the notice of a continuance must include the date, time, and place of the new hearing, and that Rule 106 applies to all criminal proceedings, not just trials. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Report should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments precedes the Report.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Anne T. Panfil, Chief Staff Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
5035 Ritter Road, Suite 100  
Mechanicsburg, PA 17055  
fax: (717) 795-2106  
e-mail: criminalrules@pacourts.us

no later than Friday, June 22, 2007.

By the Criminal Procedural Rules Committee

NICHOLAS J. NASTASI,  
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. Business of the Courts

Rule 106. Continuances in Summary and Court Cases.

\* \* \* \* \*

(B) When the matter is before an issuing authority, the issuing authority shall record on the transcript the identity of the moving party and the reasons for granting or denying the continuance. When the matter is in the court of common pleas, the judge shall on the record

identify the moving party and state of record the reasons for granting or denying the continuance. **When a continuance is granted, the notice of the new date, time, and location of the proceeding shall be served on the parties as provided in these rules.**

(C) A motion for continuance on behalf of the defendant shall be made not later than 48 hours before the time set for the [trial] proceeding. A later motion shall be entertained only when the opportunity therefor did not previously exist, or the defendant was not aware of the grounds for the motion, or the interests of justice require it.

**Comment**

**For the procedures for filing and service of court orders and notices in general, see Rule 114. For the procedures for service of the continuance of a preliminary hearing, see Rule 542(E)(2).**

**Official Note:** Rule 301 adopted June 30, 1964, effective January 1, 1965; amended June 8, 1973, effective July 1, 1973; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; renumbered Rule 106 and amended March 1, 2000, effective April 1, 2001; **amended** , **2007, effective** , **2007.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [1477] **1478** (March 18, 2000).

**Report explaining the proposed changes to paragraphs (B) and (C) published with the Court's Order at 37 Pa.B. 2410 (May 26, 2007).**

**CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES**

**PART D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 542. Preliminary Hearing; Continuances.**

\* \* \* \* \*

(E) CONTINUANCES

\* \* \* \* \*

(2) The issuing authority shall give notice of the new date [and], time, and place for the preliminary hearing to the defendant, the defendant's attorney of record, if any, and the attorney for the Commonwealth.

\* \* \* \* \*

**Official Note:** Former Rule 141, previously Rule 120, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 141 and amended September 18, 1973, effective January 1, 1974; amended June 30, 1975, effective July 30, 1975; amended October 21, 1977, effective January 1, 1978; paragraph (D) amended April 26, 1979, effective July 1, 1979; amended February 13, 1998, effective July 1, 1998; rescinded October 8, 1999, effective January 1, 2000. Former Rule 142, previously Rule 124, adopted June 30, 1964, effective January 1, 1965, suspended effective May 1, 1970; present rule adopted January 31, 1970, effective May 1, 1970; renumbered Rule 142 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; effective date extended to July 1, 1982; amended July 12, 1985, effective January 1, 1986, effective date extended to July 1,

1986; rescinded October 8, 1999, effective January 1, 2000. New Rule 141, combining former Rules 141 and 142, adopted October 8, 1999, effective January 1, 2000; renumbered Rule 542 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended** , **2007, effective** , **2007.**

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendment to paragraph (E)(2) adding place of hearing to information required in notice published at 37 Pa.B. 2410 (May 26, 2007).**

**REPORT**

**Proposed amendments to Pa.Rs.Crim.P. 106 and 542**

**Continuances**

The Criminal Procedural Rules Committee is proposing amendments to Pa.Rs.Crim.P. 106 (Continuances in Summary and Court Cases) and 542 (Preliminary Hearing; Continuances) that would clarify that (1) Rule 106 applies to all criminal proceedings, not just trials, and (2) the notice of the continuance must include the date, time, and location of the rescheduled proceeding.

The Committee, as part of its ongoing review of case law, considered the Superior Court Judge Popovich's suggestion in *Commonwealth v. Panto*, 913 A.2d 292 (Pa. Super. 2006), that Rule 106 should include a requirement that the notice of the continuance set forth the date, time, and place of the continued proceeding. Judge Popovich remarks in footnote 5 of *Commonwealth v. Panto* at 297:

The Criminal Procedural Rules Committee may want to examine the disparity between the notice required for a preliminary hearing (listing the place, date and time a defendant is to appear before the issuing authority, see Pa.R.Crim.P. 510(A), 512), the notice granting a continuance of a preliminary hearing (listing the new date and time, with notice provided to the defendant, see Pa.R.Crim.P. 542(D)(2)(a), (b)), and the notice of the grant of a continuance in the case at bar, which "Application for Continuance" form merely made provision for listing the new date without any mention of the concomitant time and/or place for the trial de novo. Provision for inclusion of these temporal and physical elements could be in the form of amendments to Pa.R.Crim.P. 106 ("Continuances in Summary and Court Cases"). This would provide the party's attorney or, if unrepresented, the party with sufficient notice of the date, time and place of the continuance with a cross-reference to Pa.R.Crim.P. 114 regarding the methodology by which notice is to be served upon the parties.

The Committee agreed a uniform requirement for all continuance notices concerning the information about the rescheduled proceeding makes sense. Accordingly, we are proposing that Rule 106 be amended by the addition of a sentence at the end of paragraph (B) that requires, when a continuance is granted, the notice of the continuance include the new date, time, and location of the proceeding. In addition, the Committee is proposing a conforming amendment to Rule 542(E)(2) that adds "place" to the information contained in the notice of continuance of the preliminary hearing.

The Committee also agreed that the manner of service of continuance notices should be addressed in Rule 106 to avoid the type of issues that arose in the Panto case. To accomplish this, we are proposing Rule 106(B) include the requirement that the notice of the continuance is to be served on the parties as provided in the rules. A cross-reference to Rule 114 (Orders and Court Notices: Filing; Service; and Docket Entries) would be added in the Rule 106 Comment to emphasize that the provisions of Rule 114 govern the method of service of the continuance notices. Because Rule 542(E)(2)(b) and (c) provide the method of service of the notice of the continuance of the preliminary hearing that are different from the provisions in Rule 114, we also are proposing the Rule 106 Comment include a cross-reference to the service provisions in Rule 542(E).

Finally, the Committee considered the scope of the application of Rule 106. We agreed that Rule 106 applies to continuances in all criminal proceedings, but noted this is not clear in Rule 106 because of the use of the word "trial" in paragraph (C). Accordingly, the Committee is proposing the word "trial" be changed to "proceeding" in paragraph (C).

[Pa.B. Doc. No. 07-928. Filed for public inspection May 25, 2007, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Rules of the Court of Common Pleas; No. CP-02-AD-1-2007 Rules Doc.

##### Order of Court

*And Now*, to wit, this 9th day of May, 2007, pursuant to action to the Board of Judges, the following revised local Rule 523.1 affecting the Criminal Division of the Court of Common Pleas is adopted, effective thirty (30) days after Publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH M. JAMES,  
*President Judge*

#### Rule 523.1 Behavior Clinic Evaluation as Condition of Bail

(a) In any court case where the defendant is preliminarily arraigned and the issuing authority has a good faith concern as to the defendant's adjudicative competency, or has reason to believe that the defendant is severely mentally disabled and may be in need of eventual court-ordered treatment upon a determination of clear and present danger pursuant to the definitions in the Mental Health Procedures Act (50 P.S. § 7101, et seq.), the issuing authority may make it a condition of bail that the defendant be examined by the Behavior Clinic within forty-eight (48) hours if the preliminary arraignment occurs on Monday through Friday, otherwise within seventy-two (72) hours.

(b) In any court case, at the time of the preliminary hearing, if the issuing authority has a good faith concern as to the defendant's adjudicative competency, or has reason to believe that the defendant is severely mentally disabled and may be in need of eventual court-ordered

treatment upon a determination of clear and present danger pursuant to the definitions in the Mental Health Procedures Act (50 P.S. § 7101, et seq.), the issuing authority, when permitted by the Pennsylvania Rules of Criminal Procedure, may make it a condition of bail that the defendant be examined by the Behavior Clinic within seventy-two (72) hours of preliminary hearing.

[Pa.B. Doc. No. 07-929. Filed for public inspection May 25, 2007, 9:00 a.m.]

### ALLEGHENY COUNTY

#### Rules of the Court of Common Pleas; No. CP-02-AD-2-2007 Rules Doc.

##### Order of Court

*And Now*, to wit, this 9th day of May, 2007, pursuant to action to the Board of Judges, the following revised local Rule 570.3 affecting the Criminal Division of the Court of Common Pleas is adopted, effective thirty (30) days after Publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH M. JAMES,  
*President Judge*

#### Rule 570.3 Behavior Clinic Orders and Records

In any court case, the facilities and staff of the Behavior Clinic shall be available for the examination of a defendant upon the order of a judge of this Court. The records and reports of the Behavior Clinic are confidential records of the court to be used only as directed by the court. In the event, however, that either the reports of the Behavior Clinic or the testimony of any representative thereof are to be used by the court, such reports shall be made available to counsel for both sides.

[Pa.B. Doc. No. 07-930. Filed for public inspection May 25, 2007, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Philip John Moran having been suspended from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated November 6, 2006; the Supreme Court of Pennsylvania issued an Order dated May 8, 2007 suspending Philip John Moran from the practice of law in this Commonwealth consistent with the Order of the Supreme Court of New Jersey. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 07-931. Filed for public inspection May 25, 2007, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF FUNERAL DIRECTORS [49 PA. CODE CH. 13] Unprofessional Conduct

The State Board of Funeral Directors (Board) amends §§ 13.1 and 13.202 (relating to definitions; and unprofessional conduct) to read as set forth in Annex A.

#### *Description and Need for the Rulemaking*

Section 11(a)(5) of the Funeral Director Law (act) (63 P. S. § 479.11(a)(5)) authorizes the Board to discipline licensees for “misconduct in the carrying on of the profession” of funeral director. Although the act does not define “misconduct,” the Board, in its disciplinary actions, applied prior court interpretation of the term. See, for example, *Toms v. State Board of Funeral Directors*, 800 A.2d 342, 349 (Pa. Cmwlth. 2002) (misconduct is a breach of the generally accepted canons of ethics and propriety governing the reverential and respectful burial of the dead). Acting under its statutory authority, the Board has listed in § 13.202 various acts that the Board considers to be misconduct. Recent disciplinary cases before the Board concerning professional misconduct inspired the Board to expand that list. Including acts of misconduct in the regulation serves to put licensees on notice of what the Board considers to be misconduct.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published notice of proposed rulemaking at 35 Pa.B. 1208 (February 12, 2005) with a 30-day public comment period. The Board received written comments from the following members of the public: Kevin M. Bean, FD; Patrick J. Connell, FD; Robert M. Fells of the International Cemetery and Funeral Association; John R. Flynn, FD; Drew Gauntley of Alderwoods Group; Ernie Heffner, FD; David A. Heisterkamp of Pre-Need; Paul L. Henney, Jr., FD; James J. Kutz, Esquire, on behalf of the Pennsylvania Cemetery and Funeral Association; Harry C. Neel, FD; Michele Pirro; Kathleen K. Ryan, Esquire, on behalf of the Pennsylvania Funeral Directors Association (PFDA); State Representative Stephen H. Stetler; Ronald W. Virag of AmeriServe Trust and Financial Services Company; and Sam Cummings, Jr., FD, of PFDA.

The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of its review of proposed rulemaking under the Regulatory Review Act.

In response to questions from various commentators, the Board has provided a definition of “funeral entity” used in § 13.202(13) and (14). This term is intended to encompass any of the various organizational forms that, under sections 8(a), (b) and (d) and 9(a) of the act (63

P. S. §§ 479.8(a), (b) and (d) and 9(a)), may be licensed by the Board to operate a funeral establishment. The term is defined to include a restricted business corporation, professional corporation, pre-1935 corporation, partnership, sole proprietorship, widow, widower or estate authorized by the Board to practice the profession of funeral directing.

The Board proposed amending § 13.202(11), which states that unprofessional conduct includes providing embalming or other services or merchandise without receiving written permission from the family, to provide an exception when a person authorized to give that permission is not available and there is a need to provide that service or merchandise in a timely manner. Various commentators pointed out that the Federal Trade Commission’s (FTC) Amended Funeral Rule addresses these situations. Accordingly, the Board deleted this proposed amendment. In its place, the Board added § 13.202(16) to provide that unprofessional conduct includes failing to comply with the regulations of the FTC in 16 CFR Part 453 (relating to funeral industry practices).

As proposed, new § 13.202(13) would have prohibited a funeral director from retaining funds for goods or services that the funeral director has not provided, or that exceeded the value of funeral goods and services that the funeral director has provided. Various commentators, including the HPLC and IRRC, were concerned about how this proposed amendment would impact preneed funeral arrangements. When the funeral director has received those funds under a preneed agreement, the Board concludes that issues concerning entitlement to payment should be addressed through comprehensive rulemaking specific to preneed funeral arrangements. Accordingly, in this final-form rulemaking the Board has specifically excluded preneed funeral arrangements. Also as proposed, paragraph (13) would have permitted a funeral director to preserve the funds for a reasonable time to permit a person to demonstrate his right to receive the funds. In response to comments expressing confusion as to this provision, the Board deleted this additional provision.

Because section 8 of the act sets forth various forms of organization that may engage in the practice of funeral directing, including a sole proprietor or partnership and certain corporations, and imposes certain restrictions on these entities, the Board proposed adding § 13.202(14) to prohibit a funeral director from performing funeral director services on behalf of an entity that the funeral director knew or should have known was not in compliance with section 8 of the act. The HPLC commented that, because the statutory grounds for disciplinary action includes no required mental state, the Board should not inject this requirement by regulation. Proposed § 13.202(14) extends beyond existing § 13.202(1) to address the specific requirements for these funeral entities in section 8 of the act, such as employing a supervisor and having appropriately qualified shareholders and officers. Because the Board concludes that the licensee’s knowledge of those facts beyond the mere fact of licensure is critical to determining the propriety of the licensee’s conduct, the Board will retain the required mental state standard.

The Board proposed adding § 13.202(16) to prohibit a funeral director from refusing a reasonable request of a member of the decedent’s immediate family to pay final respects. In response to various comments, the Board decided not to adopt this provision.



The Board proposed adding § 13.202(17) to prohibit a funeral director from aiding a person or entity that the funeral director has reason to believe is attempting through unlicensed persons or entities to engage in preneed sales. Subsequent to the publication of the proposed rulemaking, the Federal District Court for the Middle District of Pennsylvania noted in *Walker v. Flitton*, 364 F. Supp. 2d 503 (M.D. Pa. 2005), that the Board has not set forth by regulation what unlicensed employees and agents may lawfully do in the realm of preneed sales. Accordingly, the Board decided not to adopt this paragraph as part of its misconduct regulation and instead will address this issue through separate rulemaking.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions and will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

*Effective Date*

The final-form rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

*Statutory Authority*

The final-form rulemaking is authorized under sections 11(a)(5) and 16(a) of the act.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 12, 2005, the Board submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 1208 (February 12, 2005), to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 21, 2007, the final-form rulemaking was approved by the HPLC. On April 4, 2007, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 5, 2007, and approved the final-form rulemaking.

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Michelle T. Smey, Administrator, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-3397, st-funeral@state.pa.us.

*Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 35 Pa.B. 1208.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 13, are amended by amending §§ 13.1 and 13.202 to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

*(Editor's Note:* The amendment to § 13.1 was not included in the proposed rulemaking published at 35 Pa.B. 1208.)

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

ANTHONY SCARANTINO,  
*Chairperson*

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 1940 (April 21, 2007).)

**Fiscal Note:** Fiscal Note 16A-4814 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS**

**GENERAL PROVISIONS**

**§ 13.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Funeral entity*—A restricted business corporation, professional corporation, pre-1935 corporation, partnership, sole proprietorship, widow, widower or estate authorized by the Board to practice the profession of funeral director.

\* \* \* \* \*

**STANDARDS OF PRACTICE AND CONDUCT**

**§ 13.202. Unprofessional conduct.**

Unprofessional conduct includes the following:

(1) Aiding or assisting a funeral director whose license has been suspended or revoked or an unlicensed person to engage in an act or practice for which a license is required.

(2) Demonstrating disrespect toward or mutilating the remains of the deceased person.

(3) Making a comment or public announcement in defamation of another funeral director. This does not prohibit one licensee from testifying against another licensee or from filing a bona fide complaint with the Board.

(4) Participating in the establishment of a business or professional relationship with or in the operation of a burial association, mutual assessment association, burial certificate plan, insurance company, lodge company, society or religious or other organization whose plan or scheme of organization or operation limits or interferes with the rights of a person entitled by law to dispose of the body of a deceased member, policyholder or certificateholder.

(5) Paying or extending an offer to pay or give to a person, agency or group a commission or a valuable consideration for the solicitation or procurement of clientele.

(6) Offering, directly or indirectly, or giving money or an item of value to an employee of the Commonwealth to directly or indirectly influence the administration or enforcement of the act or this chapter, except for the payment of fees required by the act and this chapter.

(7) Failing to notify the Bureau, in writing, of a demand, solicitation or attempted extortion of money or an item of value, by or on behalf of an employee assigned to the administrative jurisdiction of the Commissioner, and failing to furnish additional information reasonably requested.

(8) Attempting to influence the judgment of the family in the selection of a funeral director, funeral arrangements or funeral merchandise when a family group is divided on these issues.

(9) Aiding or abetting another licensed funeral director to violate the act or this chapter.

(10) Failure to fulfill the professional responsibilities of a funeral director as described in the act or this chapter.

(11) Furnishing embalming, other services or merchandise without having obtained written permission from a family member or other person authorized by law to make funeral arrangements for the deceased. Oral permission to embalm, followed by a confirmatory e-mail, fax, telex, telegram, mailgram or other written confirmation will be acceptable.

(12) Renting or exchanging funeral establishments by one or more funeral directors for the purpose of creating a secondary location for funeral services. Renting of an establishment for funeral services by a funeral director over 10 times a year shall be evidence of attempting to create a secondary location.

(13) Retaining funds intended to pay for funeral goods and services when the funeral director and funeral entity have not provided any funeral goods and services or when the amount of funds retained is in excess of the value of funeral goods and services actually provided by the funeral director or funeral entity, as set forth on the general price list in effect at the time the funeral goods and services are actually provided. This paragraph does not apply to funds received under an agreement entered into by the funeral director, or the funeral entity employing that funeral director, while the decedent was still living to provide funeral goods or services on behalf of the decedent when needed.

(14) Performing funeral services on behalf of a funeral entity that the funeral director knew, or should have known, was not in compliance with section 8 of the act (63 P. S. § 479.8), regarding conduct of business.

(15) Refusing to release remains until consideration, whether earned or not, has been paid.

(16) Failing to comply with the regulations of the Federal Trade Commission in 16 CFR Part 453 (relating to funeral industry practices).

[Pa.B. Doc. No. 07-932. Filed for public inspection May 25, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending May 15, 2007.

#### BANKING INSTITUTIONS

##### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
5-11-07	Quaint Oak Bancorp, Inc., Southampton (a newly-organized Pennsylvania chartered corporation), to acquire 100% of the common stock of Quaint Oak Savings Bank, Southampton, in conjunction with the bank's conversion from mutual to stock form	Southampton	Approved
5-12-07	Conestoga Bancorp, Inc., Chester Springs, to acquire 100% of the voting shares of PSB Bancorp, Inc., Philadelphia, under the provisions of section 115 of the Banking Code of 1965	Chester Springs	Effective

##### Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-11-07	First Priority Interim Bank Malvern Chester County	Malvern	Effective

Interim bank being formed in conjunction with the reorganization of First Priority Bank into a holding company form of business.

##### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-11-07	Quaint Oak Savings Bank Southampton Bucks County	Southampton	Approved

Represents conversion from a mutual savings bank to a stock savings bank and concurrent formation of a new holding company, Quaint Oak Bancorp, Inc., that will own 100% of the common stock of the bank.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-11-07	First Priority Bank, Malvern, and First Priority Interim Bank, Malvern Surviving Institution— First Priority Bank, Malvern	Malvern	Effective

Merger is in conjunction with First Priority Bank's reorganization into a holding company form of business by forming a Pennsylvania holding company to be known as "First Priority Financial Corporation," Malvern.

5-12-07	Conestoga Bank, Chester Springs, and First Penn Bank, Philadelphia Surviving Institution— Conestoga Bank, Chester Springs	Chester Springs	Effective
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**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-7-07	S & T Bank Indiana Indiana County	6300 Forbes Avenue Pittsburgh Allegheny County	Opened
5-9-07	Republic First Bank Philadelphia Philadelphia County	833 Chestnut Street Philadelphia Philadelphia County	Filed
5-10-07	The Scottdale Bank & Trust Company Scottdale Westmoreland County	Pechin Complex 1952 University Drive Connellsville Fayette County	Authorization Rescinded
5-15-07	S & T Bank Indiana Indiana County	12550 Perry Highway Wexford Allegheny County	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-9-07	S & T Bank Indiana Indiana County	Two Gateway Center 603 Stanwix Street Pittsburgh Allegheny County	Filed
5-10-07	Fleetwood Bank Fleetwood Berks County	2493 Bernville Road Reading Berks County	Approved
5-10-07	Fleetwood Bank Fleetwood Berks County	525 Penn Avenue West Reading Berks County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
5-10-07	Lancaster Postal Employees Credit Union Lancaster Lancaster County	Lancaster	Approved
5-11-07	Lancaster Red Rose Credit Union Lancaster Lancaster County	Lancaster	Approved
	Represents conversion from State-chartered credit union to a Federally-chartered credit union.		
	Represents conversion from an occupational-based credit union to a community-based charter with a field of membership to include all of Lancaster County.		

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-933. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2007

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of June 2007 is 7 1/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.82 to which was added 2.50 percentage points for a total of 7.32 that by law is rounded off to the nearest quarter at 7 1/4%.

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-934. Filed for public inspection May 25, 2007, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of For-

estry (Bureau) and George Jenkins are proposing to negotiate an exchange of lands in Forks and Shrewsbury Townships, Sullivan County, PA.

The Bureau is proposing to acquire from George Jenkins a 61.72 acre parcel of land on the Little Loyalsock Creek in Forks Township. In return, the Bureau proposes to convey to George Jenkins a 26.99 acre parcel northwest of PA SR 42 in Laporte Township.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing May 29, 2007, and ending June 28, 2007. Oral or written comments or questions concerning this proposed exchange may be addressed to Daniel A. Devlin, Acting State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2105. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-935. Filed for public inspection May 25, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

### I. NPDES Renewal Applications

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034118 (Minor Sewage)	Blue Ridge Real Estate Company (Jack Frost STP) P. O. Box 707 Blakeslee, PA 18610-0707	Kidder Township Carbon County	Porter Run 02A	Y
PA0063631 (Minor Sewage)	Parkland School District (Parkland High School) 2219 North Cedar Crest Boulevard Allentown, PA 18104	South Whitehall Township Lehigh County	Jordan Creek 02C	Y
PA0032166	Delaware Valley School District 236 Routes 6 and 209 Milford, PA 18337	Westfall Township Pike County	Delaware River 1D	Y
PA0051675	Northampton Area School District 1617 Laubauch Avenue Northampton, PA 18067	Moore Township Northampton County	UNT to Hockendauqua Creek 2C	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081850 (IW)	Gettysburg Municipal Authority—Marsh Creek WTP 601 East Middle Street Gettysburg, PA 17325-3307	Adams County Cumberland Township	UNT Marsh Creek 13-D	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS604802 (Stormwater)	Gray's Vehicle Clinic 1314 Axemann Road Bellefonte, PA 16823	Spring Township Centre County	Logan Branch 9C	Y
PA0114057 SN	White Deer Run, Inc. Devitt Camp Road P. O. Box 97 Allenwood, PA 17810-0097	Union County Gregg Township	White Deer Hole Creek 10C	Y
PA0112631 (Nonmunicipal)	Allen Wargo 1746 Old Reading Road Catawissa, PA 17820	Columbia County Roaring Creek Township	UNT to Roaring Creek 5E	Y
PA0114715	Hemlock Municipal Sewer Cooperative 8 Ridge Road Bloomsburg, PA 17815	Columbia County Hemlock Township	Fishing Creek C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113107 SN	Columbia County Court House Bloomsburg, PA 17815	Columbia County Briar Creek Township	East Branch Brair Creek 5D	Y
PA0033502 SP	Bradford County R. R. 3, Box 322 Troy, PA 16947	Bradford County West Burlington Township	Sugar Creek 4C	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209945	Widad Bazzoui 565 Minard Run Road Bradford, PA 16701	Bradford Township McKean County	UNT to Minard Run 16-B	Y
PA0222127	Glade Run United Presbyterian Church 1091 Pittsburgh Road Valencia, PA 16059	Middlesex Township Butler County	UNT to Glade Run 20-C	Y
PA0028274	New Wilmington Borough STP 134 High Street New Wilmington, PA 16142	New Wilmington Borough Lawrence County	Little Neshannock Creek 20-C	Y
PA0033146	Countryside Convalescent Home LP 8221 Lamor Road Mercer, PA 16137	East Lackawannock Township Mercer County	UNT to Neshannock Creek	Y

## **II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA0060917**, Sewage, **Country Crest, LLC**, 1 South Baltimore Street, Dillsburg, PA 17019. This proposed facility is located in Lehman Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, UNT to Hunlock Creek, is in the State Water Plan Watershed No. 05C and is classified for: aquatic life, CWF, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0144.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25.0		50.0
Total Suspended Solids	30.0		60.0
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.5		
(11-1 to 4-30)	10.5		
Total Residual Chlorine	0.3		0.7
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric mean		
(10-1 to 4-30)	2,000/100 ml as a geometric mean		
pH	6.0 to 9.0 standard units at all times.		

In addition to the effluent limits, the permit contains the following major special conditions:

### 1. Chesapeake Bay Nutrient Monitoring Requirements.

Ammonia-N	Monitor and Report
Kjeldahl-N	Monitor and Report
Nitrate-Nitrite as N	Monitor and Report
Total Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA0260754**, Sewage, **Thomas Stewart**, 1301 Enola Road, Carlisle, PA 17013. This facility is located in North Middleton Township, **Cumberland County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Wertz Run, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Conodoguinet Creek, approximately 17.4 miles downstream. The discharge is expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform	200/100 ml as a geometric average	
(5-1 to 9-30)	2,000/100 ml as a geometric average	
(10-1 to 4-30)		

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver in effect.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3664.*

**PA0229083**, Industrial Waste, SIC 4953, **Phoenix Resources, Inc.**, 782 Antrim Road, Wellsboro, PA 16901. This proposed facility is located in Duncan Township, **Tioga County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for new discharges of treated leachate and stormwaters.

The receiving streams, UNTs to Wilson Creek, Rock Run and Babb Creek, is in the State Water Plan Watershed 9A and classified for: CWF. The nearest downstream public water supply intake for Jersey Shore Area Joint Water Authority is located on Pine Creek is 45 miles below the point of discharge.

The proposed effluent limits for stormwater outfalls 001 through 007.

<i>Parameter</i>	<i>Mass Units lbs/day</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
TSS					100	
pH					Report	
Chemical Oxygen Demand					Report	
Phenol					Report	
p-Cresol					Report	
a-Terpineol					Report	
Nitrate/Nitrite (as N)					Report	

The proposed effluent limits for treated leachate outfall 008 based on a design flow of 0.054 mgd.

<i>Parameter</i>	<i>Mass Units lbs/day</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH			6.0			9.0
BOD <sub>5</sub>				37	140	
TSS				27	88	
Ammonia (as N)				4.9	10	
a-Terpineol				0.016	0.033	
Benzoic acid				0.071	0.12	
p-Cresol				0.014	0.025	
Phenol				0.015	0.026	
Zinc				0.11	0.20	
Dieldrin				Non Detect Method Detection Limit 0.1 ug/l		



**PA0229113**, Small Flow Treatment Facility, **Dorothy Arnott**, 24 Mountain Road, Berwick, PA 18603. This proposed facility is located in North Centre Township, **Columbia County**.

Description of Proposed Activity: Small flow treatment system consisting of an aerobic tank, a pump tank, two free access sand filters and a chlorine contact tank.

The receiving stream, Briar Creek, is in the State Water Plan Watershed 5D and is classified for: CWF. The nearest downstream public water supply intake for Borough of Danville is located on the Susquehanna River and is 27 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 600 gpd and follow the general permit limits.

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*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA0026883**, Sewage, **City of Beaver Falls**, 715 15th Street, Beaver Falls, PA 15010. This application is for renewal of an NPDES permit to discharge treated sewage from City of Beaver Falls Sewage Treatment Plant in City of Beaver Falls, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Beaver River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Water Authority.

*Outfalls 101 and 002: existing discharge, design flow of 4.8 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

**PA0032671**, Sewage, **Chris Miller**, 102 Woodland Road, Apollo, PA 15613. This application is for renewal of an NPDES permit to discharge treated sewage from the Meadows Mobile Home Park STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pine Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Freeport Water Company.

*Outfall 001: existing discharge, design flow of .018 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

This NPDES permit renewal transfers ownership from Meredith H. Miller to Chris Miller.

The EPA waiver is in effect.

**PA0095907**, Sewage, **Albert Gallatin Area School District**, 2625 Morgantown Road, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Albert Gallatin George J. Plava Elementary School Wastewater Treatment Facility in German Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of North branch Browns Run known locally as Parshall Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Carmichaels Municipal Water Authority located on the Monongahela River.

*Outfall 001*: existing discharge, design flow of 0.009 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	5.0			10.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.10			0.25
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. PA0041831**, Sewage, **Northwest Crawford County Sewer Authority**, P. O. Box 56, Springboro, PA 16435. This facility is located in the Borough of Springboro, **Crawford County**.

Description of Proposed Activity: New NPDES permit for a treated minor discharge from an existing sewage treatment works.

The receiving stream is Conneaut Creek, which is in Watershed 15 and is classified for: WWF, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride and phenolics, the nearest downstream potable water supply considered during the evaluation is PA-Ohio State Line on Conneaut Creek located to the West of Albion, PA, approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.380 mgd.

<i>Parameter</i>	<i>Monthly Average (mg/l)</i>	<i>Weekly Average (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids (TSS)	30	45	60
Ammonia-Nitrogen			
(5-1 to 10-31)	8		16
(11-1 to 4-30)	24		48
Total Phosphorus (as P)	1		2
Fecal Coliform			
(5-1 to 9-30)	200/100ml as a geometric average		
(10-1 to 4-30)	2,000/100ml as a geometric average		
Total Residual Chlorine (TRC)	0.4		1.3
pH	Within limits of 6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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### III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 5807402**, Sewerage, **Hallstead-Great Bend Joint Sewer Authority**, Spring Street, P. O. Box 747, Great Bend, PA 18821-0747. This proposed facility is located in Great Bend Borough, **Susquehanna County**, PA.

Description of Proposed Action/Activity: This project consists of improvements to the treatment plant and upgrading of pump stations Nos. 1 and 2 and installation of a sewer extension at Harmony Village.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 6707407**, Sewerage, **Windsor Township**, P. O. Box 458, 1480 Windsor Road, Red Lion, PA 17356. This proposed facility is located in York and Windsor Townships, **York County**.

Description of Proposed Action/Activity: Seeking approval for the replacement/operation of the Panorama Hills pump station.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0274469-A7**, Sewerage, **Allegheny County Sanitary Authority**, 3300 Prebble Avenue, Pittsburgh, PA 15233-1092. This existing facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment to reflect addition of dechlorination facility at end of chlorine contact tanks.

**WQM Permit No. WQG026113**, Sewerage, **Ligonier Camp and Conference Center**, 188 Macartney Lane, Ligonier, PA 15658. This proposed facility is located in Ligonier Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary pump station.

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#### **IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**

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#### **VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907012	Barry Long Faith Evangelical Free Church 6528 Hamilton Boulevard Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023907013	John Howard Howard Land Co. 203 East Emmaus Avenue Allentown, PA 18103	Lehigh	Weisenberg Township	Tributary to Schaefer Run HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807006	Selvaggio Enterprises, Inc. 623 Selvaggio Drive Suite 200 Nazareth, PA 18064	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS107800®	Columbia Gas Transmission 525 Highland Boulevard Suite 100 Coatesville, PA 19320	Northampton, Lehigh, Monroe and Pike	Upper Saucon, Lower Saucon, Lower Mt. Bethel, Washington, Upper Mt. Bethel, Smithfield, Middle Smithfield, Lehman, Delaware and Westfall Townships	Saucon Creek CWF Mud Run CWF Martins Creek TSF, CWF Little Martin Creek CWF Jacoby Creek CWF Brodhead Creek TSF, MF Marshalls Creek HQ-CWF Bush Kill HQ-TSW Caledonia Creek CWF Cherry Creek HQ-CWF, MF East Fork Martin Creek CWF Bush Kill HQ-CWF Little Bush Kill HQ-CWF Tributary to Delaware HQ-CWF Tributary to Toms Creek EV Toms Creek EV Hornsbecks Creek HQ-CWF Raymonds Kill HQ-CWF Vandermark Creek HQ-CWF Bush Kill EV Cummins Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033607007	Sparrow Investments, LLC 354 Springville Road New Holland, PA 17557	Lancaster	Salisbury Township	UNT to Umbles Run HQ-CWF
PAI033607006	Weaver Companies, Inc. 161 Spring Grove Road East Earl, PA 17519	Lancaster	Salisbury Township	UNT Pequea Creek—Richardson Run—Umbles Run HQ-CWF
PAI032807001	Briarpatch, LLC Arnie Shank 730 Norland Avenue Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Creek HQ-CWF

#### **VII. List of NOIs for NPDES and/or Other General Permit Types**

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

**PUBLIC WATER SUPPLY (PWS)  
PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1-721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Permit No. 0907507**, Public Water Supply.

Applicant	<b>Borough of Doylestown</b>
Township or Borough	Doylestown
County	<b>Bucks</b>
Responsible Official	John H. Davis 57 West Court Street Doylestown, PA 18901
Type of Facility	Public Water Supply
Consulting Engineer	CKS Engineers, Inc. 88 South Main Street Doylestown, PA 18901
Application Received Date	March 12, 2007
Description of Action	Permit application for the installation of 5,000-gallon chlorine contact tank on well No. 7.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3107501**, Public Water Supply.

Applicant	<b>United States Army Corps of Engineers—Baltimore District</b>
Municipality	Penn Township
County	<b>Huntingdon</b>
Responsible Official	Dwight Beall, Operations Manager United States Army Corps of Engineers R. D. 1 Box 222 Hesston, PA 16647-9227
Type of Facility	Public Water Supply
Consulting Engineer	N. Peter Fleszar, P. E. CEDG, Inc. 5000 Ritter Road R. D. 1 Box 222 Mechanicsburg, PA 17055
Application Received:	May 3, 2007
Description of Action	Addition of sodium bisulfate to lower raw water pH at the Seven Points plant.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. 1407502—Construction**, Public Water Supply.

Applicant	<b>Madisonburg Waterworks</b>
Township or Borough	Miles Township
County	<b>Centre</b>
Responsible Official	Timothy Snyder Board President Madisonburg Waterworks P. O. Box 50 Madisonburg, PA 16852
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Michael J. Peleschak, P. E. Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901
Permit Application Date	May 8, 2007
Description of Action	Modification to the existing building to house a membrane filtration unit, equipment, holding tanks and a 60,000 gallon finished water storage tank.

**MINOR AMENDMENT**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 3207501MA**, Minor Amendment.

Applicant **Blairsville Municipal Authority**  
203 East Market Street  
Blairsville, PA 15717

Township or Borough Blairsville Borough

Responsible Official Ronald Hood  
Executive Director  
Blairsville Municipal Authority  
203 East Market Street  
Blairsville, PA 15717

Type of Facility Water storage tank

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received Date May 8, 2007

Description of Action Repainting the Walnut Hill No. 1 water storage tank.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Application No. 364W14-MA3**, Minor Amendment.

Applicant **Hawthorn Borough Area Water Authority**

Township or Borough Hawthorn Borough  
**Clarion County**  
Redbank Township  
**Armstrong County**

Responsible Official Mark Wyant  
Vice Chairperson  
Hawthorn Area Water Authority  
P. O. Box 241  
Hawthorn, PA 16230

Type of Facility Public Water Supply

Application Received Date May 8, 2007

Description of Action Construction of new 200,000 gallon finished water storage tank, and 8" pumping main.

**WATER ALLOCATIONS**

**Applications received under the Act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WA4-1008, Water Allocations. Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009, **Beaver County**. The applicant is requesting the right to withdraw 1,036,000 gallons of water per day, average day, from Well No. 1; 777,000 gallons of water per day, average day, from Well No. 2; 2,721,000 gallons of water per day, average day, from Well No. 3R7; 1,166,000 gallons of water per day, average day, from Wells No. 4 and 5; and 1,296,000 gallons of water per day, average day, from Well No. 6. Total allocation amount requested from all six river wells is 6,996,000 gallons of water per day.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

**PREAMBLE 1**

**Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Emico Property**, Perkasio Borough, **Bucks County**. I, Scott Renneisen, P. G., Synergy Env. Inc., 155 Railroad Plaza, Royersford, PA 19468 on behalf of Chris French, Central Bucks Associates, P. O. Box 252, Bedminster, PA 18910 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of chlorinated solvents. The future use of the property will be nonresidential for commercial or industrial purpose.

**Widdoes Property**, Borough of Oxford, **Chester County**. Andrew Riggs, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390 on behalf of Mike Widdoes, 520 Lincoln Street, Oxford, PA 19363 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of leaded gasoline. The future use of the property is commercial. A summary of the Notice of Intent to remediate was reported to have been published in the *Chester County Press* on May 2, 2007.

**McIntyre Residence**, Lower Salford Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Mr. and Mrs. McIntyre, 223 1st Avenue, Harleysville PA 19438 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the property is residential. A summary of the Notice to Intent to Remediate was reported to have been published in *The Mercury* on March 23, 2007.

**Sunoco, Inc. R & M**, Upper Merion Township, **Chester County**. Lisa Strobridge, Aquaterra Technologies, Inc., 122 Chestnut Street, West Chester, PA 19381 on behalf of Margaret Wertz, 640 Little Conestoga Road, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Groundwater at the site has impacted by release of No. 2 fuel oil. The future use of the site is expected to remain residential.

**Caneda Residence**, New Hanover Township, **Montgomery County**. Richard D. Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of Carlos Caneda, Paul Moyer, 2452 and 2450 Swamp Pike, Gilbertsville, PA 19525 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the site is residential. A summary of the Notice to Intent to Remediate was reported to have been published in *The Mercury* on February 17, 2007.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Intersection of Sheffield and Bidwell Streets Site**, City of Pittsburgh, **Allegheny County**. Aike O. Okolo, P. E., Multi-Lynx Companies, Inc., 241 Fourth Avenue, Pittsburgh, PA 15222 on behalf of A. Fulton Meachem, Jr./Alexandra Laporte-Snediker, Housing Authority of the City of Pittsburgh, HACP, Development and Modernization, 100 Ross Street, Second Floor, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. Regulated substances exceeding the Statewide Health Standard are arsenic, lead, dibenzo(a,h)anthracene, benzo(b)fluoranthene, benzo(a)pyrene and benzo(a)anthracene. The source of the regulated substances may be from previously placed fill, petroleum releases or past air or surface water runoff from offsite sources. Groundwater did not exceed any Statewide Health Standards. Contaminated soils will be removed and properly disposed. The site will be residential.

## RESIDUAL WASTE GENERAL PERMITS

**Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application Number WMGR047. Excell Minerals**, 359 North Pike Road, Sarver, PA 16055-8633. General Permit Application Number WMGR047 authorizes beneficial use of stainless steel slag for use as an agricultural liming agent. The application for renewal of General Permit Application Number WMGR047 was received by Central Office on May 9, 2007.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**General Permit Application No. WMGR038-NWD03. Two Cousins Organic Produce**, 10690 Whitaker Road, Albion, PA 16401, Conneaut Township, **Erie County**. The application is for determination of applicability for processing, reuse and beneficial use of Waste Tires, Tire Derived Material and Tire Derived Fuel for use as Fuel in boilers or other combustion units, civil engineering practices, recapping and as an ingredient in or as a commercial product. The application was found to be administratively complete on May 9, 2007. The application was received by the Northwest Regional Office on May 2, 2007.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office, (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received, under the Solid Waste Management Act of July 7, 1980, P. L. 35 P. S. §§ 6018.101—6018.1003, the Municipal Waste Planning, Recycling and Waste Reduction Act 53 P. S. §§ 4000.101—4000.1904 and regulations to operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**Permit ID No. 301238. Allegheny Recovery Corporation**, One Library Place, Box No. 2, Duquesne, PA 15110. ARC Transfer/Processing Facility, South Linden Street, Duquesne, PA 15110. Application for the permit renewal of a residual waste transfer/processing facility in the City of Duquesne, **Allegheny County**, was received in the Regional Office on May 10, 2007.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

## PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-399-056: Minrad, Inc.** (3950 Shelden Circle, Bethlehem, PA 18107) for construction of pharmaceutical production equipment and associated air cleaning device at their facility in Bethlehem, **Northampton County**.

**40-329-001: Transcontinental Gas Pipeline Corp.** (P. O. Box 1396, Houston, TX 77251) for reactivation of a reciprocating internal combustion unit at Transco Compressor Station No. 515, on Route 115, Buck Township, **Luzerne County**.

**13-307-001: Weatherly Casting and Machine Co.** (P. O. Box 21, Weatherly, PA 18255) for construction of a sand reclamation system and associated air cleaning devices at their facility at 300 Commerce Street, Weatherly Borough, **Carbon County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-03077A: ICM of Pennsylvania, Inc.** (638 Lancaster Avenue, Malvern, PA 19355) for replacement of existing baghouses with an upgraded wet suppression system at their Cedar Hill Quarry in Fulton Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**08-00002B: E.I. DuPont de Nemours and Co., Inc.** (R. D. 1, Box 15, Towanda, PA 18848) for construction of a 13,200,000 Btu/hr natural gas-fired thermal fluid heater in North Towanda Township, **Bradford County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**43-142A: Salem Tube, Inc.** (951 Fourth Street, Greenville, PA 16125) for installation of a new vacuum degreasing line at their facility in Pymatuning Township, **Mercer County**. This is a Title V facility.

**33-085A: SYMMCO Group, Inc.** (40 South Park Street, Sykesville, PA 15865-0039) for construction of 4 Sintering Furnaces in Sykesville Borough, **Jefferson County**. This is a State-only facility.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001-4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0157B: Barrett Asphalt, Inc.** (Steel Road North, Morrisville, PA 19060) for use of "On Specification" Waste Derived Liquid Fuel at an existing asphalt plant in Falls



Township, **Bucks County**. This facility is a non-Title V facility. The Plan Approval will contain recordkeeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

**15-0031A: Henry Co.** (336 Cold Stream Road, Kimberton, PA 19442) for installation of an odor control device at their Kimberton Plant in East Pikeland Township, **Chester County**. The Kimberton Plant manufactures various types of protective asphalt coatings. The coating materials are primarily asphalt, solid fibers, clays, solvents and water. Henry Company is a Title V Facility, currently operating under TVOP-15-00031. The installation will not result in an increase in emissions. The odor control device consists of a fiber bed filter, carbon adsorption, followed by an impregnated alumina bed. The system will remove PM, VOCs (as total hydrocarbons) and sulfides (as hydrogen sulfides). The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0020E: Superior Tube Co., Inc.** (300 Germantown Pike, Collegeville, PA 19426) for the reconfiguration of 2 flush degreasers at their 300 Germantown Pike, Collegeville facility in Lower Providence Township, **Montgomery County**. This reconfiguration will increase VOC emissions by 4 tpy for the Flush and Blow Booth No. 1603, and by 2 tons for the Flush and Blow Booth No. 1960. The reconfiguration will decrease VOC emissions by 13.4 tpy due to removal of the existing vapor degreaser No. 1291. This modification will make a net reduction of 7.4 VOC tpy from the facility.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their plant in Lower Providence Township, Montgomery County. The provision of this plan approval will subsequently be incorporated into an Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. PA-15-0123 is for the removal of a vapor degreaser No. 1291 and also for a determination of a Reasonably Available Control Technology (RACT) for Flush Booths No. 1603 and 1960. Further details on the conditions and the reasons for their inclusion are available upon request.

The Department has made a preliminary determination to approve RACT plans as amendments to the State Implementation Plan (SIP) for Superior Tube Company, Inc. The proposed SIP revisions do not adopt any new regulations. They incorporate the provisions and requirements contained in RACT approvals for this facility to comply with current regulations. These preliminary determinations, if finally approved, will be incorporated into Plan Approvals and/or Operating Permits for the facility and will be submitted to the United States Environmental Protection Agency (EPA) as revisions to Pennsylvania's SIP.

The preliminary RACT determinations for Superior Tube Company, Inc. for the Flush and Blow Booth Nos. 1603 and 1960 are the immediate implementation of good operating practices for minimization of solvent usage.

Interested persons may submit written comments, suggestions or objections concerning the proposed Plan Approval to the regional office on or before July 3, 2007. Written comment submitted to the Department during the public comment period shall include the following:

1. Name, address and telephone number of the commentator.
2. Identification of the proposed Plan Approval; No. 46-0020E.
3. A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

One public hearing will be held for the purpose of receiving comments on the proposed SIP revisions for VOC RACT and the Department's Intent to Issue a Plan Approval. The hearing will be held at 2 p.m. on July 3, 2007 at the Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA. The hearing will represent the opportunity for oral comment to Department on the proposed SIP revisions and will not be a question and answer session. Persons wishing to present testimony at the hearing are encouraged to contact the Department Community Relations Coordinator Lynda Rebarchak at (484) 250-5820 to register prior to the hearing, but may also register at the hearing. Individuals in need of accommodations as provided for in the Americans With Disabilities Act who would like to attend the hearing should contact Lynda Rebarchak at the previously listed number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

Written comments on the plan approval or the proposed SIP revisions or requests for a public hearing on the plan approval should be directed to Francine Carlini, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, or (484) 250-5920.

Copies of the application, the Department's analysis and other documents used in the evaluation of the plan approval application and RACT approval are available for public review during normal business hours at the Southeast Regional Office, 2 East Main Street, Norristown, PA. Appointments for scheduling a review may be made by calling (484) 250-5017.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-03022A: Valley Quarries** (169 Quarry Road, P. O. Box J, Chambersburg, PA 17201) for construction of a sandstone primary crusher rated at 200 tph subject to NPS Subpart OOO, and associated equipment for rock crushing operation, in Guilford Township, **Franklin County**. Primary emissions from the sources will be 3 tpy of PM. This plan approval will be incorporated into natural minor operating permit No. 28-03022 in accordance with the administrative amendment provisions in 25 Pa. Code § 127.450. The operating permit shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**67-05112A: Kinsley Manufacturing, Inc.** (1110 East Princess Street, York, PA 17403) for construction of 2 portable spray paint units with dry panel filters for control of PM emissions at their steel fabrication shop (East York Facility) in Springettsbury Township, **York County**. The source will emit approximately 6.4 tons VOC per year and 1.1 ton xylene per year. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**47-309-001A: United States Gypsum Co.** (125 South Franklin Street, Chicago, IL 60606) for construction of synthetic gypsum railcar and truck unloading operations in Derry Township, **Montour County**.

The proposed railcar and truck unloading operations will be associated with the gypsum wallboard manufacturing facility which is currently under construction at the respective site. Plan approval (47-309-001) for construction of the wallboard manufacturing facility was issued by the Department of Environmental Protection on November 17, 2006. Synthetic gypsum is flue gas desulfurization scrubber sludge.

The PM and PM10 emissions associated with the railcar and truck unloading operations are not expected to exceed a maximum of 30.4 tons and 5.95 tons, respectively, per year, most of which will come from increased use of facility roadways. These values assume that 100% of the facility's synthetic gypsum needs will be supplied by truck, a highly unlikely occurrence. As a significant portion of the facility's synthetic gypsum needs are expected to be satisfied by synthetic gypsum delivered to the facility by conveyor from the adjacent PPL Montour, LLCs Montour Steam Electric Station and at least a portion of the remainder will be delivered by rail, the PM and PM10 emissions which will actually occur as a result of synthetic gypsum railcar and truck unloading will most probably be significantly less than these maximum values.

The facility in which the railcar and truck unloading operations will be located will be a major (Title V) facility for CO and PM10 and will be required to obtain a Title V operating permit.

The Department of Environmental Protection's (Department) review of the information submitted by the United States Gypsum Co. indicates that the proposed synthetic gypsum railcar and truck unloading operations should comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirements of 25 Pa. Code §§ 123.1 and 123.2, the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12 and the requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670—60.676, (Standards of Performance for Non-metallic Mineral Processing Plants). Based on this finding, the Department proposes to issue plan approval for the construction of the proposed synthetic gypsum railcar and truck unloading operations.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. All conditions of Plan Approval 47-309-001 remain unchanged and in effect unless superseded or amended by a condition contained herein. If there is a conflict between a condition contained in Plan Approval 47-309-001 and a condition contained herein, the permittee shall comply with the condition contained herein rather than with the conflicting condition contained in Plan Approval 47-309-001.

2. The permittee shall comply with the requirements of 25 Pa. Code §§ 123.1 and 123.12 as well as all applicable requirements of Subpart OOO of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.670 through 60.676.

3. No more than 1,100,000 tons of synthetic gypsum shall be delivered to the facility by railcar or truck in any 12-consecutive month period. Any portion of this 1,100,000 tons may be delivered by railcar and any portion may be delivered by truck.

4. All railcars delivering synthetic gypsum to the facility shall be unloaded inside a railcar unloading building which shall be an enclosed structure except for the railcar entrance and exit and any access doors which may exist. All access doors shall be closed when railcar unloading is occurring.

5. All trucks delivering synthetic gypsum to the facility shall be unloaded inside the facility's three sided, roofed rock shed.

6. Synthetic gypsum shall only be stockpiled in the facility's rock shed.

7. The conveyor incorporated in the railcar unloading operation shall be fully enclosed or equipped with a three sided cover (top and two sides) except for those portions of the conveyor which are located underground or inside of an enclosed building, in which case an enclosure or cover is not required.

8. All facility roadways shall be paved and properly maintained.

9. The permittee shall establish, and enforce, a vehicle speed limit of 15 mph on all facility roadways. This speed limit shall be posted in highly visible locations along the respective roadways.

10. The permittee shall establish, and enforce, a requirement that all trucks entering or exiting the facility loaded with synthetic gypsum shall be tarped or otherwise covered. This requirement shall be posted in highly visible locations.

11. An operable vacuum type road sweeper shall be maintained onsite at all times and shall be used, as needed, to remove dust from roadways. The use of nonvacuum type road sweepers is prohibited.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**10-062E: Slippery Rock University** (1 Morrow Way, Slippery Rock, PA 16057) for consolidation of parameters from the previous plan approval, 10-062D for changes to deal with coal characteristics, emission limitations and co-fire operating parameters in the Borough of Slippery Rock, **Butler County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department intends to issue a Plan Approval No. 10-062E, for their plant in the Borough of Slippery Rock, Butler County. This plan approval will consolidate parameters from the previous plan approval, 10-062D. The changes deal with coal characteristics, emission limitations and co-fire operating parameters. The co-firing will involve natural gas and bituminous coal. The Plan Approval will subsequently be incorporated into the company's State-only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, the co-fired boiler will emit 51.4 tons of NO<sub>x</sub> per year, 361.2 tons of SO<sub>x</sub> per year and 36.1 tons of PM. The boiler is limited to 4,000 tons of coal use per 12-month rolling.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. PA-10-062E.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John F. Guth, Regional Air Quality Manager, Department of Environmental Protection, Northeast Regional Office, 230 Chestnut Street, Meadville, PA, 16335, (814) 332-6940.

**10-350B: Cloverleaf Group, Inc.** (1 Trueserve Way, East Butler, PA 16029) for replacement of a SIAS Color Press (Source 108) with a new Thieme 5 Color Press (Source 118) in East Butler Borough, **Butler County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- The Site Level requirements from plan approval 10-350A remain in effect and have been included in this plan approval.
- The source is subject to the following:
  - Subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for Fugitive Matter, Odor and Visible Emissions.
  - The permittee shall perform a weekly operational inspection of the source.
  - The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
  - The permittee shall maintain a record of the preventative maintenance inspections of the control device. These records shall, at a minimum, contain the date of the inspections, any problems or defects, the actions taken to correct the problems or defects, and any routine maintenance performed.
  - The permittee shall collect and record the following information for the press. The information shall be maintained at the facility for a minimum of 5 years and shall

be made available to an authorized Department representative at any time during normal working hours. The information required is:

- The daily consumption of each ink used (gallons/day or lb/day).
- The density of each ink as supplied used (lb/gallon of ink) or specific gravity.
- The VOC and HAP content of each ink as supplied used (lb VOC/gallon of ink or lb HAP/gallon of ink).
- The VOC and HAP content of each ink as applied (lb VOC/gallon of ink applied or lb HAP/gallon of ink applied).
- For ink series, the ink with the highest VOC and HAP content may be used to represent all inks of that series.
- The permittee shall keep all solvent containers closed at all times unless filling, draining or performing cleanup operations.
- The permittee shall keep all solvent laden shop towels in a closed container when not being used.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**AMS 07019: Sunoco Chemicals—Frankford Plant** (Margaret and Bermuda Streets, Philadelphia, PA 19137) to increase the capacity of a cooling tower, increase the PM emission limits for the cooling tower 1 ton to 20.0 tons per rolling 12-month period, and to shut down another cooling tower in the City of Philadelphia, **Philadelphia County**. The net potential PM increase for the project is 10.17 tons per rolling 12-month period. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**61-00147: Department of Welfare—Polk Mental Retardation Center** (Route 62, P. O. Box 94, Polk, PA 16342-0094) for reissuance of Title V Permit in the Polk Borough, **Venango County**. The facility is a psychiatric hospital. The facility's major emission sources include three 600 HP coal fired boiler, miscellaneous combustion units, emergency or stand by generators and degreaser unit. The facility is Title V because the emission of PM. The facility is not subject to compliance assurance monitoring.

#### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**22-03065: Department of Agriculture** (2301 North Cameron Street, Harrisburg, PA 17110) for operation of a pathological/infectious waste incinerator at the facility's Pennsylvania Veterinary Laboratory in Susquehanna Township, **Dauphin County**. The State-only operating

permit will include emission restrictions, monitoring, testing, work practice standards, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**34-03002: Tammy Kay Realty, Inc.** (HC 63 Box 75 D, Mifflintown, PA 17059) for operation of a wood fired boiler in Fermanagh Township, **Juniata County**. This is a renewal of the State-only operating permit issued in May, 2002.

**67-03089: John W. Keffer Funeral Home & Crematory, Inc.** (902 Mt. Rose Avenue, York, PA 17403) for operation of their human crematory in the City of York, **York County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2001.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.*

**37-00274: Kasgro Rail Corp.** (320 East Cherry Street, New Castle, PA 16102-1365) for a renewal operating permit to manufacture and surface coat rail cars in Taylor Township, **Lawrence County**. The facility consists of the Cherry and Furnace Streets Plants. The significant sources are the M/U air furnace, the camber furnace, 2 paint booths, 2 shot blast booths and 2 welding/fabricating operations. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit.

**33-00085: Symmco Inc.—Sykesville** (101 South Park Street, Sykesville, PA 15865-0039) for reissuance of a Natural Minor Operating Permit, to operate a primary metal products manufacturing facility in Sykesville Borough, **Jefferson County**. The significant source included 20" iron sintering furnace, steam treater, pusher type heat treat furnace. The facility is natural minor because the emission is less than Title V threshold.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Brawn, Chief, (215) 685-9476.*

**S05-018: Ashland Performance Materials—Philadelphia Composite Polymers Plant** (2801 Christopher Columbus Boulevard, Philadelphia, PA 19148-5103) for operation of producing and distributing polyester resin in the City of Philadelphia, **Philadelphia County**. The facility's significant air emission sources include fugitive emissions, tank wagon, rail car, drum filling stations, two particulate sources; one is controlled by a filter cartridge dust collector, 14 product storage tanks, nine raw material storage tanks, a spill control tank, five reactors with overhead condensers, four thinning tanks, ten blending tanks, a mix tank, a holding tank, an esterified water tank; all are controlled by a 14 mmBtu/hr natural gas or No. 2 oil-fired fume afterburner, two less than 9 mmBtu/hr natural gas or No. 2 oil-fired steam boilers, an air-compressor, a 12 mmBtu/hr natural gas or No. 2 oil-fired hot oil heater and two emergency generators. Additional facility air emission control devices include four sets of carbon drums as backup equipment to the Fume Afterburner.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**S06-011: Coating and Converting (CCT), Inc.** (80 Morris Street, Philadelphia, PA 19148) a pressure sensitive tape operation in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a coater, two coater ovens at 6 mmBtu/hr (combined), twenty-four heater each less than 0.6 mmBtu/hr, a 3.5 mmBtu/hr oxidizer, and clean up operation of the coater.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## OPERATING PERMITS

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### PUBLIC HEARINGS

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**67-02014A: The York Group, Inc.** (2880 Blackbridge Road, York, PA 17402) to receive comments on the proposed Reasonably Available Control Technology (RACT) Plan and Amendment to the State Implementation Plan (SIP) for The York Group, Inc. wood casket manufacturing facility in Manchester Township, **York County**. The proposed SIP revision does not adopt any new regulations. It incorporates the requirements that include emission limitations for the significant VOC sources at the facility. The Department will hold one public hearing on June 27, 2007, at the Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, from 9 a.m. until all scheduled comments are received. Persons wishing to present testimony should contact Ronald Davis, Southcentral Regional Office, at (717) 705-4862. Written comments may be submitted to the Southcentral Regional Office until July 9, 2007.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended Solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	

Alkalinity greater than acidity\*

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit No. 56841310 and NPDES Permit No. PA0110914, Genesis, Inc., d/b/a Meadow Run Genesis, Inc.,** (P. O. Box 552, Somerset, PA 15501), to renew the permit for the Solar No. 7 Mine in Quemahoning Township, **Somerset County** and related NPDES for reclamation only. No additional discharges. Application received January 29, 2007.

**Permit No. 63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company,** (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to renew the permit for the Mine 84 in Somerset, South Strabane, Amwell, North Bethlehem and West Bethlehem Townships, **Washington County** and related NPDES permit. No additional discharges. Application received April 4, 2007.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56960105 and NPDES No. PA0234168. L. K. Mining, Inc.,** (323 Coalyard Road, Rockwood, PA 15557), permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 20.2 acres. Receiving streams: UNT to South Glade Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2007.

**32070104 and NPDES No. PA0262404. P & N Coal Co., Inc.**, (P. O. Box 332, Punxsutawney, PA 15767), commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 137.3 acres. Receiving streams: UNT to South Branch of Bear Run, UNT to Cush Creek, UNT to Brady Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 3, 2007.

**56930107 and NPDES No. PA0212466, Future Industries, Inc.**, (P. O. Box 157, Meyersdale, PA 15552), revision of an existing bituminous surface mine for land use change from pastureland and wildlife habitat to cropland in Brothersvalley Township, **Somerset County**, affecting 70.3 acres. Receiving streams: UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 8, 2007.

**56010104 and NPDES No. PA0249041, Godin Brothers, Inc.**, (128 Colton Drive, Stoystown, PA 15563), permit renewal for continued operation and restoration of a bituminous surface-auger mine in Lincoln and Jenner Townships, **Somerset County**, affecting 117.8 acres. Receiving streams: UNTs to and Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received May 8, 2007.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**65840119 and NPDES Permit No. PA0601047. Derry Stone & Lime Co., Inc.** (1350 Route 30, P. O. Box 459, Laughlintown, PA 15655). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: UNTs to Stony Run and McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 4, 2007.

**3473SM8 and NPDES Permit No. PA0200590. North Cambria Fuel Co.** (175 McKnight Road, Blairsville, PA 15717). NPDES is a renewal for a passive treatment system to a mine drainage permit, located in Derry Township, **Westmoreland County**. Receiving streams: UNT to Loyalhanna Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 7, 2007.

**63860110 and NPDES Permit No. PA0589136. Racoon Coal Company** (200 Neville Road, Neville Island,

PA 15225). Renewal application for reclamation only of an existing bituminous surface mine, located in Robinson Township, **Washington County**, affecting 187.9 acres. Receiving streams: UNT to Little Raccoon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received May 9, 2007.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**37010105. Kerry Coal Company** (309 Industrial Park Drive, Wampum, PA 16157). Renewal of an existing bituminous surface strip operation located in Little Beaver Township, **Lawrence County** affecting 133.6 acres. Receiving streams: UNTs to North Fork Little Beaver Creek, classified for the following use: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application is for reclamation only. Application received May 7, 2007.

**61970101 and NPDES PA0227358. Ben Hal Mining** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip, limestone and shale removal operation located in Irwin Township, **Venango County**. Receiving streams: Four UNTs to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received May 9, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17990102 and NPDES No. PA0238236. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine to reevaluate the stream and wetland relocation/reconstruction plan in Decatur Township, **Clearfield County**, affecting 344.2 acres. Receiving stream: Laurel Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2007.

**17070104 and NPDES No. PA0256501. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine in Bigler and Beccaria Townships, **Clearfield County**, affecting 50.0 acres. Receiving streams: Banian Run and UNT to Banian Run to Muddy Run, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 8, 2007.

*Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>30-day Parameter</i>	<i>Daily Average</i>	<i>Instantaneous Maximum</i>	<i>Maximum</i>
Suspended Solids	35mg/l	70mg/l	90mg/l
Alkalinity exceeding acidity <sup>1</sup>			
pH <sup>1</sup>		greater than 6.0; less than 9.0	

<sup>1</sup> The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**31070801. Robbie J. Love Excavating**, (9 Main Street, Robertsdale, PA 16674), commencement, operation and restoration of a small noncoal (industrial minerals) operation in Wood Township, **Huntingdon County**, affecting 6.5 acres, receiving streams: UNTs to Great Trough Creek. Permit received May 7, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E15-486. The Hankin Group**, 707 Eagleview Boulevard, Exton, PA 19341, West Whiteland Township, **Chester County**, ACOE Philadelphia District.

To Reissue E15-486 which authorized to relocate and maintain 1,700 linear feet of Lionville Run, a tributary to West Valley Creek at a point approximately 300 feet west of the existing stream channel, to facilitate development on the Chandler Tract. This site is located 2,300 feet west of the northwest corner of the Routes 100 and 30 intersection (Downingtown, PA Quadrangle N: 5.2 inches; W: 1.6 inches).

**E09-914. Steven Vernachio**, 200 Constitution Avenue, Perkasio, PA 18944, Perkasio Borough, **Bucks County**, ACOE Philadelphia District.

To expand and maintain an existing Dairy Queen Restaurant to accommodate drive-through access within and along the floodway of the Perkiomen Creek (TSF) and Pleasant Spring Creek (TSF). This project is located approximately 500 feet southwest of the intersection Walnut Street and SR 152 (Telford, PA USGS Quadrangle N: 21.2 inches; W: 6.4 inches).

**E09-911. WV Group Holdings LLC**, Meetinghouse Business Center, Suite 120, 120 West Germantown Pike, Plymouth Meeting, PA 19462, Hilltown Township, **Bucks County**, ACOE Philadelphia District.

To relocate approximately 1,363 linear feet of a UNT to the West Branch Neshaminy Creek (WWF, MF). This project is associated with the proposed expansion of an existing retail center. As part of the project, an existing pedestrian bridge crossing the existing tributary will be removed. The project is located 1,400 feet north of the intersection of Route 309 (County Line Road) and Township Line Road (Telford, PA Quadrangle North: 7.4 inches; West: 2.0 inches).

**E15-773. John D. Reid**, 480 West Christine Road, Nottingham, PA 19362, West Nottingham Township, **Chester County**, ACOE Philadelphia District.

To construct and maintain a driveway bridge across Black Run (TSF, MF). This bridge will provide access to a single-family dwelling. The proposed bridge and driveway will impact approximately 0.01 acre of wetland (PEM). The project is located east of the intersection of Park and Deer Path Roads (Rising Sun, MD-PA Quadrangle North: 21.1 inches; West: 7.8 inches).

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E52-205. Department of Transportation, Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Lehman Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structures; to construct and maintain two road crossings of Randalls Creek (HQ-CWF); to construct and maintain two temporary road crossings of Randalls Creek; to impacts 0.64 acre of wetlands for the purpose of constructing a two-lane, 4 mile, limited access collector roadway, known as the SR 2001, Section 401 Improvement Project. This project begins the intersection of SR 2001 and US 209 in Bushkill (Bushkill, PA-NJ Quadrangle N: 16.9 inches; W: 0.25 inch) and extends northeast the intersection of SR 2001 and Little Egypt Road (Lake Maskenozha, PA-NJ Quadrangle N: 2.1 inches; W: 13.3 inches).

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E17-432. Clearfield Creek Watershed Association**, 216 Bedlin Hollow Road, Ashville, PA 16613. Morgan Run-FROG Acid Mine Drainage Treatment Project in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle Latitude: 40° 53' 15"; Longitude: 78° 21' 33").

The applicant proposes to construct, operate and maintain a passive treatment acid mine drainage abatement system resulting in 0.498-acre of permanent impact to wetlands associated to a UNT to Morgan Run (CWF) and 26-feet of permanent stream to the same UNT. The proposed permanent wetland impact results in construction of a treatment and settling basins. Stream impacts result from 26-feet of channel being relocated for the discharge of treated acid mine drainage. The project is located along the western right-of-way of Decatur Township Road No. 659 (T-659) approximately 2,275-feet south of SR 2012 and T-659 intersection. The Morgan Run-FROG Acid Mine Drainage Project permanently impacts 0.0498-acre of wetland for which the applicant has agreed to replace with 0.498-acre of wetland for mitigation of those impacts.

**E17-433. Clearfield Foundation**, P. O. Box 250, 125 East Market Street, Clearfield, PA 16830. Firemen's Industrial Park-South Parcel Commercial and Industrial Lot Development, Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle Latitude: 41° 01' 49.64"; Longitude: 78° 23' 51.38").

The applicant has proposed to: (1) place and maintain fill in a UNT to the West Branch, Susquehanna River; (2) and construct operate and maintain a construction and post-construction stormwater management basin in the same UNT for development of industrial and commercial lots within the Firemen's Industrial Park-South Parcels. The UNT to the West Branch, Susquehanna River is protected as a CWF through Chapter 93 Rules and Regulations. As proposed, permanent fill shall be placed and maintained in 1,000-feet of existing channel, floodway and floodplain ranging from a depth of 5-feet to 15-feet. As proposed, Stormwater Management Basin No. 1 excavation and embankment shall be made in 200-feet of existing channel, floodway and floodplain. The proposed commercial and industrial lot development project represents a permanent loss of 1,200-feet of stream channel and floodplain, for which no stream mitigation has been offered to offset the loss. The project is located approximately 3,150-feet east of SR 0879 and Industrial Park Road within the Firemen's Industrial Park.

**E47-087. United States Gypsum Company**, 60 PPL Road, Danville, PA 17821. Supply Gas Line and Rail Siding, in Penn, Franklin and Moreland Townships, **Lycoming County** and Derry and Anthony Townships, **Montour County**, ACOE Baltimore District (Washingtonville, PA Quadrangle Latitude 41° 03' 29"; Longitude 76° 39' 51").

The project proposes to construct a 17-mile natural gas pipeline, a new railroad spur off of the Norfolk Southern main line and a 2-inch sanitary sewer line to support operations at a new gypsum wallboard plant. All stream impacts associated with the gas pipeline and the sanitary sewer are intended to be temporary. One permanent stream impact is associated with the railroad spur and will consist of replacement of an existing Culvert Crossing. Wetland impacts associated with this project are as follows: Natural gas pipeline impacts total 4.51 acres of forested, emergent, forested/scrub shrub and open water. These impacts are intended to be constructed in such a

manner as to not create secondary impacts associated with these locations. Rail spur wetland impacts total 1.74 acres of permanent impacts and 3.33 acres of estimated indirect impacts associated with forested, scrub shrub and emergent wetland complexes. The sanitary sewer line proposes one emergent temporary wetland impact totaling 0.04 acre. This project spans a multicounty, multitownship alignment and is intended to support the minimum permanent impacts to any wetland and stream impacts. The drainage basins involved with this project are as follows UNT to Sugar Run (CWF), Derr Run (CWF), Jakes Run (CWF), Little Muncy Creek (CWF), Laurel Run (CWF), West Branch of Chillisquaque Creek (WWF), Middle Branch Chillisquaque Creek (WWF), Mud Creek (WWF) and UNTs to these Streams.

**E55-214. Department of Transportation District 3-0**, 715 Jordan Avenue, Montoursville, PA 17754. Culvert Extension for Deceleration Land, in Monroe Township, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle Latitude 40° 50' 30"; Longitude 76° 50' 10").

The proposed project intends to extend a concrete arch culvert 20 linear feet upstream to accommodate a deceleration lane into a proposed mall complex. The culvert extension proposed shall attach to the existing in place culvert and will impact the UNT to the Susquehanna River (WWF) for 20 linear feet of permanent impact and 38 linear feet of temporary impact. This project proposes to permanently impact 334 square feet of emergent/scrub-shrub wetland and temporarily impact 667 square feet of the same wetland. This project is located along Routes 11 and 15 in Shamokin Dam adjacent to the Hampton Inn Motel.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1560. Department of Transportation, District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a retaining wall in Castle Shannon Borough, **Allegheny County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 21.3 inches; W: 2.0 inches, Latitude: 40° 22' 2"; Longitude: 80° 0' 53"). To construct and maintain a 240-ft. long, 10-ft. high, concrete retaining wall and stream bank stabilization to replace an existing 90 ft. long retaining wall in Saw Mill Run (WWF). This project is intended to stabilize slope failure and stream bank erosion in conjunction with minor road improvements of SR 88. The project is located approximately 6 miles south of Pittsburgh and approximately 150 ft. down stream of the SR 88 intersection with Grove Road, in Castle Shannon Borough.

**E02-1561. Department of Transportation, District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a concrete culvert in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Glassport, PA Quadrangle, N: 6.7 inches; W: 17.0 inches, Latitude: 40° 17' 14"; Longitude: 79° 59' 47"). To construct and maintain a 82 ft. long, 32 ft. span, 9 ft. underclearance, open bottom concrete culvert to replace the existing 30 ft. long, 28.5 ft. span, 5 ft. minimum underclearance, SR 3013 bridge over Piney Fork Creek (TSF). The project is located approximately 6 miles west of Clairton.

**E26-344. Cross Creek Development, Inc.**, 121 Regency Drive, Union, PA 15401. To place and maintain fill in South Union Township, **Fayette County**, Pittsburgh, ACOE District. (Brownfield, PA Quadrangle, N: 21.2 inches; W: 14.6 inches, Latitude: 39° 51' 59"; Longitude: 79° 43' 52"). To place and maintain fill for a length of



1,000 feet in the floodway and on the right bank of a UNT to Redstone Creek (WWF) for the purpose of construction of Cross Creek Residential Development.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E42-331, Joe Marquart**, 609 West Water Street, Smethport, PA 16749. Marquart Property Driveway across Kings Run, in Ceres Township, **McKean County**, ACOE Pittsburgh District (Bullis Mills, PA Quadrangle N: 41° 57' 2.7"; W: 78° 16' 28").

To construct and maintain three 35-foot long, 48-inch diameter culverts and clean rock fill in Kings Run (CWF) downstream of an existing ford on a private driveway extending east from Kings Run Road approximately 1,000 feet south of Lynch Hollow Road.

**E43-340. Thiel College**, 75 College Avenue, Greenville, PA 16125. Thiel College Ball Fields, in Hempfield Township and Greenville Borough, **Mercer County**, ACOE Pittsburgh District (Greenville West, PA Quadrangle N: 41° 24' 51"; W: 80° 23' 21").

The applicant proposes to relocate approximately 605 feet of a tributary to the Shenango River (WWF), having a drainage area of less than 100 acres for the construc-

tion of a new baseball field. The new channel will be approximately 250 feet west of the existing channel location. The applicant also proposes to fill and maintain 0.17 acre of PSS wetland. The applicant will construct 0.90 acre wetland as mitigation for the wetland impacts.

**ENVIRONMENTAL ASSESSMENTS**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**EA67-013: Loganville Borough**, P. O. Box 36, Loganville PA 17342, Springfield Township, **York County**, ACOE Baltimore District.

To restore and maintain approximately 2,000 linear feet of a UNT of East Branch Codorus Creek (CWF) through bank grading, stream bank stabilization, invasive species removal, riparian plantings and the installation of seven in-stream grade control structures along Beck Road and Water Street downstream of the proposed Loganville Bypass project (Glen Rock, PA Quadrangle N: 21.8 inches; W: 4.4 inches, Latitude: 39° 52' 13.62"; Longitude: 76° 43' 7.61" to Glen Rock, PA Quadrangle N: 20.95 inches; W: 5 inches, Latitude: 39° 51' 57.06"; Longitude: 76° 42' 49.80") to compensate for unavoidable stream impacts from the proposed Loganville Bypass project.

**ACTIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT  
FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE  
ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY  
MANAGEMENT (WQM) PERMITS**

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### I. NPDES Renewal Permit Actions

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0044270 (Minor Sewage)	Keystone Mobile Home Park P. O. Box 295 Birdsboro, PA 19508	North Whitehall Township Lehigh County	Lehigh River 2C	Y
PA0028495 (Industrial Waste)	FedChem, LLC 275 Keystone Drive Bethlehem, PA 18020-9464	Lower Nazareth Township Northampton County	Monocacy Creek 02C	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087076 (GWCU)	HERCO 300 Park Boulevard P. O. Box 860 Hershey, PA 17033	Dauphin County Derry Township	Spring Creek 7-D	Y
PA0083046 (IW)	Easco Hand Tools, Inc. 14600 York Road Suite A Sparks, MD 21152	Lancaster County West Hempfield Township	UNT West Branch Little Conestoga Creek 7-J	Y

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209392 Sewerage	Richmond Township Municipal Authority 563 Valley Road Mansfield, PA 16901	Richmond Township Tioga County	UNT Tioga River 4-A	Y
PA0112488 SP	Ralpho Township Municipal Authority 32 A South Market Street Elysburg, PA 17824	Northumberland County Ralpho Township	UNT of Millers Run 6B	Y
PA0112607 Sewerage	Pepper Hill Ltd. P. O. Box 139 Danville, PA 17821	Cooper Township Montour County	Sechler Run 5-E	Y
PA0113034 Sewerage	Penn Township 4600 Beaver Lake Road Hughesville, PA 17737	Penn Township Lycoming County	Beaver Run 10D	Y
PA0115100 SF	George A. and Elizabeth J. Dear 32 Dear Lane Tioga, PA 16946	Tioga County Lawrence Township	Mutton Lane Creek 4A	Y
PAS144813 IW	Centre Concrete, Inc. P. O. Box 859 State College, PA 16804-0859	College Township Centre County	UNT Spring Creek 9C	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0098434 Sewage	Department of Transportation Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Greene County Whiteley Township	UNT of Whiteley Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217271 Sewage	Ohio Township Sanitary Authority 1719 Roosevelt Road Pittsburgh, PA 15237	Allegheny County Sewickley Hills Borough	Kilbuck Run	Y

## II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0088781**, Industrial Waste, **Conective Mid Merit, LLC**, P. O. Box 6066, Mail Stop: 92DC72, Newark, DE 19714-6066. This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-I.

**NPDES Permit No. PA026409**, CAFO, **Bill and Nanette Furnia**, 2538 Risser Mill Road, Mount Joy, PA 17552. This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,456-AEU layer, horse and heifer operation located in Watershed 7-G.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**NPDES Permit No. PA0026778-A1**, Sewage, **Windber Area Authority**, Windber, PA. This existing facility is located in Richland Township, **Cambria County**.

Description of Proposed Action/Activity: Permit amendment issuance.

## III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 4507402**, Sewerage, **Arrowhead Sewer Company, Inc.**, HC88, Box 305, Pocono Lake, PA 18347. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4807403**, Sewerage, **Allen Township**, 4714 Indian Trail Road, Northampton, PA 18067-9492. This proposed facility is located in Allen Township, **Northampton County**.

Description of Proposed Action: Issuance of Water Quality Management Permit.

Construction of a sanitary sewer collection system and pump station to service 136 lots in the High Meadow Estates.

**WQM Permit No. 4805401**, Sewerage, **Nazareth Borough Municipal Authority**, 782 Tatamy Road, Nazareth, PA 18064. This proposed facility is located in Upper Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. WQG022211**, Sewerage, **Cedarville Center Condominium Association**, 501 North Main Street, Doylestown, PA 18907. This proposed facility is located in Williams Township, **Northampton County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewage collection system and pump station with flows of 11,800 gpd to service a commercial land development with two proposed retail areas.

**WQM Permit No. WQG022210**, Sewerage, **Moosic Borough, Moosic Borough Building**, 715 Main Street, Moosic, PA 18507. This proposed facility is located in Moosic Borough, **Lackawanna County**, PA.

Description of Proposed Action/Activity: This project is for the construction of a sewage pump station and sanitary collection system to service Hidden Village Development, a 149 residential development with proposed flows of 37,250 gpd.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 6707403**, Sewerage, **York Township Water & Sewer Authority**, 190 Oak Road, Dallastown, PA 17313-9300. This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a 0.1152 mgd submersible pump station to serve a 30-unit residential community.

**WQM Permit No. 6707404**, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17406. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a 12" PVC Interceptor from the intersection of Woodland View Drive and Grim Lane and connecting to the existing Emigsville Interceptor adjacent to Mundis Race Road. This interceptor will replace Pump Station No. 5 and all flows will be conveyed to the Springettsbury Township Wastewater Treatment Plant.

**WQM Permit No. 6707405**, Sewerage, **Manchester Township Municipal Authority**, 3200 Farmtrail Road, York, PA 17406. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of replacement of an existing 15" section of pipe between Manholes 27 and 30 and a 12-inch section of pipe between Manholes 33 and 35 with PVC pipe.

**WQM Permit No. 3107401**, Sewerage, **Jim Daly, Director, Central PA Conference of the United Methodist Church**, 303 Mulberry Drive, P. O. Box 2053, Mechanicsburg, PA 17055-2053. This proposed facility is located in Porter Township, **Huntingdon County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage facilities consisting of a septic tank/Biolcene pretreatment system followed by drip irrigation for soil renovation and disposal at Greene Hills Camp.

**WQM Permit No. 2206405**, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of the replacement of existing pump station with a new pump station to serve Colonial Village and Sheesley property.

**WQM Permit No. WQG01210701**, Sewerage, **Jason and Jennifer Klinger**, 446 Brick Church Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval of the construction/operation of a small flow sewage treatment system to serve their single-family residence.

**WQM Permit No. 2807404**, Sewerage, **Robert Blubaugh**, 374 Martina Drive, Chambersburg, PA 17201. This proposed facility is located in Green Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence at 955 Shatzer Road.

**WQM Permit No. 3607202**, CAFO, **Mike Brubaker, Brubaker Farms Partnership**, 493 Musser Road, Mount Joy, PA 17552. This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction of manure digestion facilities.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 5907401**, Sewerage, SIC 4952, **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901. These proposed facilities will be located in Wellsboro Borough, **Tioga County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of new facilities to achieve biological nutrient removal at the Authority's wastewater treatment plant. The facilities will include new (replacement) blowers, new air piping for the blowers and Symbio process controls.

**WQM Permit No. 4187408-T1**, Sewerage 4952, **Penn Township**, 4600 Beaver Lake Road, Hughesville, PA 17737. This facility is located in Penn Township, **Lycoming County**.

Description of Proposed Action/Activity: Permit transfer for the wastewater treatment system serving the Beaver Lake Development.

**WQM Permit No. 5507402**, Sewage 4952, **Kreamer Municipal Authority**, P. O. Box 220, Kreamer, PA 17833. This proposed facility is located in Middlecreek Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate a new sewage plant. The sewage plant will be extended aeration with total nitrogen and total phosphorus removal.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0206407**, Sewerage, **The Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This proposed facility is located in Robinson Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the replacement and upgrade of the existing Moon Run Sewage Treatment Plant.

**WQM Permit No. WQG016143**, Sewerage, **H. J. Lallier**, 304 Phillips Street, Charleroi, PA 15022. This proposed facility is located in California Borough, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. WQG018536**, Sewage, **Carol L. Culver**, 8872 Leach Road, Conneaut Lake, PA 16316. This proposed facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: A single-residence Sewage Treatment Plant.

#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

#### **VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010905028	JC McGinn Construction P. O. Box 237 Lahaska, PA 18931	Bucks	Solebury Township	Aquetong Creek HQ-CWF
PAI010906038	Benjamin and Marie Miller 41 North 3rd Street Philadelphia, PA 19106-4508	Bucks	Solebury Township	Aquetong Creek HQ-CWF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024006001	GWF, Inc. 940 Rabbit Lane White Haven, PA 18661	Luzerne	Foster Township	Lehigh River HQ-CWF
PAI024806026	Ronald Perin 818 Grand Central Road Pen Argyl, PA 18072	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF, MF
PAI024506014	Bestway of Pennsylvania, Inc. 3870 SR 191/390 Cresco, PA 18326	Monroe	Barrett Township	Cranberry Creek HQ-CWF
PAI023506005	Alyne Scartelli 596 Cortez Road Lake Ariel, PA 18436	Lackawanna	Jefferson Township	Tributary to West Branch Wallenpaupack Creek HQ-CWF

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033106002	Dominion Transmission, Inc. 445 West Main Street Clarksburg, WV 26301	Juniata Mifflin Huntingdon	Lack and Tuscarora Townships Bratton, Oliver, Granville and Union Townships Jackson Township	Lick Run CWF Tuscarora Creek CWF Willow Run HQ-CWF Dougherty Creek HQ-CWF Blacklog Creek HQ-CWF East Licking Creek HQ-CWF Dougherty Run HQ/CWF Barn Run HQ-CWF Minehart Run HQ-CWF Carlisle Run WWF Juniata River WWF Strode's Run HQ-CWF Little Kishacoquillas Creek HQ-CWF Frog Hollow CWF Wakefield Run HQ East Branch Standing Stone Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036706005	Stu Widom Connective Mid Merit, LLC P. O. Box 6066 Newark, DE 19714-6066	York	Peach Bottom Township	Muddy Creek TSF
PAI030507001	Bill Vander-Lyn Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310	Bedford	Juniata and Harrison Townships	Tributary to Little Wills Creek HQ-CWF Wolf Camp Run HQ-CWF Buffalo Run WWF
PAI030606010	Eric Gross 1007 South Krocks Road Wescosville, PA 18106	Berks	Longswamp Township	Little Lehigh Creek HQ-CWF

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061006002	Pastor Charles S. Bober St. Kilian Parish 212 Hook Street Mars, PA 16046	Butler	Cranberry Township	UNT to Kaufman Run WWF

*Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI101807001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Clinton	East Keating Township	Rock Run and UNT to Camp Run, to Cooks Run HQ-CWF

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Valley and Caln Townships Chester County	PAR10G478R	Orleans Homebuilders, Inc. 333 Street Road One Greenwood Square Suite 101 Bensalem, PA 19020	West Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG2001505035	Cosmos Properties, LP 2949 Lincoln Highway 2nd Floor Suite P. O. Box 10 Sadsburyville, PA 19369	Buck Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106051	St. Joseph's University 5600 City Avenue Philadelphia, PA 19131	Tidal Schuylkill Watershed A WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106077	RGV Builders, LLC 67 West Court Street Doylestown, PA 18901	Delaware Direct Watershed South WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Allen Township Northampton County	PAR10U180R	Louis Tepes, Jr. Tepes Construction 3185 Center Road Northampton, PA 18067	Lehigh River, North of Allentown Dam TSF	Northampton County Cons. Dist. (610) 746-1971
Pittston Township Luzerne County Moosic Borough Lackawanna County	PAG2004003014(1)	Wilkes-Barre Scranton International Airport Attn: Al Brocovich 100 Terminal Road Avoca, PA 18641	Spring Brook CWF	Luzerne County Cons. Dist. (570) 674-7991 Lackawanna County Cons. Dist. (570) 281-9495
Great Bend Township Susquehanna County	PAG2005807001	Hallstead—Great Bend Joint Sewer Authority Spring Street P. O. Box 747 Great Bend, PA 18821-0747	Susquehanna River WWF	Susquehanna Cons. Dist. (570) 278-4600
Bethlehem Lehigh County	PAG2003907001	David Orwasher Lehigh Valley Center, LLC 1771 Post Road East Suite 317 Westport, CT 06880	Lehigh River TSF	Lehigh County Cons. Dist. (610) 391-9583
Whitehall Township Lehigh County	PAR10Q167R	Abraham Atiyeh Brookside Comm. Construction Co. 1177 6th Street Whitehall, PA 18052	Jordan Creek TSF, MF	Lehigh County Cons. Dist. (610) 391-9583
Lancaster Township Lancaster County	PAG20036060351	Penn Manor School District P. O. Box 1001 Millersville, PA 17551	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Strasburg Township Lancaster County	PAG2003606126	Tim Shreiner 2871 North Colebrook Road Manheim, PA 17545	UNT Little Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Paradise Township Lancaster County	PAG2003606137	Pequea Valley School District P. O. Box 130 Kinzers, PA 17535	Eshelman Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lancaster Township Lancaster County	PAG2003607003	New Plan Excell Realty Trust 420 Lexington Avenue New York, NY 10170	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003607005	Lester R. Summers, Inc. P. O. Box 239 Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003607010	Ridgewall, LLC c/o KCH Holding 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Martic Township Lancaster County	PAG2003607011	Penn Manor School District P. O. Box 1001 Millersville, PA 17551	Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003607014	FKK, LLC 1270 Grofftown Road Lancaster, PA 17602	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003607022	James Zimmerman 3140 Mount Joy Road Manheim, PA 17545	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003607025	Daniel J. Wagner 1565 Landvater Road Hummelstown, PA 17036	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Leacock Township Lancaster County	PAG2003607026	Gideon M. Fisher 3325 Old Philadelphia Pike Ronks, PA 17572	Muddy Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003607027	ALCOA P. O. Box 3167 Lancaster, PA 17604	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5



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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Manheim Township Lancaster County	PAG2003607028	Artz Development LLC 2137 Embassy Drive Suite 210 Lancaster, PA 17603	UNT Little Conestoga WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Borough of Wyomissing Berks County	PAG2000606084	Marvin Zimmerman First Church of the Brethren 2200 State Hill Road Wyomissing, PA 19610	Wyomissing Creek CWF Cacoosing Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Amity Township Berks County	PAR10C376R	Larry Byrne Heritage Building Group 2500 York Road Jamison, PA 18929	Monocacy Creek CWF Manatawny Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000607023	Judy Marburger 118 Tudor Lane Birdsboro, PA 19508	Seidel Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Maidencreek Township Berks County	PAG2000607022	Robert Hanna Maidencreek Plaza Co., LLC P. O. Box 96 Temple, PA 19560	Willow Creek WWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bedford Township Bedford County	PAG2000506012(1)	Thomas Prestash Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Dunning Creek WWF	Bedford County Conservation District 702 West Pitt Street Fairlawn Court Suite 4 Bedford, PA 15522 (814) 623-7900, Ext 3
East Manchester Township York County	PAG2006706119	Jon Bubb Keystruct Inc. 30 Marianne Drive York, PA 17406	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bradford County Wyalusing Township	PAG2000807003	Robert Veleker French Azilum, Inc. 1 Washington Street Suite B Towanda, PA 18848	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Columbia County North Centre Township	PAG2001907002	Robert G. Paden 1326 Orange Street Berwick, PA 18603	Cabin Run CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Montour County Derry Township	PAG2004706006(1)	Chris Huron United States Gypsum 13 Water Street Washingtonville, PA 17884	Mud Creek Trib to Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Northumberland County West Chillisquaque Township	PAG2004907005	Joshua Reiff Poultry Operation Expansion 71 Weiland Road Milton, PA 17847	Susquehanna River WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Tioga County Duncan Township	PAG2005907007	Phoenix Resources, Inc. 782 Antrim Road Wellsboro, PA 16901	Wilson Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Beaver County Brighton Township Bridgewater Borough	PAG2000407003	Department of Transportation c/o Cheryl Moon-Sirianni Department of Transportation District 11-0 45 Thoms Run Road Bridgeville, PA 15017	Hamilton Run WWF	Beaver County CD (724) 378-1701
Washington County Peters Township	PAG2006307028	Oakbrooke Muse Partners, LP 300 Weyman Road Suite 210 Pittsburgh, PA 15236	Brush Run WWF	Washington County CD (724) 228-6774

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lackawanna County Dunmore/Throop Boroughs	PAR502203	Keystone Sanitary Landfill, Inc. 249 Dunham Drive Dunmore, PA 18512	Eddy Creek	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Luzerne County Hazle Township	PAR202234	Truth Hardware 500 Jaycee Drive West Hazleton, PA 18202-1186	Black Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Clearfield County Sandy Township	PAR224847	Burke Parsons Bowlby Corporation 392 Larkeytown Road DuBois, PA 15801-8848	Slab Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Muncy Creek Township Lycoming County	PAR124815	Kellogg Co. 572 Industrial Park Road Muncy, PA 17756	Muncy Creek TSF and Wolf Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Sugar Grove Township Mercer County	PAR808307	Anderson Coach and Travel A.C. Coach Operations Inc. One Anderson Plaza Greenville, PA 16125-9443	Little Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Hermitage Mercer County	PAR808336	Con-way Freight, Inc. 110 Parkland Plaza Ann Arbor, MI 48103	Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conewango Township Warren County	PAR708318	West Penn Oil Co., Inc. 1425 Market Street Warren, PA 16365	Jackson Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of St. Marys Elk County	PAR228301	Babcock Lumber Company 2220 Palmer Street Pittsburgh, PA 15218-2603	UNT of Iron Run and UNT of Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAR118331	BASF Corporation 1424 Mars-Evans City Road Evans City, PA 16033	Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

<i>Facility Location County &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
California Borough Washington County	PAG046346	H. J. Lallier 304 Phillips Street Charleroi, PA 15022	Tributary to Gorby Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Vernon Township Crawford County	PAG049333	Carol L. Culver 8872 Leech Road Conneaut Lake, PA 16316	UNT of Watson Run 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG048469	Mary Anne Albaugh and Dennis P. Borczon 6155 Bridlewood Drive Fairview, PA 16415-2708	Bear Run 15-WC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
York County Springettsbury Township	PAG043860	Wayne Luckenbaugh 3801 Ridgewood Road York, PA 17406	UNT Kreutz Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County East Freedom Township	PAG053533	ExxonMobil Refining & Supply Company— Former ExxonMobil East Freedom Terminal #2015 1545 Route 22 East Room CCM15 Annadale, NJ 08801	Frankstown Branch of Juniata River TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Adams County New Oxford Borough	PAG083600	New Oxford Municipal Authority 409 Water Works Road New Oxford, PA 17350	New Oxford Municipal Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
York County York City	PAG083501	York City Sewer Authority 17 East Market Street York, PA 17401	York City WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Berks County Reading City Wyomissing Borough	PAG083502	Joint Municipal Authority of Wyomissing Valley 701 Old Wyomissing Reading, PA 19611	Joint Municipal Authority of Wyomissing Valley WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Lebanon County Lebanon City	PAG083503	City of Lebanon Authority 2331 Ridgeview Road Lebanon, PA 17042	City of Lebanon Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
York County Penn Township	PAG083506	Penn Township Board of Commissioners 20 Wayne Avenue Hanover, PA 17331	Penn Township WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Operations Permit issued to: Arendtsville Municipal Authority, 7010001, Arendtsville Borough, Adams**

County on 5/9/2007 for the operation of facilities approved under Construction Permit No. 0105505.

**Operations Permit** issued to: **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 5/1/2007 for the operation of facilities approved under Construction Permit No. 2207501 MA.

**Operations Permit** issued to: **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on 5/1/2007 for the operation of facilities approved under Construction Permit No. 2207502 MA.

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Permit No. M.A.—4496031—Construction**, Public Water Supply.

Applicant	<b>Tulpehocken Spring Water, Inc.</b>
Township or Borough	Sugarloaf Township
County	<b>Columbia</b>
Responsible Official	Gary Troutman, Vice President Tulpehocken Spring Water, Inc. 750 Point Township Drive Northumberland, PA 17857
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Thomas Pullar, P. E. Earth Res. Group, Inc. P. O. Box 468 Pipersville, PA 18947
Permit Issued Date	May 11, 2007
Description of Action	Construction of a stainless steel water supply line.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Operations Permit** issued to: **United Mobile Home, Inc., Cranberry Village Mobile Home Park**, 201 North Court, Cranberry Township, PA 16066, PWSID No. 5100050, Cranberry Township, **Butler County**, on May 14, 2007, for the operation of the sequestration system as approved under construction permit 1006502, dated February 1, 2007.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Springettsbury Township	1501 Mt. Zion Road York, PA 17402	York County

*Plan Description:* Wayne Luckenbaugh, A3-67957-385-3s: The approved plan provides for a Small Flow Treatment Facility (SFTF) to serve as a repair for an existing residence on 4.52 acres with total estimated sewage flows of 400 gpd. The SFTF will make a discharge to a UNT of Kreutz Creek. The proposed development is located at

3801 Ridgewood Road in Springettsbury Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manchester Township	3200 Farmtrail Road York, PA 17402	York County

*Plan Description:* Project No. 14—Phase-out of Blackbridge Road Pump Station, A3-67939-409-3m: The approved plan provides for the abandonment of Pump Station No. 5, which will be replaced by a new gravity interceptor. The interceptor will begin at the intersection of Woodland View and Blackbridge Roads and continue on under Emig Road to the west side of the Codorus Creek. The interceptor will ultimately connect to the Emigsville Interceptor, and all sewage flows will be redirected from the York City Wastewater Treatment Plant, where existing sewage flows are ultimately treated, to the Springettsbury Township Wastewater Treatment Plant. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manchester Township	3200 Farmtrail Road York, PA 17402	York County

*Plan Description:* Project No. 15—North George Street Interceptor, A3-67939-410-3m: The approved plan provides for the replacement of a sewer interceptor located on the east side of Route 83 on North George Street between Manholes 27 and 30. The interceptor will be replaced in order to eliminate pipe sags and infiltration. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
York Township	190 Oak Road Dallastown, PA 17313	York County

*Plan Description:* George Simpson, A3-67971-599-3s: The approved plan provides for a Small Flow Treatment Facility (SFTF) as a repair for an existing dwelling and for new flows that will be generated by a proposed bed and breakfast on a 4.7 acre lot. Total estimated sewage flows are 1,200 gpd, and they will be discharged, upon final treatment, to a UNT to the Codorus Creek South Branch. The proposed development is located a 321 Imperial Drive in York Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mercersburg Borough	113 South Main Street Mercersburg, PA 17236	Franklin County

*Plan Description:* The approved plan, in the name of Findlay Commercial Properties, provides for 10 commercial lots with total flows of 19,900 gpd using sewer service provided by the Mercersburg Sewer Authority. The project

includes the relocation and upgrade of a pumping station. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hyndman Borough	213 Water Street Hyndman, PA 15545	Bedford

*Plan Description:* The approved plan provides for the upgrade and expansion of the Hyndman Borough Municipal Authority's Wastewater Treatment Facility to a capacity of 0.365 mgd and the replacement of the existing 8-inch diameter pipe (from Manhole 3 to the WWTF) with a 12-inch pipe. The WWTF upgrade (incorporating Sequencing Batch Reactors) will provide for nutrient reduction capabilities under compliance with the Chesapeake Bay Strategy. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antrim Township	P. O. Box 130 10655 Antrim Church Road Greencastle, PA 17225	Franklin County

*Plan Description:* The approved plan, in the name of Greenspring Valley, provides for 554 single-family residential dwellings and one recreational facility using ATMA sewer with sewage flows of 224,600 gpd. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Authority.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Freedom Township	P. O. Box 156 Municipal Street East Freedom, PA 16637	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility for the David Kephart property. The proposed sewage flows are 400 gpd with a discharge to a UNT of South Dry Run. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Oil Creek Township	16835 Shreve Run Road Pleasantville, PA 16341	Venango

*Plan Description:* The approved plan provides for the construction of a sanitary sewage collection and conveyance system which will connect to the Pleasantville Borough Sewerage System. The project will serve 208 existing EDU's in Oil Creek Township. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Millcreek Township	3608 West 26th Street Erie, PA 16506-2059	Erie

*Plan Description:* The approved plan provides for the construction of a sewer collection and conveyance system extension along West 38th Street at the intersection of Woodhaven Drive. The extensions will serve five existing residences.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hopewell Township	P. O. Box 429 Stewartstown, PA 17363-0429	York County
Shrewsbury Township	12341 Susquehanna Trail South Glen Rock, PA 17327	York County

*Plan Description:* Stewart Associates, A3-67930-160-3/ A3-67955-208-3: The plan consists of a proposal to construct a 1 million gpd private wastewater treatment plant that will be dedicated to a joint municipal authority to be formed between Hopewell and Shrewsbury Townships. The proposed wastewater treatment plant will serve new and existing developments in both Townships, consisting of approximately 1,559.6 acres and an estimated 2,677 EDUs. The wastewater treatment plant will have a stream discharge to Deer Creek and will be located on the northern corner of SR 851 and Saddler Church Road in Hopewell Township, York County. The plan was disapproved because the project, as proposed, does not address a specific subdivision and can not be considered for approval as a Revision for New land Development, as defined in 25 Pa. Code § 71.1. The nature and scope of this project dictates that Act 537 Planning must be completed as a municipal Official Plan Update Revision in accordance with the requirements of 25 Pa. Code § 71.12.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Carroll Township	555 Chestnut Grove Road Dillsburg, PA 17019	York County

*Plan Description:* David and Catherine Carr, A3-67908-254-2: The plan consists of a seven lot single-family residential subdivision on 6.395 acres with total proposed sewage flows of 2,800 gpd to be treated by individual onlot disposal system. The proposed development is located on the south side of Brownton Road, approximately 0.6 mile west of Trinity Road in Chanceford Township, York County. The plan was disapproved because the planning module information submitted failed to document that both the short-term (present) and long-term (future) sewage needs of each lot in the subdivision have been met.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Fort Indiantown Gap Army National Guard Training Center, Area 19-116**, East Hanover Township, **Lebanon County**. Converse Consultants, 2738 West College

Avenue, State College, PA 16801, on behalf of the Department of Military and Veterans Affairs, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Powerex Inc.**, Hempfield Township, **Westmoreland County**. Heather Gawne, CORE Environmental Services, Inc., 4068 Mt. Royal Boulevard, Allison Park, PA 15108 has submitted a Final Report concerning remediation of site soil contaminated with silver. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**BP Site No. 07020**, Ross Township, **Allegheny County**. Mark Shaheen, Shaw Environmental, Inc., 2700 Mossie Boulevard, Monroeville, PA 15146 (on behalf of Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204, and Tony Barcia, 1619 Pin Oak Drive, Pittsburgh, PA 15237) has submitted a Final Report concerning remediation of site soil contaminated with waste oil and unleaded gasoline. The reports are intended to document remediation of the site to meet the Statewide Health and Site-Specific Standards.

**Couy Trust Auto Image Plus Facility**, City of Pittsburgh, **Allegheny County**. Frank W. Benacquista, P. G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Suzanne Staab, Mellon Bank NA—Trustee, 3 Mellon Center, Room 1315, Pittsburgh, PA 15259) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with VOCs typically associated with gasoline and petroleum products associated with the operation of the former gasoline station located on the property. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Fenestra Corporation**, Millcreek Township, **Erie County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of the Marmon Group, Inc., 225 West Washington Street, Chicago, IL 60606-3418 has submitted a Remedial Investigation Report and Final Report concerning remediation of site groundwater contaminated with Trichloroethene. The reports are intended to document remediation of the site to meet the Site-Specific Standards.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A

final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**West Side Mall**, Edwardsville Borough, **Luzerne County**. Dale Nat, Colden Corporation, 100 North 17th Street, Suite 903, Philadelphia, PA 18704 has submitted a Final Report (on behalf of his client, Mike Malia, WP Realty, 940 Haverford Road, Bryn Mawr, PA 19010) concerning the remediation of soils found to have been impacted by gasoline from an abandoned UST. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on May 9, 2007.

**Nicholson Steam Trap**, City of Wilkes-Barre, **Luzerne County**. Richard Kranes, Goldman Environmental Consultants, 60 Brooks Drive, Braintree, MA 02184 submitted a Final Report (on behalf of his client, CIRCOR International, Inc., 25 Corporate Drive, Suite 130, Burlington, MA 01803) concerning the remediation of site soils impacted by metals and volatile organics. The

report demonstrated attainment of the Statewide Health Standard and was approved on May 11, 2007.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Sunoco Logistics Partners-Barney's Drive**, Loysock Township, **Lycoming County**. Aquaterra, P. O. Box 744, West Chester, PA 19381 on behalf of Sunoco Logistics Partners, LP, 1735 Market Street, STE LL, Philadelphia, PA 19103 has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on May 9, 2007.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**MacPlastic Facility (Former)**, Canonsburg Borough **Washington County**. Robert King, AGES, Inc., 800 Old Pond Road, Suite 703, Bridgeville, PA 15017 on behalf of Edward Kovacik, Canonsburg Renaissance Group, 169 East Pike Street, Canonsburg, PA 15317 and Kerry Fox, Redevelopment Authority of Washington County, 100 West Beau Street, Suite 603, Washington, PA 15301 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with PAHs, PCBs and inorganics by removing and disposing offsite all stored wastes, underground tanks and associated sediments and contaminated media. The Baseline Environmental Report was approved by the Department on April 12, 2007. In order to obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

**Franklin Mills Site**, Borough of Franklin, **Cambria County**. Mark Urbassik, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of John Toth, EMF Development Corp., 365 Bassett Road, Hooversville, PA 15936 and Richard McNulty, Borough of Franklin, 1125 Main Street, Johnstown, PA 15909 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with oils, solvents, lead, acids and PCBs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 20, 2007.

#### HAZARDOUS WASTE ACTION

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations for postclosure care of the hazardous waste disposal facility.**

*Intent to Issue Permit:*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**PAD980552848. Newell Rubbermaid Inc., Palmieri Site**. Operation of a hazardous waste storage and treatment facility under a remedial action plan for site remediation located in Center Township, **Beaver County**. The application for a remedial action plan for storage and treatment of hazardous waste at the Palmieri Site was considered for intent to issue by the Regional Office on May 17, 2007.



Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

A public meeting has been scheduled for May 29, 2007 at the Center Township Municipal Building located at 224 Center Grange Road, Aliquippa, PA. The meeting will start at 5 p.m. The purpose of this meeting is to discuss this intended action.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-310-073GP: ABC Crushed Materials, LLC** (714 Dunksferry Road, Bensalem, PA 19020) on May 9, 2007, to operate a portable nonmetallic mineral in Falls Township, **Bucks County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**40-302-164GP1: Fairchild Semiconductor Corp.** (125 Crestwood Road, Mountaintop, PA 18707) on May 10, 2007, to construct and operate Cleaver Brooks Boiler No. 1 at their facility in Wright Township, **Luzerne County**.

**40-302-165GP1: Fairchild Semiconductor Corp.** (125 Crestwood Road, Mountaintop, PA 18707) on May 10, 2007, to construct and operate Cleaver Brooks Boiler No. 2 at their facility in Wright Township, **Luzerne County**.

**35-302-118GP1: Quadrant EPP USA, Inc.** (900 North South Road, Scranton, PA 18504) on May 10, 2007, to construct and operate a Heatec Boiler at their facility in Scranton, **Lackawanna County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP1-06-03073: Giorgio Foods, Inc.** (P. O. Box 96, Temple, PA 19560) on May 8, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Maiden Creek Township, **Berks County**. This is a renewal of the GP1 general operating permit.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-0054B: Highway Materials Inc.** (680 Morehall Road, Malvern, PA 19355) on May 10, 2007, to operate a new burner in East Whiteland Township, **Chester County**.

**46-0029C: Glasgow, Inc.** (Route 309 and Hartman Road, Montgomeryville, PA 18936) on May 10, 2007, to operate a replacement primary crusher in Montgomery Township, **Montgomery County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**42-174E: Rustick, LLC** (Campbellstown Road, Mt. Jewett, PA 16740) on April 30, 2007, to install an enclosed flare (1,500 cfm) in Sergeant Township, **McKean County**. This is a Title V facility.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**15-0039: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on May 10, 2007, to operate a fuel sulfur content in East Cahn Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-05099A: McMinn's Asphalt Co., Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on April 25, 2007, to replace an existing aggregate dryer and burner, knock-out box and baghouse for their East Petersburg batch asphalt plant in East Hempfield Township, **Lancaster County**. This plan approval was extended.

**67-05007B: Adhesives Research, Inc.** (P. O. Box 100, Glen Rock, PA 17327) on May 2, 2007, to install two new coating sources to be controlled together with an existing source by a new regenerative thermal oxidizer at their coating facility in Springfield Township, **York County**. This plan approval was extended.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**41-320-002: Webb Communications** (One Maynard Street, Williamsport, PA 17701) on May 7, 2007, to allow the use of blanket wash with a vapor pressure of three millimeters of mercury at 20 C and a volatile HAP content of .68 pound per gallon in four heatset web offset printing presses, to allow the use of flash oil in six heatset web offset printing presses, to increase the total combined allowable VOC emissions from the respective six printing presses from 17.58 tons in any 12-consecutive

month period to 18.25 tons in any 12-consecutive month period, to increase the total combined allowable volatile HAP emissions from the respective six printing presses from 2.53 tons in any 12-consecutive month period to 3.47 tons in any 12-consecutive month period, to extend the deadline for the performance of VOC stack testing on the respective six printing presses and associated regenerative thermal oxidizer to June 19, 2007, and to extend the authorization to operate the respective six printing presses and associated regenerative thermal oxidizer on a temporary basis until September 4, 2007, in the City of Williamsport, **Lycoming County**.

**60-00001A: Bucknell University** (701 Moore Avenue, Lewisburg, PA 17837) on May 14, 2007, to operate a 5.5 megawatt natural gas/No. 2 fuel oil-fired turbine on a temporary basis to September 11, 2007, in East Buffalo Township, **Union County**. The plan approval has been extended.

**18-00009C: Clinton County Solid Waste Authority** (P. O. Box 209, McElhattan, PA 17748) on May 14 2007, to delete a requirement that if the construction of a new landfill gas flare has not been commenced by May 15, 2007, a new plan approval application for the construction of a flare must be submitted immediately, to replace a requirement to construct a new landfill gas flare within 6 months of achieving a sustained landfill gas collection rate of 1,800 standard cubic feet per minute with a requirement that an application for plan approval to construct a new flare must be submitted immediately upon achieving a sustained landfill gas collection rate of 1,750 standard cubic feet per minute and to delete the BAT requirements previously established in the plan approval for a new flare at the Wayne Township Landfill in Wayne Township, **Clinton County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00709B: Colona Transfer, LP** (P. O. Box 311, Portersville, PA 16051) on May 7, 2007, to include additional control measures at their Colona Dock No. 2 in Monaca Borough, **Beaver County**. This plan approval was extended.

**32-00040B: Reliant Energy Seward, LLC** (121 Champion Way, Canonsburg, PA 15317) on May 7, 2007, to complete submission of the update for the Title V renewal application for the Seward Power Station in East Wheatfield Township, **Indiana County**. This plan approval was extended.

**04-00724A: DCP Midstream, LP** (370 17th Street, Suite 2500, Denver, CO 80202) on May 7, 2007, for a name change at the DCP Midstream, LP Midland Propane Terminal in Industry Borough, **Beaver County**. The previous name was Duke Energy NGL Services, LP.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**22-05003: Stroehmann Bakeries, Inc.** (3996 Paxton Street, Harrisburg, PA 17111-1423) on May 8, 2007, to operate the Capitol Bakery in Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**34-05003: Tedd Wood, Inc.** (P. O. Box 187, Johnstown Road, Thompsettown, PA 17094) on May 8, 2007, to remove a 2.7 tpy, VOC emissions restriction from a coating booth at their facility in Delaware Township, **Juniata County**. This is a renewal of the State-only operating permit.

**36-03077: ICM of PA, Inc.** (638 Lancaster Avenue, Malvern, PA 19355-1898) on May 8, 2007, to operate a crushing and screening plant at their Cedar Hill Quarry in Fulton Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-05150: Ivy Creek Custom Cabinetry, Inc.** (499 Running Pump Road, Suite 113, Lancaster, PA 17601-2225) on May 8, 2007, for their custom cabinet facility, including two surface coating booths in East Hempfield Township, **Lancaster County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**11-00507: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on May 7, 2007, to operate the Twin Rocks Coal Preparation Plant in Blacklick Township, **Cambria County**.

**04-00117: Envirotrol, Inc.,** (432 Green Street, Sewickley, PA 15143) on May 7, 2007, to manufacture specialty activated carbon products in Beaver Falls, **Beaver County**. No waste material is processed and they have the ability to operate three kilns and a scrubber system at their facility.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**39-00036: St. Luke's Hospital** (801 Ostrum Street, Bethlehem, PA 18015) on May 8, 2007, to administratively amend the respective operating permit to incorporate conditions established in Plan Approval No. 39-302-178 authorizing the installation of three replacement No. 6 fuel oil/natural gas-fired boilers at their facility in Fountain Hill, **Lehigh County**.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**65-00902: Pace Industries—Airo Die Casting** (1004 Industrial Boulevard, Loyalhanna, PA 15661) on May 10, 2007, for De Minimis emission increase of 0.02 ton PM per year, 0.004 ton SOx per year, 0.66 ton NOx per year, 0.03 ton VOC per year and 0.13 ton CO per year resulting from the installation of a Samsco Wastewater Evaporator at the West Plant located in Derry Township, **Westmoreland County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

### *Coal Permits Actions*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number: 30841314 and NPDES Permit No. PA0215368, Dana Mining Company of PA, Inc.** (P. O. Box 1209, Morgantown, WV 26507), to revise the permit for the Titus Mine in Dunkard Township, **Greene County** to adjust underground permit and subsidence control plan area acres. Underground Acres Proposed 24.0, Subsidence Control Plan Acres Proposed 24.0. No additional discharges. Application received: November 13, 2006. Permit issued: May 4, 2007.

**Permit Number: 30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to install the 1-East material handling borehole. Surface Acres Proposed 3.1. No additional discharges. Application received: December 14, 2006. Permit issued: May 8, 2007.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56060108 and NPDES No. PA0249921. Future Industries, Inc.** (P. O. Box 157, Meyersdale, PA 15552), commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 98.3 acres. Receiving streams: Millers Run and UNTs to Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2006. Permit issued: May 4, 2007.

**32020107 and NPDES Permit No. PA0249092. KMP Associates, Inc.** (1094 Lantz Road, Avonmore, PA 15618), permit revision—land use change on Johnston and McIntire property from forest to unmanaged natural habitat in Blacklick Township, **Indiana County**, affecting 59.1 acres. Receiving streams: UNTs to Aultmans Run and Aultmans Run classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2007. Permit issued: May 9, 2007.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**33030109 and NPDES Permit No. PA0242446. Reichard Contracting, Inc.** (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous strip operation in Winslow Township and Reynoldsville Borough, **Jefferson County** affecting 34.0 acres. Receiving streams: UNT to Soldier Run. Application received: March 19, 2007. Permit Issued: May 10, 2007.

**10010107 and NPDES Permit No. PA0241920. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Washington Township, **Butler County** affecting 20.5 acres. Receiving streams: UNT No. 2 to South Branch Slippery Rock Creek. Application received: March 19, 2007. Permit Issued: May 8, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17060112 and NPDES No. PA0238376. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine in Bell Township, **Clearfield County**, affecting 279.0 acres. Receiving streams: Lost Run; Laurel Run, classified for the following use: High Quality Fishery. The first downstream potable water supply intake from the point of discharge is Punxsutawney's back-up supply, an intake on the East Branch Mahoning Creek about 5 stream miles below the application area. Application received: October 30, 2006. Permit issued: May 3, 2007.

**17960122 and NPDES No. PA0220493. Forcey Coal, Inc.** (475 Banian Road, Madera, PA 16661), renewal of an existing bituminous surface mining permit located in Bigler Township, **Clearfield County**, affecting 118.0 acres. Receiving streams: Banian Run and Muddy Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 13, 2007. Permit issued: May 4, 2007.

**17753050 and NPDES No. PA0044822. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), revision of an existing bituminous surface mine to use beneficial use coal ash as structural fill and alkaline addition material in Karthaus Township, **Clearfield County**, affecting 687.6 acres. Receiving streams: Saltlick Run—HQ-CWF; UNTs to Saltlick Run—HQ-CWF; Mosquito Creek—HQ-CWF; UNTs to Mosquito Creek—HQ-CWF; UNTs to West Branch Susquehanna River—HQ-CWF; West Branch Susquehanna River—WWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 21, 2007. Permit issued: May 2, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54960202R2. City of Philadelphia, Trustee** (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite coal refuse reprocessing, refuse disposal, surface mine and processing facility operation in Butler, West Mahanoy and Union Townships, **Schuylkill County** affecting 1,071.0 acres, receiving stream: none. Application received: August 30, 2006. Renewal issued: May 7, 2007.

**19950102R2. N & L Company** (R. R. 2, Box 25 A, Shamokin, PA 17872), renewal of an existing anthracite coal refuse reprocessing, refuse disposal, surface mine and coal ash utilization operation in Conyngham and Mt.

Carmel Townships, **Columbia and Northumberland Counties** affecting 961.3 acres, receiving stream: none. Application received: August 30, 2006. Renewal issued: May 8, 2007.

**54851317T and R4. Blackwood Mining** (540 East Centre Street, Ashland, PA 17921), transfer and renewal of an existing anthracite underground mine operation and construction of a mine slope in Reilly Township, **Schuylkill County** affecting 2.5 acres, receiving stream: none. Transfer Application received October 23, 2006 and Renewal Application received: November 13, 2006. Transfer and Renewal issued: May 9, 2007.

*Noncoal Permit Actions*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**08000810. Joe Vrabel** (R. R. 1, Box 655A, Warren Center, PA 18851), transfer of an existing small, noncoal (Bluestone) surface mine permit from Donald E. Johnson (R. R. No. 2, Box 278, Towanda, PA 18848), in Warren Township, **Bradford County**, affecting 5.0 acres. Receiving streams: UNT to Wappasening Creek, Pendleton Creek. Application received: September 1, 2006. Transfer date: April 30, 2007.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permit Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**28074122. Geological Tech, Inc.** (P. O. Box 70, Falling Waters, WV 25419-0070). Blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is March 28, 2008. Permit issued: April 30, 2007.

**31074101. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866-0077). Blasting activity permit issued for residential development in Warriors Mark Township, **Huntingdon County**. Blasting activity permit end date is June 30, 2007. Permit issued: April 30, 2007.

**21074134. J. Roys, Inc.** (P. O. Box 125, Bowmansville, PA 17507-0125). Blasting activity permit issued for church in Hampden Township, **Cumberland County**. Blasting activity permit end date is December 30, 2007. Permit issued: May 3, 2007.

**21074135. J. Roys, Inc.** (P. O. Box 125, Bowmansville, PA 17507-0125). Blasting activity permit issued for warehouse in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is December 30, 2007. Permit issued: May 4, 2007.

**11074002. Oldaker Salvage** (220 Hill Street, Westover, PA 16692). Blasting activity permit issued for imploding of a coal tippie located in Chest Township, **Cambria County**. Expected duration of project is 40 days.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**02074005. Kesco, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for construction of "The Reserve at Fox Chase," located in Harmar Township, **Allegheny County**, with an expected duration of 180 days. Permit issued: May 7, 2007.

**65074004. Kesco, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for construction of the Westmoreland County Distribution Park, located in Hempfield and East Huntingdon Townships, **Westmoreland County**, with an expected duration of 1 year. Permit issued: May 10, 2007.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**14074011. Douglas Explosives, Inc.** (664 Graham Station Road, Philipsburg, PA 16866), construction blasting for a house foundation at Sterns Crossing, College Township, **Centre County**. Permit issued: May 11, 2007. Permit expires: May 25, 2007.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**39074001. Scheuermann Excavating, Inc.** (5285 Coplay Road, Whitehall, PA 18052) and Maurer & Scott, Inc., (P. O. Box 20843, Lehigh Valley, PA 18002-9201), construction blasting at Seagis Warehouse/North Star Construction Management, Inc. in Lower Macungie Township, **Lehigh County** with an expiration date of July 31, 2007. Permit issued: May 9, 2007.

**54074002. Hunter Ridge Development Company,** (252 Chestnut Street, Cressona, PA 17929) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting at Woodland Terrace in St. Clair Borough, **Schuylkill County** with an expiration date of October 31, 2007. Permit issued: May 9, 2007.

**67074003. Abel Construction Company, Inc.** (P. O. Box 476, Mountville, PA 17554), construction blasting at Woodbridge Farms Phase VII in Fairview Township, **York County** with an expiration date of April 16, 2008. Permit issued: May 9, 2007.

**09074002. Ed Wean, Sr., Ed Wean Drilling & Blasting** (112 Ravine Road, Stewartsville, NJ 08886-2205), construction blasting at Richland Market Place in Richland Township, **Bucks County** with an expiration date of May 9, 2008. Permit issued: May 9, 2007.

**35074110. DC Guelich Explosives Company** (R. R. 3, Box 125A, Clearfield, PA 16830), construction blasting for Dam Reconstruction/Spillway in Moscow Borough, **Lackawanna County** with an expiration date of April 30, 2008. Permit issued: May 9, 2007.

**39074112. Schlouch, Inc.,** (P. O. Box 69, Blandon, PA 19510-0069), construction blasting for Liberty Village Development in Upper Saucon Township, **Lehigh County** with an expiration date of May 2, 2008. Permit issued: May 9, 2007.

**45074129. ER Linde Construction Corp.** (9 Collan Park, Honesdale, PA 18431-7654), construction blasting for commercial development in Middle Smithfield Township, **Monroe County** with an expiration date of April 30, 2008. Permit issued: May 9, 2007.

**36074148. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Lititz Borough, **Lancaster County** with an expiration date of July 30, 2007. Permit issued: May 10, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E23-468. Christopher D. Law**, 349 Willits Way, Boothwyn, PA 19061-1423, Chester Heights Borough, **Delaware County**, ACOE Philadelphia District.

To construct and maintain a 160-foot long by 8-foot wide bike path along the floodplain of the West Branch Chester Creek (TSF) and also to maintain an existing wooden fence a 200-foot long the bottom trimmed to accommodate the passage of flood flows. The cross-section of floodplain will remain unchanged. The site is located

about 400 feet north of Willits Way and Mattson Road (Media, PA USGS Quadrangle N: 0.60 inch; W: 13.5 inches).

*Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E64-255. Robert T. Doble, P. E., Assistant District Executive—Design**, Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Manchester Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To maintain a stream enclosure of a tributary to Little Equinunk Creek (HQ-CWF), consisting of approximately 98 linear feet of 6.5-foot diameter RCP followed by approximately 72 linear feet of 8.0-foot diameter concrete dissipating pipe. The project includes R-8 riprap channel lining extending approximately 50 feet upstream and 50 feet downstream of the stream enclosure; project construction was authorized under EP 6405420 (Long Eddy New York-PA Quadrangle N: 14.5 inches; W: 1.8 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E07-412: Norfolk Southern Corporation**, R. D. 7, Box 958, Altoona PA 16602, Logan Township, **Blair County**, ACOE Baltimore District.

To remove the existing structure and to construct and maintain a 22-foot wide by 7-foot high by 28-foot long concrete box culvert with a 1-foot depression and associated improvements in Homer Gap Run (WWF) to improve the safety condition of the railroad tracts located 1,000 feet from its confluence with the Little Juniata River (Bellwood, PA Quadrangle N: 10.0 inches; W: 16.4 inches; Latitude: 40° 33' 18"; Longitude: 78° 22' 05") in Logan Township, Blair County, ACOE Baltimore District.

**E31-207: Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301 in Jackson Township, **Huntingdon County**, ACOE Baltimore District.

To construct and maintain a 24-inch natural gas pipeline from the Mifflin/Huntingdon County line (Huntingdon, PA Quadrangle N: 19.88 inches; W: 0.66 inch; Latitude: 40° 29' 04"; Longitude: 78° 00' 17") to the Huntingdon/Centre County line (Huntingdon, PA Quadrangle N: 19.88 inches; W: 0.66 inch; Latitude: 40° 29' 04"; Longitude: 78° 0' 17") in Jackson Township, Huntingdon County involving:

1.) Utility line stream crossings of the following streams:

- One crossing of East Branch of Standing Stone Creek (HQ-CWF);
- Nine crossings of UNTs to Standing Stone Creek (HQ-CWF);
- and one crossing of Standing Stone Creek (HQ-CWF).

2.) Temporary road crossings of the following streams:

- One crossing of East Branch of Standing Stone Creek;
- Seventeen crossings of UNTs to Standing Stone Creek;
- Three crossings of Standing Stone Creek;
- Seven crossings of UNTs to East Branch of Standing Stone Creek (HQ-CWF);

- and three crossings of UNTs to Lingle Creek (HQ-CWF).

3.) Three utility line wetland crossings and three temporary road crossings of wetlands involving:

- 1.66 acres of temporary impacts to PEM wetlands which includes 0.11 acre of Exceptional Value wetlands and 1.55 acres of other wetlands;

- 0.08 acre of temporary impacts to PFO wetlands which includes 0 acres of Exceptional Value wetlands and 0.08 acre of other wetlands;

- and 0.01 acre of permanent impacts to PFO wetlands which includes 0 acre of Exceptional Value wetlands and 0.01 acre of other wetlands.

The applicant is required to replace a minimum of 0.32 acre of PFO wetland. The proposed mitigation site is 0.91 acre in size and is located on the proposed Perulack Compressor Station property in Lack Township, Juniata County. The mitigation site accounts for impacts in Juniata, Huntingdon and Mifflin Counties. The project will impact 3,810 linear feet of stream, 1.74 acres of temporary wetland impacts and 0.01 acre of permanent wetland impacts.

**E34-117: Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301 in Tuscarora Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a 24-inch natural gas pipeline from the existing end of Dominion Transmission, Inc.'s PL-1 pipeline near Perulack, PA in Lack Township, Juniata County (Blairs Mills, PA Quadrangle; Latitude: 40° 21' 26"; Longitude 77° 39' 29"; North: 19.5"; West: 4.6") to the Juniata/ Mifflin County line (McVeytown, PA Quadrangle; Latitude: 40° 27' 37"; Longitude: 77° 39' 24"; North: 15.5"; West: 4.4") in Tuscarora Township, Juniata County involving:

1.) Utility line stream crossings of the following streams:

- Eight crossings of UNTs to Lick Run (CWF);
- One crossing of Lick Run (CWF);
- Two crossings of UNTs to Willow Run (HQ-CWF);
- Two crossings of Willow Run (HQ-CWF);
- Nine crossings of UNTs to Dougherty Run (HQ-CWF);
- One crossing of Dougherty Run (HQ-CWF);
- Two crossings of UNTs to Blacklog Creek (HQ-CWF);
- and one crossing of Blacklog Creek (HQ-CWF).

2.) Stream relocations at the proposed Perulack Compressor Station in Lack Township, Juniata County:

- Eighty-feet of channel relocation and maintenance of a UNT to Lick Run (CWF);
- Five hundred and seventy-five feet of channel relocation and maintenance of a UNT to Lick Run (CWF).

3.) Temporary road crossings of the following streams:

- Two crossings of UNTs to Lick Run (CWF);
- One crossing of a UNT to Willow Run (HQ-CWF);
- Six crossings of UNTs to Blacklog Creek (HQ-CWF);
- One crossing of Blacklog Creek (HQ-CWF);
- Two crossings of UNTs to Barn Run (HQ-CWF);

4.) Thirteen utility line wetland crossings and four temporary road crossings of wetlands involving:

- 1.60 acres of temporary impacts to PEM wetlands which includes 0.87 acre of Exceptional Value wetlands and 0.73 acre of other wetlands;

- 1.22 acres of temporary impacts to PFO wetlands which includes 0.02 acre of Exceptional Value wetlands and 1.20 acres of other wetlands;

- and 0.16 acre of permanent impacts to PFO wetlands which includes 0.01 acre of Exceptional Value wetlands and 0.15 acre of other wetlands.

The applicant is required to replace a minimum of 0.32 acre of PFO wetland. The proposed mitigation site is 0.91 acre in size and is located on the proposed Perulack Compressor Station property in Lack Township, Juniata County. The mitigation site accounts for impacts in Juniata, Huntingdon and Mifflin Counties. The project will involve 4,565 linear feet of stream channel impact, 2.82 acres of temporary wetland impacts and 0.16 acre of permanent wetland impacts.

**E44-128: Dominion Transmission, Inc.**, 445 West Main Street, Clarksburg, WV 26301 in Bratton, Oliver, Granville and Union Townships, **Mifflin County**, ACOE Baltimore District.

To construct and maintain a 24-inch natural gas pipeline from the Juniata/Mifflin County line (McVeytown, PA Quadrangle N: 15.54 inches; W: 4.33 inches; Latitude: 40° 27' 38"; Longitude: 77° 39' 22") to the Mifflin/Huntingdon County line (Barrville, PA Quadrangle N: 7.26 inches; W: 11.29 inches; Latitude: 40° 39' 54"; Longitude: 77° 42' 23") in Bratton, Oliver, Granville and Union Townships, Mifflin County including:

1. Utility line stream crossings of the following streams:

- Six crossings of UNTs to East Licking Creek (HQ-CWF);
- One crossing of East Licking Creek (HQ-CWF);
- One crossing of Minehart Run (HQ-CWF);
- Four crossings of UNTs to Carlisle Run (HQ-CWF);
- One crossing of Juniata River (WWF);
- Ten crossings of UNTs to Strodes Run (HQ-CWF);
- One crossing of Kishacoquillas Creek (CWF);
- One crossing of Frog Hollow (CWF).

2. Temporary road crossings of the following streams:

- Fourteen crossings of UNTs to East Licking Creek (HQ-CWF);
- One crossing of East Licking Creek;
- One crossing of Minehart Run (HQ-CWF);
- Four crossings of UNTs to Carlisle Run (HQ-CWF);
- Eleven crossings of UNTs to Strodes Run (HQ-CWF);
- One crossing of Kishacoquillas Creek (CWF);
- Two crossings of UNTs to Laurel Creek (HQ-CWF);
- One crossing of Laurel Creek (HQ-CWF).

3. Three utility line wetland crossings and three temporary road crossings of wetlands impacting:

- 4.68 acres of temporary impacts to PEM wetlands which includes 0.03 acre of Exceptional Value wetlands and 4.65 acres of other wetlands;
- 0.02 acre of temporary impacts to PFO wetlands which includes 0.02 acre of Exceptional Value wetlands and 0 acres of other wetlands;

• and 0.01 acre of permanent impacts to PFO wetlands which includes 0.01 acre of Exceptional Value wetlands and 0 acre of other wetlands.

The applicant is required to replace a minimum of 0.32 acre of PFO wetland. The proposed mitigation site is 0.91 acre in size and is located on the proposed Perulack Compressor Station property in Lack Township, Juniata County. The mitigation site accounts for impacts in Juniata, Huntingdon and Mifflin Counties. The project will impact 4,549 linear feet of stream, 4.70 acres of temporary wetland impacts, and 0.01 acre of permanent wetland impacts.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E18-420. Department of Conservation and Natural Resources**, Forestry District No. 10, 15187 Renovo Road, Renovo, PA 17764. East Branch, Big Run Footbridge Bridge Project, in the Sproul State Forest, Beech Creek Township, **Clinton County**, ACOE Baltimore District (Snowshoe NE, PA Quadrangle Latitude: 41° 13' 12"; Longitude: 77° 45' 29").

To construct, operate and maintain a single span pedestrian bridge across East Branch, Big Run that will provide public access to the Chuck Keiper Trail in the Sproul State Forest. The aluminum I-beam pedestrian bridge shall be constructed with a minimum span of 30-feet, width of 3-feet and underclearance of 4-feet with no in-stream abutments, piers or bents. The project is located approximately 0.77 stream mile south from where Coon Run Road crosses East Branch, Big Run in the Sproul State Forest.

**E18-421. Gordon E. Newlen**, 12 Pennsylvania Avenue, Mill Hall, PA 17751. Newlen Residential Dwelling Modifications in Floodway Project, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle Latitude: 41° 06' 33.7"; Longitude: 77° 29' 10.9").

An after-the-fact authorize to operate and maintain concrete sidewalks, entry stoop, and an 8 foot by 5 foot wooden deck with stairs; and replace, operate and maintain a concrete driveway, wooden picket fence, and a 10 foot by 16 foot outbuilding all at a residential dwelling located in the 100-year floodway of Fishing Creek. Replacement of the existing driveway, wooden fence and outbuilding shall be done in accordance with applicable municipal regulations and requirements associated with building in the 100-year floodplain and floodway. The permittee shall not expand any dimension of the structures authorized by this permit beyond those dimensions illustrated in the drawings submitted for the review and approval of the permit. The project is located at 12 Pennsylvania Avenue, which is approximately 440 feet northeast of Church Street and Pennsylvania Avenue intersection.

**E55-213. Charles E. Hoke**, Box 36 Freeburg, PA 17827. Home Construction in Floodway, in Freeburg Borough, **Snyder County**, ACOE Baltimore District (Freeburg, PA Quadrangle N: Latitude 40° 45' 55.12"; Longitude 76° 56' 22.95").

To construct, operate and maintain a foundation for a home within the floodway of a UNT to Susqueheka Creek. The first floor elevation will be 4 feet above the existing ground elevation and the only impacts to the floodway will be for the foundation. All other grading will be conducted outside the floodway. This project is located between New Market Street and Strawberry Alley in the

Borough of Freeburg. This permit was issued under Section 105.13(e) "Small Projects."

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E10-426, Robert Ferree, Bottled Lightning, LP**, 4848 Route 8, Allison Park, PA 15101. Brush Creek Commons Project, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 40' 32"; W: 80° 06' 04").

To place and maintain fill at a depth up to 6-feet within the regulated floodway along the left bank of a tributary to Brush Creek (WWF) for a length of approximately 380 feet for the construction of an office building, parking lots, and the like. The site is west of Emeryville Drive and east of the PA Turnpike I-76, approximately 630 feet north of the Allegheny County line.

An area of 0.08-acre wetland was filled during prior construction and will be mitigated onsite as part of this project.

## ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1809-001. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in East Keating Township, **Clinton County**, Baltimore ACOE District.

The applicant proposes to install a water intake and outfall on Rock Run. Diverted stream flow will be directed through limestone facilities and back into Rock Run in order to increase stream alkalinity to neutralize abandoned mine drainage entering further downstream (Keating Quadrangle N: 11.6 inches; W: 10.1 inches).

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## SPECIAL NOTICE

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### Announcement of Resource Recovery Demonstration Grant under the Solid Waste-Resource Recovery Development Act

In accordance with 25 Pa. Code §§ 76.13 and 76.82(c) of the Solid Waste-Resource Recovery Development Act Rules and Regulations, notice is hereby given that the Department of Environmental Protection (Department) has approved grants to the following application sponsors under the Pennsylvania Solid Waste Resource-Recovery Development Act (35 P. S. §§ 755.1—755.14).

The grant offerings are subject to completion of a contract with the Department in accordance with the Scope of Work approved by the Bureau of Waste Management. Grants are limited to no more than the maximum amount provided in the grant offering, up to 75% of the total eligible demonstration project costs.

Inquiries concerning this notice should be directed to John Lundsted, Recycling Technical Assistance Coordinator, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472.

**2006**  
**Act 198 Demonstration Grants**  
**Department of Environmental Protection**  
**Bureau of Waste Management**

<i>Development Agency</i>	<i>Description of Project</i>	<i>Amount</i>
State College Borough Centre County	The Borough will develop and establish a food waste collection and management system for commercial and residential establishments throughout State College Borough. The project will also look at best management practices for this material.	\$250,000

[Pa.B. Doc. No. 07-936. Filed for public inspection May 25, 2007, 9:00 a.m.]

quired by act. Written comments: The Department is accepting comments on interim final guidance document #012-0800-001. Interested persons may submit written comments on the technical guidance document by June 25, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Dennis Strain, Assistant Chief Counsel, Department of Environmental Protection—Southeast Regional Office, 2 East Main Street, Norristown, PA 19401, dstrain@state.pa.us. Contact: Questions regarding interim final technical guidance #012-0800-001 may be directed to Dennis Strain at (484) 250-5870, or e-mail the address provided previously. Interim Final Effective Date: May 26, 2007.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-937. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Interim Final Technical Guidance*

DEP ID: 012-0800-001. Title: Confidential Security Information. Description: This document provides interim policy regarding the manner in which the Department will handle confidential security information under the Public Utility Confidential Security Information Disclosure Protection Act (act) (35 P. S. §§ 2141.1—2141.6). The act provides special protection for information that has been designated as confidential security information by a public utility. The act requires an agency that receives confidential security information to develop protocols and procedures for submitting confidential security information and for addressing challenges to the designations. This policy provides the protocols and procedures re-

### Proposed General Plan Approval and/or General Operating Permit for Fleets of Rental Portable Electric Generators (BAQ-GPA/GP-23)

The Department of Environmental Protection (Department) proposes to issue the Fleets of Rental Portable Electric Generators General Plan approval and/or operating permit (General Permit or BAQ-GPA/GP-23) establishing Best Available Technology and other permit conditions.

This General Permit, authorized under section 6.1(f) of the Air Pollution Control Act (35 P. S. § 4006.1(f)) and 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits), will apply to the construction, operation and modification of Fleets of Rental Portable Electric Generators.

The proposed general plan approval and/or operating permit, BAQ-GPA/GP-23, contains conditions that prescribe applicable emission limits, compliance demonstration, monitoring, recordkeeping and reporting requirements.

Prior to operating under this General Permit, the owner or operator of the facility must notify the Department and receive prior written approval from the Department before commencing to operate the affected Fleets of Rental Portable Electric Generators. Notification of the fleet owner or operator's intent to use the general permit and/or plan approval must be submitted on a form provided by the Department. Permittees operating under this general permit shall comply with the terms and conditions of the general plan approval and/or general operating permit.

The Fleets of Rental Portable Electric Generators General Permit has been established in accordance with the provisions described in 25 Pa. Code Chapter 127, Subchapter H. If the Fleets of Rental Portable Electric Generators cannot be regulated by the requirements of this general permit, a plan approval and/or an operating permit issued in accordance with 25 Pa. Code Chapter 127, Subchapter B (relating to plan approval requirements) and/or 25 Pa. Code Chapter 127, Subchapter F (relating to operating permit requirements) will be re-



quired, or if the facility is a Title V facility, a Title V operating permit issued in accordance with 25 Pa. Code Chapter 127, Subchapter F and Subchapter G (relating to Title V operating permits) will be required.

The General Permit includes emission standards for PM, NO<sub>x</sub>, CO and NMOCs.

The Department also reserves the right to require an additional verification of emission rates which may include source testing in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) or portable exhaust gas analyzers approved by the Department.

The permittee must maintain comprehensive accurate records of hours of operation, fuel used and electrical energy produced. These records must be retained for a minimum of 5 years and made available to the Department upon request. The owner/operator of the fleets shall also submit this information to the Department, on an electronic spreadsheet, each time Rental Portable Electric Generators are made operational or cease fleet operation at lessee locations in this Commonwealth.

The Department proposes to establish the following application, permit renewal and annual administrative fees for this General Permit:

a. General plan approval application and renewal fees payable every 5 years: \$1,000.

A new application with fees as indicated above is required each time the permittee installs or modifies Fleets of Rental Portable Electric Generators. The installation or modification of Fleets of Rental Portable Electric Generators must be conducted according to the terms and conditions of this General Permit. Two or more Rental Portable Electric Generators may be added to or removed from a fleet under a single plan approval fee.

b. General operating permit fees to be submitted along with plan approval application to allow the continued operation of Fleets of Rental Portable Electric Generators: \$375.

c. Annual administrative fees, payable on an annual basis: \$375.

Authorization to operate the sources under this General Permit will be issued for a term of 5 years. Within 30 days of the expiration date of the authorization to operate under the general plan approval and/or general operating permit, the permittee must renew the authorization if the owner/operator intends to continue to operate under this General Permit.

A complete copy of this proposed General Permit, BAQ-GPA/GP-23, may be obtained by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the AT&T Relay Service, (800) 654-5984. Internet users can access a copy of the general permit at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), (DEP Keywords: Air Quality Home).

The Department invites written comments on the proposed General Permit BAQ-GPA/GP-23. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Virendra Trivedi, Chief, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson

State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-3979, [vtrivedi@state.pa.us](mailto:vtrivedi@state.pa.us). Public comments must be submitted to the Department by July 10, 2007. Comments received by facsimile will not be accepted. The Department will also consider written requests that a public hearing be held concerning this proposed General Permit.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-938. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Storage Tank Advisory Committee; Meeting Cancellation

The Storage Tank Advisory Committee meeting scheduled for June 12, 2007, has been cancelled. The next meeting is scheduled for September 11, 2007, at 10 a.m. in the 14th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the September 11, 2007, meeting should be directed to Charles Swokel, Bureau of Waste Management, (717) 772-5806, [cswokel@state.pa.us](mailto:cswokel@state.pa.us). The agenda and meeting materials for the September 11, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-939. Filed for public inspection May 25, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Penn State Hershey Rehabilitation, LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn State Hershey Rehabilitation, LP has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: §§ 2.4-2.1.1.2, 2.4-2.1.1.5, 2.4-3.1.1 and 2.4-2.1.5(1) (relating to rehabilitation facilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-940. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Applications for Request for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards):

Temple University Children's Medical Center  
Mid-Valley Hospital  
Hanover Hospital, Inc.  
St. Clair Hospital  
Evangelical Community Hospital  
Nazareth Hospital  
Hamot Medical Center  
Northeastern Hospital  
Pocono Medical Center  
Wyoming Valley Health Care System

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-941. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Applications for Request for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions):

Physicians Surgical Center  
Surgery Center of Pottsville  
Surgery Center of Allentown  
The Center for Specialized Surgery  
Leo McAfferty, M. D. Plastic Surgery Center

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previous listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-942. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 6, 2007, from 10 a.m. to 2 p.m. at the Hospital & Healthsystem Association of Pennsylvania, 4750 Lindle Road, Harrisburg, PA 17105.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Nate Altland, Public Health Educator, Health Education and Information Program, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-943. Filed for public inspection May 25, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Availability of the Low-Income Home Energy Assistance Program; Proposed State Plan and Public Hearing Schedule

The Department of Public Welfare (Department) is making available for public review and comment the Fiscal Year (FY) 2007-08 Low-Income Home Energy Assistance Program (LIHEAP) proposed State Plan. Comments on this notice and testimony received at public hearings will be used to formulate the Department's final State Plan for using Federal funds in the FY 2007-08 LIHEAP.

The Department has sent advance copies of the proposed State Plan to the LIHEAP Advisory Committee. In addition, copies have been sent to fuel associations, legal service agencies and area agencies on aging for distribution to their members or constituents. Other persons who want copies can obtain them after June 15, 2007, by contacting their local county assistance office or by calling Tammy Sampson at (717) 772-7906.

The Department will hold three public hearings throughout this Commonwealth to allow testimony on the proposed State Plan and fulfill the Federal mandate for public input into the planning process. This mandate appears in Title XXVI (The Low-Income Home Energy Assistance Act of 1981) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. No. 97-35, 42 U.S.C.A. §§ 8621-8629) as amended by the Human Services Reauthorization Act of 1984 (Pub. L. No. 98-558), the Human Services Reauthorization Act of 1986 (Pub. L. No. 99-425), the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (Pub. L. No. 101-501), the National Institutes of Health Revitalization Act of 1993 (Pub. L. No. 103-43), the Low-Income Home Energy Assistance Amendments of 1994 (Pub. L. No. 103-252), the Coats Human Services Reauthorization Act of 1998 (Pub. L. No. 105-285) and the Energy Policy Act of 2005 (Pub. L. No. 109-58).

#### Public Hearing Schedule:

July 6, 2007  
10 a.m.—1 p.m.  
Philadelphia State Office Building  
Rooms 602 and 604, 6th Floor  
1400 Spring Garden Street  
Philadelphia, PA

July 9, 2007  
10 a.m.—12 p.m.  
Health and Welfare Building  
Room 812, 8th Floor  
Commonwealth and Forster Streets  
Harrisburg, PA

July 12, 2007  
10 a.m.—12 p.m.  
Allegheny County Courthouse  
Gold Room, 4th Floor  
436 Grant Street  
Pittsburgh, PA

This notice shall take effect upon publication in the *Pennsylvania Bulletin*.

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by telephoning (717) 772-7906 no later than July 3, 2007. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request, including telephone number, to Tammy Sampson, Federal Programs and Program Management, Room 224, Willow Oak Building No. 42, DGS Annex Complex, P. O. Box 2675, Harrisburg, PA 17105-2675.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 07-944. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Medical Assistance Program Fee Schedule; Prior Authorization Requirements

The Department of Public Welfare (Department) announces that effective July 2, 2007, prior authorization will be required on 11 enteral nutritional supplement procedure codes currently listed on the Medical Assistance (MA) Program Fee Schedule.

#### *Prior Authorization Requirements*

The following procedure codes for enteral nutritional supplements will require prior authorization when prescribed to be administered orally without the use of a feeding tube for recipients 21 years of age or older, as authorized under section 443.6(b)(7) of the Public Welfare Code (code) (62 P.S. § 443.6(b)(7)) regarding reimbursement for certain MA items and services, as amended by the act of July 7, 2005 (P. L. 177, No. 42).

<i>Procedure Code</i>	<i>Description</i>	<i>Informational Modifier</i>
B4150	Enteral formula, nutritionally complete with intact nutrients, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	BO
B4152	Enteral formula, nutritionally complete, calorically dense (equal to or greater than 1.5 kcal/ml) with intact nutrients, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	BO

<i>Procedure Code</i>	<i>Description</i>	<i>Informational Modifier</i>
B4153	Enteral formula, nutritionally complete, hydrolyzed proteins (amino acids and peptide chain), includes fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	BO
B4154	Enteral formula, nutritionally complete, for special metabolic needs, excludes inherited disease of metabolism, includes altered composition of proteins, fats, carbohydrates, vitamins and/or minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	BO
B4155	Enteral formula, nutritionally incomplete/modular nutrients, includes specific nutrients, carbohydrates (such as, glucose polymers), proteins/amino acids (such as, glutamine, arginine), fat (such as, medium chain triglycerides) or combination, administered through an enteral feeding tube, 100 calories = 1 unit	BO

Prior authorization is already required for procedure code B4157 when prescribed to be administered orally without the use of a feeding tube for recipients 21 years of age or older.

The following procedure codes for enteral nutritional supplements will require prior authorization when prescribed to be administered either orally or through a feeding tube for recipients 21 years of age or older, as authorized under section 443.6(b)(7) of the code (62 P. S. § 443.6(b)(7)), as amended by the act of July 7, 2005 (P. L. 177, No. 42).

<i>Procedure Code</i>	<i>Description</i>	<i>Informational Modifier as Applicable</i>
B4103	Enteral formula, for pediatrics, used to replace fluids and electrolytes (such as, clear liquids), 500 ml = 1 unit	None
B4158	Enteral formula, for pediatrics, nutritionally complete with intact nutrients, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber and/or iron, administered through an enteral feeding tube, 100 calories = 1 unit	BO or None
B4159	Enteral formula, for pediatrics, nutritionally complete soy based with intact nutrients, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber and/or iron, administered through an enteral feeding tube, 100 calories = 1 unit	BO or None
B4160	Enteral formula, for pediatrics, nutritionally complete calorically dense (equal to or greater than 0.7 kcal/ml) with intact nutrients, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber, administered through a feeding tube, 100 calories = 1 unit	BO or None
B4161	Enteral formula, for pediatrics, hydrolyzed/amino acids and peptide chain proteins, includes fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	BO or None
B4162	Enteral formula, for pediatrics, special metabolic needs for inherited disease of metabolism, includes proteins, fats, carbohydrates, vitamins and minerals, may include fiber, administered through an enteral feeding tube, 100 calories = 1 unit	BO or None

#### *Fiscal Impact*

Although the prior authorization requirement is anticipated to result in savings to the Department, due to the relatively low volume of claims and minimal MA payments identified for these nutritional supplements, this change is expected to have minimal fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered in any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-508. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-945. Filed for public inspection May 25, 2007, 9:00 a.m.]

## Proposed Federal Child Care and Development Fund State Plan; Public Hearing

### *Purpose of Notice*

The Department of Public Welfare and Department of Education's Office of Child Development and Early Learning (Office) will be holding a public hearing on the proposed Federal Child Care and Development Fund (CCDF) State Plan for the period October 1, 2007, through September 30, 2009. The hearing will be held on June 21, 2007, from 1 p.m. to 4 p.m. in Hearing Room 4, First Floor, Keystone Building, corner of Forster Street and Commonwealth Avenue, Harrisburg, PA. The purpose of the public hearing is to gather comments on the proposed CCDF State Plan from the general public. Based upon comments received, the Commonwealth will consider necessary revisions to the proposed plan and develop a final plan to send the Federal government.

### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Child Development and Early Learning, P. O. Box 2675, Harrisburg, PA 17120. Comments are due within 30 days of this notice.

Persons who wish to review the proposed plan should call the Office at (717) 346-932 to request a description of the content of the proposed plan.

Persons wishing to testify at the public hearing should register by June 14, 2007, by calling Michele Messinger (717) 346-9320.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 07-946. Filed for public inspection May 25, 2007, 9:00 a.m.]

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## HEALTH CARE COST CONTAINMENT COUNCIL

### Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to Act 89 as amended by Act 14, is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by the Council in calendar year 2006. Questions about procedures for obtaining access to the Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests Unit, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jnelson@phc4.org.

MARC P. VOLAVKA,  
*Executive Director*

<i>Applicant</i>	<i>Project Description</i>
Altoona Regional Health System	A custom fourth quarter 2004 through third quarter 2005 inpatient discharge data report to be used in the process of completing strategic planning activities.
Auditor General	A custom 2004 fiscal year inpatient discharge and financial data set to be used for auditing hospitals that received tobacco funds from the Department of Public Welfare under the Tobacco Settlement Act of 2001.
Blue Mountain Health System	A standard region six and seven fourth quarter 2004 through third quarter 2005 ambulatory/outpatient procedure data set to be used for market analysis.
Bucktail Medical Center	A custom 2004 inpatient discharge and ambulatory/outpatient procedure data set to be used to analyze their market area and to implement improvements to their services.
Carlisle Area Health & Wellness Foundation	A custom second quarter 2005 through first quarter 2006 inpatient discharge data report to be used to analyze the current obstetricians delivering babies in their regions and area hospitals and the payors for those services.
Central Montgomery Medical Center	A custom first and second quarter 2005 inpatient discharge data report and 2005 inpatient discharge data set to be used to support documentation for market share analysis mid-year for 2007 business plan.
Charles Cole Memorial Hospital	A custom 2001 through 2004 inpatient discharge and ambulatory/outpatient procedure data report to be used internally.
Community Health Systems	A standard Statewide 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to create utilization rates and market share information for strategic planning of nine hospitals.
Cooper Hospital/UMC	A standard region eight and nine 2005 inpatient discharge data set to be used for market share research and strategic planning.

<i>Applicant</i>	<i>Project Description</i>
DataBay Resources	A standard Statewide second quarter 2005 through first quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set and a custom 2000 through second quarter 2004 inpatient discharge and ambulatory/outpatient procedure data set to be used in a commercial software product.
Emory University	A standard Statewide third quarter 2004 through second quarter 2005 inpatient revenue code detail data, a custom inpatient discharge data set and a custom 2005 fiscal year financial data report. These data will be used in a study that will develop and validate a predictive guideline identifying low-risk patients with atrial fibrillation who can be safely discharged from the emergency department after acute assessment and treatment.
Federal Trade Commission	A standard Statewide 2005 inpatient discharge and inpatient revenue code data set, and 2004 financial data report to be used in conducting a nonpublic investigation into the proposed merger of two hospitals.
Fulton County Medical Center	A standard region five 2004 through first quarter 2005 ambulatory/outpatient procedure data set to be used to aid in the strategic planning process.
Geisinger Health Plan	A custom 2004 fiscal year financial data set to be used to analyze hospitals' payor mix.
Good Shepherd Rehabilitation Hospital	A standard region five, six, seven, eight and nine 2005 inpatient discharge data set to be used for an internal market research.
Hanover Hospital	A custom third quarter 2004 through second quarter 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to conduct a market share research study.
HCR ManorCare	A standard region four 2005 inpatient discharge data set to be used to understand the need of the patients in the Williamsport and surrounding areas for skilled nursing or assisted living services.
HealthAmerica	A standard Statewide second quarter 2005 through fourth quarter 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to determine facility-specific profiling and performance metrics including DRG's, readmission rates, severity adjustments and to support internal data analytic initiatives within HealthAmerica.
Healthshare Technology, Inc.	A standard Statewide first quarter 2005 through third quarter 2005 inpatient discharge and inpatient revenue code data set to use in a commercial software product.
HEALTHSOUTH	A standard Statewide 2004 inpatient discharge data set to be used to create utilization rates and market share information for strategic and facilities planning.
Hospital & Healthsystem Association of PA	A standard 2005 and restated 2004 fiscal year financial data set to be used to supplement data that they collect on a voluntary basis from hospital members. The data will be used on a routine basis to model potential effects of policy changes and to support their representation and advocacy initiatives in support of hospital members and the communities they serve.
Independence Blue Cross	A custom 2002 Hospital Performance Report and fourth quarter 2004 through third quarter 2005 inpatient discharge data set to be used for analysis on hospital readmission and mortality rates.
Ingenix	A custom 2005 inpatient discharge data set to be used for a consumer hospital quality tool through health plans to their members.
Lehigh Valley Business Conference on Health Care	A custom 2004 inpatient data report to study clinical misadventures in hospitals.
Lehigh Valley Hospital	A standard Statewide 1996 through 2005 inpatient and ambulatory/outpatient revenue code data set, a custom Statewide 2005 inpatient discharge data set and a standard Statewide 2005 ambulatory/outpatient procedure data set to be used for market share research planning and strategic development. A standard 2005 fiscal year financial report to be used for internal research and developing a baseline comparison and trending.
Maryland Department of Health and Mental Hygiene	A custom 2004 inpatient discharge data set to be used for chronic disease surveillance; will be combined with Maryland Hospitalization data for publication in chronic disease surveillance reports.

<i>Applicant</i>	<i>Project Description</i>
Memorial Hospital of York	A standard region five second quarter 2005 through first quarter 2006 inpatient discharge data set, a standard region five 2005 through first quarter 2006 ambulatory/outpatient procedure data set and a custom first quarter 2005 through second quarter 2005 ambulatory/outpatient procedure data set to be used for comparative data analysis.
Milliman, Inc.	A standard Statewide 2005 inpatient discharge and inpatient revenue code data set to be used to analyze hospital inpatient utilization and costs in support of consulting services in the health care field.
Monongahela Valley Hospital	A custom fourth quarter 2003 through third quarter 2005 inpatient discharge data report to be used as part of the internal performance improvement/case management program for benchmarking purposes and as an external comparison reference.
New Solutions, Inc.	A custom 2003 through 2005 inpatient discharge data set to be used for research purposes and to provide market share analysis to their client's hospitals.
North Philadelphia Health System	A standard region nine 2003 through 2005 inpatient discharge data set to be used to perform statistical analysis among the facilities in the county.
Oconco Healthcare Consultants	A custom 2005 inpatient discharge data set to be used to read and analyze the data and adding select data elements to a software product.
Penn State College of Medicine	A custom 1995 through 2004 inpatient discharge data set to be used in a research project to study the potential impact of Center of Excellence designation on bariatric surgery.
Penn State College of Medicine	A custom 2000 through 2004 inpatient discharge data set to be used for preliminary research purposes to investigate how the mode of mothers' first delivery affects subsequent child bearing.
Penn State Hershey Medical Center	A custom 1998 through 2002 inpatient discharge data set to be used to determine risk factors for newborn readmissions across the Commonwealth in order to prospectively target a population most likely to benefit from a home health visit.
Penn State University	A custom 2003 through 2005 inpatient discharge data report and standard fourth quarter 2003, second, third and fourth quarter 2004 and fourth quarter 2005 market share reports to be used for health care marketing, strategy development in health organizations and independent study.
Department of Health	A custom second quarter 2005 through first quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used to support the Department's Licensing and Quality Assurance process.
Department of Health	A custom second quarter 2005 through fourth quarter 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to assist in a pilot project to assess the feasibility of creating a birth defects registry for the Commonwealth based on secondary sources.
Department of Health	A custom 2000 through 2004 inpatient discharge data set to be used to assess chronic renal disease patients with malnutrition versus those without malnutrition.
Department of Health	A custom 2004 and 2005 inpatient discharge data set to be used for the Injury Prevention Program, the data will be used by state and local agencies to identify specific segments of the population at highest risk for injury, specific types and causes of injury, and to assist in Statewide injury prevention, emergency medical services, traumatic brain injury and youth suicide prevention planning and evaluation.
Department of Health	A custom series of financial data reports to be used to brief the Pennsylvania Secretary of Health.
Department of Health	A custom 2005 inpatient discharge report to be used as part of a series of the Healthy People 2010 objectives.
Department of Health	A standard Statewide first quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used to profile discharge patterns in order to develop and evaluate algorithms for sampling discharges, which will be used by the Division of Acute and Ambulatory Care to carry out its quality assurance and licensing functions.
Department of Health	A custom 2003 through 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to interpret morbidity data for asthma risk education and prevention programs.

<i>Applicant</i>	<i>Project Description</i>
Department of Health/Emergency Medical Services	A custom Statewide 2004 through 2005 inpatient discharge data Medical Services set for the Department of Health's Crash Outcome Data Evaluation Study (CODES), which is used to prepare a comprehensive database to support State and National research regarding motor vehicle crashes and emergency medical services.
Department of Public Welfare	A custom 2005 risk-adjusted readmissions inpatient data report for four conditions to use in establishing a hospital quality outcomes program for the Medical Assistance Fee-for-Service program.
Department of Public Welfare	A custom 2002 through 2004 fiscal years financial data set and third quarter 2003 through second quarter 2004 inpatient discharge data set to be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established by the Tobacco Settlement Act of 2001.
Department of Public Welfare	A custom third quarter 2003 through second quarter 2005 inpatient discharge data set to be used to analyze the rates at which seniors in Pennsylvania access behavioral health services.
Department of Public Welfare	A standard third quarter 2003 through second quarter 2004 inpatient discharge data set to be used to model outcomes for restructuring the Medical Assistance hospital payment system.
Department of Public Welfare	A custom third quarter 2003 through second quarter 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to perform APR DRG modeling for the Medical Assistance hospital payment system.
Department of Public Welfare	A custom third quarter 2004 through second quarter 2005 inpatient discharge data report to be used to monitor progress toward the goal of reducing the number of preventable hospitalizations.
Pennsylvania Medical Society	A standard Statewide 2004 inpatient discharge data set to be used to continue the study of physician manpower and physician workload in PA.
Office of the Attorney General	A standard Statewide 2005 through first quarter 2006 inpatient discharge data set, inpatient revenue code data set and market share report to be used in analyzing hospital mergers pursuant to their authority to enforce the antitrust laws on behalf of the Commonwealth and its citizens.
Pennsylvania Patient Safety Reporting System	A custom third quarter 2004 through fourth quarter 2005 inpatient Reporting System discharge and ambulatory/outpatient procedure data report to be used to normalize data related to the number of reported adverse events associated with colonoscopy procedures in Pennsylvania for the corresponding time period.
Pennsylvania State Data Center	A custom 2004 and 2005 fiscal years financial data report to be used in the 2006 <i>Pennsylvania Abstract</i> published annually by the Pennsylvania State Data Center.
<i>Philadelphia Inquirer</i>	A standard region eight and nine second quarter 2004 through first quarter 2006 inpatient discharge data set and 2003 through first quarter 2006 ambulatory/outpatient procedure data set to be used for news stories.
Pittsburgh Regional Health Care Initiative	A custom 2001 through 2005 Diabetes in Southwest PA data report to provide the region with data on how the data has changed over the last 5 years and to point out areas of improvement and areas of opportunity as a guide to designing chronic care forums and other Pittsburgh Regional Healthcare Initiative (PRHI) activities in the region.
RAND CORPORATION	A custom 1999 through 2004 inpatient and outpatient data set to be used in conjunction with other health and criminal justice records to perform a fiscal impact analysis of the Mental Health Court.
Reading Hospital and Medical Center	A custom 2001 and 2004 fiscal years financial data report to be used to assess relative growth of hospitals in the region by calculating equivalent discharges for selected hospitals of comparable size.
Reading Hospital and Medical Center	A custom fourth quarter 2004 through third quarter 2005 inpatient discharge and ambulatory/outpatient procedure data report to be used for an internal review process for the Board of Directors at the Reading Hospital/Berkshire Health Partners.
Rouse Estate	A custom 2003 through third quarter 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to calculate market share and utilization rates for selected procedures and service lines to determine the need for outpatient rehabilitation services.



<i>Applicant</i>	<i>Project Description</i>
Rutgers University	A standard region five, seven, eight and nine 1994 through 2003 inpatient discharge and 1996 through 2003 ambulatory/outpatient data set to be used to conduct a study to access the effectiveness of the New Jersey policy initiative to address disparities and to draw lessons for disparity-reduction strategies.
Service Employees International Union	A custom 2003 through 2005 fiscal years financial data report to be used to compare the components of uncompensated care.
Solucient	A standard Statewide second quarter 2005 through first quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used in a commercial software product.
Southwest Regional Medical Center	A standard 2004 through first quarter 2006 region one inpatient discharge and Statewide inpatient revenue code data set to be used to address healthcare service shortages, investigate quality of care objectives, and promote strategic decisions to benefit healthcare beneficiaries requiring acute care service.
The MEDSTAT Group/Inforum, Inc.	A custom 2002 through second quarter 2004 and a standard Statewide second quarter 2005 through quarter one 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used in a commercial software product.
Thomas Jefferson University Hospital	A custom 2005 inpatient discharge data set to be used for conducting a project examining colon cancer epidemiology, and economics and capacity for "colorectal cancer screening."
United Network for Organ Sharing (UNOS)	A custom 1996 through 2004 inpatient discharge and ambulatory/outpatient procedure data set to be used to conduct a study on the role of organ transplantation in decreasing patient morbidity and burden of disease for patients with end-stage organ failure, using inpatient and outpatient outcome measures.
University of PA School of Medicine	A standard Statewide 2004 and 2005 inpatient discharge data set to be used for an ongoing study, "A case-control study of alcohol outlets & firearm violence," funded by the National Institute of Health.
University of Pennsylvania, Firearm Injury Center at Penn	A custom 2003 through second quarter 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used with crime and enforcement data to help inform the Federal, State and local Department of Justice's Project Safe Neighborhoods task force project planning, monitor progress and help identify potential intervention points for reducing firearm injury and death.
University of Pennsylvania, School of Medicine	A custom second quarter 2005 inpatient discharge data set to be used to conduct a study to identify potential hospitalizations due to medication errors.
University of Pittsburgh Medical Center	A standard Statewide 2005 and first quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used to produce various research reports such as: patient origin for UPMC hospitals; UPMC market share in various geographies and service lines; utilization trends in volume and market share over different time periods and physician volumes at UPMC and other hospitals.
University of Pittsburgh School of Medicine	A custom 2003 through second quarter 2004 inpatient discharge data set to be used to study the effect of Out-of-Hospital Endotracheal Intubation Errors on Patient Outcome and Resource Utilization.
University of Pittsburgh School of Medicine	A custom 2003 inpatient discharge data set to be used to validate a previously derived decision rule of heart failure patients evaluated in the emergency department and admitted to the hospital.
University of Pittsburgh School of Medicine	A custom 1996 through 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to determine the incidence and prevalence of patients undergoing hypophysectomy, and to determine the incidence and prevalence of pain diagnoses and consult after the procedure.
University of Pittsburgh School of Medicine	A standard region one 2000 inpatient discharge data set to be used to map diabetes hospitalizations across zip codes by quarters and to look at any trends for "seasonal effect."
University of Pittsburgh, Department of Medicine	A custom second quarter 2001 through first quarter 2005 inpatient discharge data set to be used to conduct a National Institute on Aging-funded study of hospital-level variation in treatment intensity at the end of life.

<i>Applicant</i>	<i>Project Description</i>
University of Pittsburgh, Department of Medicine	A custom third quarter 2004 through November 30, 2006 inpatient discharge data set to be used to study the effectiveness of a multimodal patient medication education system and its impact on hospital readmission.
Verispan	A standard Statewide 2005 inpatient discharge and ambulatory/outpatient procedure data set to be combined with other states data and used to estimate diagnoses and procedures at the hospital and National level.
Wayne Memorial Hospital	A standard regions four and six 2005 inpatient discharge data set to be used to compare the market share and to recommend any future hospital expansions.
WebMD Health	A standard Statewide fourth quarter 2005 inpatient discharge and inpatient revenue code detail data set to be used in a commercial software product.
WellSpan Health	A standard region five 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used for the internal assessment of the delivery of healthcare services within their region and for market share analysis.
Wheeling Hospital	A custom 2004 inpatient discharge data report to be used for internal planning purposes.
Wyoming Valley Health Care System	A standard Statewide 2005 inpatient discharge and inpatient revenue code detail data set to be used to generate internal reports for quality improvement benchmarking and market analysis.

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# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments

within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-248	Pennsylvania Public Utility Commission Inspection and Maintenance Standards for the Electric Distribution Companies 36 Pa.B. 6097 (October 7, 2006)	4/16/07	5/16/07

### Pennsylvania Public Utility Commission Regulation #57-248 (IRRC #2571)

#### Inspection and Maintenance Standards for the Electric Distribution Companies May 16, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the October 7, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. General—Fiscal impact; Need; Reasonableness; Consistency with other regulations and statutes; Implementation procedure; Feasibility; Clarity.**

The proposed regulation would set prescriptive requirements for the inspection and maintenance (I/M) programs of electric distribution companies (EDCs) under the jurisdiction of the PUC. It generated a significant level of interest. The PUC is to be commended for extending the public comment period and for meeting with stakeholders to gather more information. The paragraphs in the first part of our comments will discuss issues in general. The discussion in the following two parts will focus on the specific provisions of the proposed regulation.

#### *Fiscal impact v. benefit*

In the Preamble, the PUC did not address the costs that this rulemaking could potentially impose on the regulated community. However, commentators raised several concerns with its fiscal impact. According to the EDCs, this proposed regulation, especially the minimum I/M timeframes mandated by section 57.198(e), would significantly increase their operating costs. The EDCs

claim that the proposed regulation would cost more than \$75.3 million per year for Pennsylvania ratepayers. At the same time, they claim that no one has identified any quantifiable benefit that can be attributed to the proposed regulation.

Under item #17 on page three of the Regulatory Analysis Form, the PUC stated the following concerning costs or savings:

It is expected that an EDC that follows prudent inspection, maintenance, repair and replacement practices, ultimately (sic) financially benefits from such practice. Although there may be more intermittent costs involved in minor repairs, an EDC should save money on larger repairs which can be prevented by proper maintenance of the system. Further, a properly maintained system should prevent foreseeable outages to customers. The EDC loses money when its customers have an outage.

Since the passage of the Electricity Generation Customer Choice and Competition Act (Act) in 1996, EDCs worked to adapt to the demands of restructuring the electric transmission and distribution sector. They are using different approaches for their I/M programs in response to their respective regions and changes in technology. The prescriptive I/M intervals proposed in section 57.198(e) do not match the contemporary I/M practices of the EDCs. This difference is the source of the cost impact for EDCs.

Section 5(a)(3) of the Regulatory Review Act requires that when an agency submits a proposed regulation for publication, it should also submit information concerning costs imposed on the public and private sectors. The PUC did not submit this information. Before it moves forward with the final-form regulation, the PUC should carefully examine the costs of this proposed regulation. In addition, it needs to identify the benefits that would be achieved by adoption of the regulation. This analysis needs to be completed before the PUC submits the final-form regulation.

#### *Need for change; Duplication of existing regulations*

There are two aspects to consider when looking at the need for this proposed regulation. The first is whether the proposed regulation duplicates or conflicts with existing regulations. The second is whether there are serious problems with I/M programs that need to be addressed by means of new regulation.

Section 2802(20) of the Act (66 Pa.C.S.A. § 2802(20)) declares that the PUC "shall set through regulations, inspection, maintenance, repair and replacement standards." Proponents of the proposed regulation point to this statutory language to support the need for regulation. Other commentators point to existing regulations that already provide standards for EDCs to achieve through I/M programs. EDCs are already required to file quarterly and annual reports on reliability of electric service. These existing provisions at 52 Pa. Code § 57.195 direct EDCs to submit various types of data concerning their I/M programs to the PUC.

The existing language in section 57.195(b)(4) requires that an EDC provide "a breakdown and analysis of outage causes during the year" including "outage cause such as equipment failure, animal contact, tree related, and so forth." This same subsection includes this statement: "Proposed solutions to identified service problems shall be reported." Among other requirements, section 57.195(b)(6) mandates that EDCs provide:

A comparison of established transmission and distribution inspection and maintenance goals/objectives versus actual results achieved during the year being reported on. Explanations of any variances shall be included.

Sections 57.195(b)(7)–(12) direct EDCs to submit a significant amount of detail concerning the maintenance of distribution and transmission systems and I/M programs to the PUC annually. This list includes:

- A comparison of budgeted versus actual transmission and distribution operation and maintenance expenses for the year.
- A comparison of budgeted versus actual transmission and distribution capital expenditures.
- Quantified transmission and distribution I/M goals/objectives.
- Significant changes, if any, to the transmission and distribution I/M programs previously submitted to the PUC.

In addition, the EDCs must provide information on outages in the form of "reliability indices." Two examples of these indices include "CAIDI-Customer Average Interruption Duration Index" and "SAIFI-System Average Interruption Frequency Index." These indices are "service performance indicators which measure the frequency, duration and magnitude of customer interruptions," and allow the PUC to monitor the performance of EDCs in providing electricity and in maintaining the reliability of their transmission and distribution systems. Hence, they are also indicators of whether EDCs have effective I/M programs for their systems.

Second, the Preamble notes the findings of the *Final Report on the August 14, 2003 Blackout in the U.S. and Canada: Causes and Recommendations (Report)* that one of the causes of this large blackout was failure to adequately manage tree growth along transmission lines. However, the transmission line failures noted by the *Report* took place near Cleveland, OH.

Beyond the incident in Ohio, the PUC has not identified any serious problems that would be addressed by this proposed regulation. PUC staff did inform us of some concerns with certain EDCs. In fact, PUC counsel informed this Commission that some EDCs were recently ordered, under an investigation, to maintain a 4 year tree trimming cycle for distribution lines, and a 5 year cycle for transmission lines in order to improve their service reliability. This example demonstrates that the PUC is already using the information that it gathers by means of the reliability reports to address I/M concerns on a case-by-case basis.

The PUC is already receiving a significant amount of data concerning EDCs' I/M programs. What is the need for another regulation concerning I/M plans? Why are the EDCs being asked to submit additional filings to the PUC? The PUC needs to provide a strong justification for this proposed rulemaking.

#### *Feasibility; Implementation procedure*

The EDCs expressed significant concern over how quickly they will be able to implement the required I/M intervals in section 57.198(e). They described the proposed regulation as requiring a "labor intensive" approach to I/M programs. In contrast, they have developed other technologies that reduce labor costs and still provide effective I/M of their distribution and transmission systems. They cite evidence that the current size of the

trained labor force may be insufficient to perform all the I/M tasks required by this regulation. The evidence includes a report from the North American Electric Reliability Corporation (NERC) indicating that loss of skilled and experienced technical talent is much more acute in the electric utility industry.

A representative for the EDCs stated that it may take a few years for the EDCs to recruit, hire and train an adequate workforce that would bring them into compliance with the proposed regulation. If the PUC continues to move forward with promulgation of this proposed regulation, it must address this concern and provide an adequate time period for the EDCs to come into compliance.

#### *Conflict with other regulations*

On March 16, 2007, the Federal Energy Regulatory Commission (FERC) issued an order entitled "Mandatory Reliability Standards for the Bulk-Power System" for a final rule. One example of the standards adopted by FERC is vegetation management. FERC is using the vegetation management program developed by NERC. This program does not set forth specific inspection trim cycles but requires that utilities maintain minimum clearances. Unlike the proposed regulation, it provides flexibility for utilities, EDCs or transmission owners to develop their own inspections schedules that are of "sufficient frequency to insure compliance with clearance requirements." In this case, the approach of the proposed regulation to transmission facilities or systems appears to be more stringent than the FERC rule for bulk power system of 100 kV or more.

#### **2. Section 57.192. Definitions.—Reasonableness; Consistency with other regulations and laws; Implementation procedure; Need; Clarity.**

##### *Rural and urban areas*

The proposed regulation adds two new definitions for the terms "rural area" and "urban area" to Subchapter N (52 Pa. Code §§ 57.191—57.197) relating to electric reliability standards. Commentators questioned the need for these two definitions.

Both definitions use similar terminology. They refer to an area as a "place designated by the United States Bureau of Census . . . and whose boundaries have been approved by the Secretary of the United States Department of Transportation."

The problem with references to two different federal agencies is that each agency may not use a term in the same way. The following statements are from the Federal Highway Administration (FHWA).

The term Urban Area has been ascribed two slightly different definitions by two different federal agencies. The Department of Commerce's Census Bureau uses the term Urban Area (UA) to refer collectively to the Urbanized Areas (UZA) and Urban Clusters (UC) designated by the Census Bureau for the 2000 decennial Census.

On the other hand, Federal transportation legislation (23 U.S.C. 101(a)(36)—(37) and 49 U.S.C. 5302(a)(16)—(17)) allows responsible state and local officials in cooperation with each other, and subject to approval by the Secretary of Transportation, to adjust the Census boundaries outward, as long as they encompass, at a minimum, the entire Census designated area.

The FHWA uses the term Federal-Aid Urban Area (FAUA) to distinguish the adjusted urban area

boundaries allowed for transportation purposes from those designated by the Census Bureau.

(Source: [www.fhwa.dot.gov/planning/census/faq2cdt.htm#q24](http://www.fhwa.dot.gov/planning/census/faq2cdt.htm#q24))

If state or local officials and the U.S. Department of Transportation (USDOT) change the boundaries for these areas from those designated by the U.S. Census Bureau, then which definition or designation should an EDC use? Why are areas approved by the USDOT Secretary any more appropriate for I/M programs than what EDCs develop and use in designing and implementing I/M in their unique regions?

EDCs also noted problems with making distinctions between rural and urban areas. They noted that many distribution circuits cross both urban and rural areas. Some lines may cross back and forth over different areas many times. Hence, making an artificial distinction between such areas serves no purpose. If the PUC is concerned that that I/M plans address changes in population density, highway or transportation routes, or topography in their regions, then this requirement can be added to the substantive provisions for required I/M plan contents. There is no need to use the words "rural" and "urban," and these two definitions should be deleted from the final-form regulation.

#### **3. Section 57.198. Inspection and maintenance standards.—Fiscal impact; Reasonableness; Consistency with other regulations; Implementation procedure; Need; Clarity.**

This new section sets forth procedures for filing I/M plans with the PUC, content requirements for the plans, and specific timeframes for certain I/M activities. It is divided into five subsections. The following paragraphs describe issues related to these subsections.

##### *Subsection (a)—I/M plan contents*

The first sentence in Subsection 57.198 (a) is long and confusing. It contains a list of ten specific items to be included in the I/M plan and the words "other facilities critical to maintaining an acceptable level of reliability." To improve clarity, it should be enumerated. The PUC should refer to Chapter 7, entitled "Enumerations" in the *Pennsylvania Code and Bulletin Style Manual* for guidance. The enumerated list should also be moved to the other content requirements for these plans set forth in Paragraphs (1)—(4) of this subsection. In addition, what type of equipment or facilities would be included in "other facilities critical to maintaining an acceptable level of reliability"? Please provide examples.

The end of the first sentence in Subsection (a) states that an EDC shall have a plan "in a format that the Commission [PUC] prescribes." When and how will the 11 EDCs be notified of the prescribed format? Format requirements should be included in the final-form regulation.

The second sentence of Subsection (a) reads: "The Commission [PUC] will review each plan and may issue orders to ensure compliance with this section." The intent of this sentence is unclear. The procedures for PUC review of plans are detailed in section 57.198(b) of this proposed regulation. As noted, a different sentence in this subsection states the PUC may require an EDC to correct problems by submitting an updated plan. Hence, the second sentence in Subsection (a) is redundant, and should be deleted.

The final sentence of Subsection (a) states that the PUC “may require an EDC to submit an updated plan at any time containing information the Commission [PUC] may prescribe.” It is unclear how and when the PUC would notify an EDC to update its plan. Under what circumstances, would it be necessary to update a plan? How would the PUC notify the EDC of the “information” that the PUC is prescribing be contained in the plan? After the EDC submits its updated plan, when would the PUC notify the EDC that the update was approved?

Subsection 57.198(b) and (c) set forth detailed procedures and time periods for PUC review and approval of plans and revised plans. If the PUC intends to retain the ability to request that EDCs update previously-approved plans, then a new and separate subsection clarifying this process should be added to the final-form regulation. It should set forth the process, procedures and criteria that the PUC will use in determining the need for information and plan updates, and for notifying the affected EDC. It should also include provisions similar to those in Subsections (b) and (c) for PUC review and approval of plan updates.

*Subsection (a)(1)—Industry codes; Rural and urban areas; I/M intervals*

Subsection (a)(1) begins with the statement that the I/M “plan must be based on industry codes, National electric industry practices, manufacturers’ recommendations, sound engineering judgment and past experience.” What are “industry codes” and “National electric industry practices”? If this is a broad reference to codes such as the National Electricity Safety Code or to the code and practices of organizations such as the Institute of Electrical and Electronic Engineers and NERC, then the appropriate codes or organizations should be referenced in the final-form regulation.

The phrase “sound engineering judgment” is vague since engineers may respectfully disagree on what is sound. It is our understanding that the PUC will determine whether a plan is based on reasonable or sound engineering judgment. Hence, it will be a part of the PUC review of plans under Subsection 57.198(b) and if the PUC identifies problems in a plan, it will notify the EDC of the plan’s deficiencies pursuant to Subsection 57.198(b)(3). Therefore, it is not necessary to include the words “sound engineering judgment” in the proposed regulation, and we recommend that this phrase be deleted.

The final sentence in Subsection (a)(1) states: “The plan must take into account the **broad** minimum inspection and maintenance intervals provided for in subsection (e)” (emphasis added). Why is the word “broad” used in this sentence? Since the provisions in Subsection (e) set very specific minimum intervals, the use of the word “broad” is confusing. It should be deleted from the final-form regulation.

*Subsection (a)(2)—Adequate resources*

This subsection reads:

An EDC shall reduce the risk of future service interruptions by accounting for the age, condition, design and performance of system components and by providing adequate resources to maintain, repair, replace and upgrade the system.

How will the PUC determine if an EDC has provided “adequate resources to maintain, repair, replace and upgrade the system”?

### **Subsection (a)(3)—Vegetation clearance program**

This subsection requires that the EDC I/M plan “include a program for the maintenance of minimum clearances of vegetation from the EDC’s overhead transmission and distribution facilities sufficient to avoid contact under design-based conditions.” EDCs questioned the need for this provision and called it unreasonable. Incidental contact with vegetation or tree branches does not necessarily cause outages. Given the growth of some trees, this requirement could actually force some EDCs to perform trimming annually and would greatly increase costs with no quantifiable benefit. The PUC needs to explain the basis and intent for this requirement.

### **Subsection (a)(4)—Plans to be consistent with I/M goals and objectives**

Subsection 57.198(a)(4) refers to quarterly and annual reliability reports from an EDC. If these are the reports required by the existing provisions at sections 57.193(c) and 57.195, then the proposed regulation should include cross-references to these existing provisions.

*Subsection (b)—Plan review process*

This subsection requires EDCs to submit their I/M plans by October 1, 2007. As discussed previously, the EDCs believe that there are not sufficient numbers of trained and experienced people available to meet the I/M schedules set forth in Subsection (e). They claim it will take years to recruit and train an adequate workforce to implement this proposed regulation. If the prescriptive requirements in Subsection (e) are retained in the final-form regulation, the PUC should carefully examine whether the October 2007 deadline is achievable.

There appears to be a drafting error in the first sentence of Subsection (b). It states that “on or before October 1, 2007, and every 2 years thereafter, an EDC shall submit its whole plan for the following calendar year” to the PUC. As written, this provision would have the PUC receive a 1-year plan every 2 years. It is our understanding that the PUC also wants the EDCs to submit updates on their plans for the second year. The PUC’s intent for when and how EDCs will submit plans and updates should be clarified in the final-form regulation.

*Subsections (b) and (c)—Designee*

Subsections (b) and (c) set forth the process for EDCs to submit plans and revised plans for PUC review and approval. Both subsections would allow the PUC or “its designee” to accept or reject the plan or revised plan. Representatives for EDCs suggested that the words “or its designee” be deleted from the proposed regulation. There is concern that the proposed regulation does not describe or define the “designee.” Another concern is that EDCs are not given the ability to appeal or challenge decisions made by the “designee.” The regulation should be amended to define the “designee” and specify how EDCs may appeal the designee’s decision, or the term should be deleted from the final-form regulation.

*Subsection (c)—Revised plans from EDCs*

This subsection allows an EDC to revise its plan and submit it to the PUC for review. Like Subsection (b), this subsection states that the PUC will have 90 days to review and “accept or reject the revisions to the plan.” Unlike Subsection (b), however, Subsection (c) contains no provision stating that the PUC will notify the EDC as to why it rejected the plan nor a provision stating that the revised plan is “deemed accepted” absent any action by the PUC within 90 days. These provisions should also appear in Subsection (c) in the final-form regulation.

*Subsection (d)—Recordkeeping*

This subsection requires that an EDC “maintain records of its inspection and maintenance activities sufficient to demonstrate compliance with” the timeframes for I/M programs set forth in Subsection (e). The PUC needs to provide examples of the types of records that would be “sufficient.” Would this include date-stamped records signed by EDC staff who performed the tasks?

*Subsection (e)—Minimum timeframes for I/M activities*

This subsection sets specific statewide minimum schedules for several different types of I/M activities including vegetation management, and inspections of poles, overhead lines and substations. The EDCs contend there is no basis for setting specific minimum requirements and that they are not cost-effective.

I/M inspection schedules or timeframes for different EDCs may depend on the regions where their systems are located, the different types of plants and geography in those regions, fluctuating weather patterns, variations in equipment or infrastructure, and other factors. The need for frequent visual inspections of lines or other equipment was challenged by the EDCs given that many problems are caused by internal factors which may not be detected during visual inspections. In many situations, EDCs contend that new technologies provide better results than visual inspections.

In addition, a provision in this subsection mandated annual “foot patrol” inspections of distribution lines. The need for foot patrols was questioned in situations when the lines run parallel to roadways and EDC staff could inspect the lines from vehicles.

The PUC needs to respond to these concerns and explain in detail the need for each requirement. What is the basis for setting statewide minimum timeframes that apply to all EDCs? As an alternative, the PUC should consider allowing EDCs to develop their own I/M programs and schedules that match the conditions and demands of the regions in which they operate.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-948. Filed for public inspection May 25, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Randolph R. Dezii; Doc. No. SC07-05-012

Notice is given of the Order to Show Cause issued on May 14, 2007, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: 40 P. S. § 310.11(2), (4), (6), (7), (9), (17), (20).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part I (relating to the General Rules of Administrative Practice and Procedure), 31 Pa. Code Chapter 56 (relating to the special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing contact Kathryn J. Culbertson, Disabilities Services Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-949. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Application for Approval to Acquire Control

AIA Holdings, Inc. has filed an application for approval to acquire control of Allegheny Casualty Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-950. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Application for Approval to Acquire Control

MIC Holding Company has filed an application for approval to acquire control of Pennsylvania Medical Reinsurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons

wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-951. Filed for public inspection May 25, 2007, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Bucks County, Wine & Spirits Shoppe #0924, 1047 West County Line Road, Hatboro, PA 19040-1002.

*Lease Expiration Date:* 90-Day since May 1, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of County Line and York Roads.

*Proposals due:* June 15, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4617, Harleysville, PA 19401.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a 3.0 mile radius of the intersection of Routes 63 and 113, Harleysville.

*Proposals due:* June 15, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

Montgomery County, Wine & Spirits Shoppe #4618, 504 W. Marshall Street, Norristown, PA 19401-4641.

*Lease Expiration Date:* March 31, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Markley and Main Streets, Norristown.

*Proposals due:* June 15, 2007, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128  
**Contact:** Robert Jolly, (215) 482-9671

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 07-952. Filed for public inspection May 25, 2007, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Wednesday, May 30, 2007, at 9 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 07-953. Filed for public inspection May 25, 2007, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### United States Department of Homeland Security; Urban Areas Security Initiative Nonprofit Security Grant Program

The United States Department of Homeland Security (Department) established the Fiscal Year 2007 Homeland Security Grant Program titled, Urban Areas Security Initiative (UASI) Nonprofit Security Grant Program. This program is targeted toward nonprofit organizations in the Pittsburgh and Philadelphia areas described under section 501(c)(3) of the Internal Revenue Code. These funds are to finance target hardening activities to those who are at risk of an international terrorist attack in two of the Commonwealth's largest cities.

The Department is requiring organizations that receive a grant match 25% of Federal grant funds in cash or through equivalent, related training. This is a competitive grant program, so funding is not guaranteed to all nonprofit organizations.

To be considered for a nonprofit security grant, an applicant organization must meet certain criteria including, but not limited to:

- Identification and substantiation (such as, police reports or insurance claims) of prior threats or attacks against the nonprofit organization or directly related organizations (within or outside the United States) by a terrorist organization, network or cell.

- Symbolic value of the sites as a highly recognized national or historical institution that renders the site a possible target of terrorism.

- Role of the applicant nonprofit organization in responding to or recovering from terrorist attacks.

- Findings from previously conducted risk assessments including threat, vulnerability or consequence.

To determine funding eligibility and details regarding the application process, reference the PA Emergency Management Agency website and select the button titled "DHS FY2007 UASI: Non-Profit Security Grant Program" [www.pema.state.pa.us](http://www.pema.state.pa.us).

All other questions should be directed to [nsgp@state.pa.us](mailto:nsgp@state.pa.us).

JAMES R. JOSEPH,  
*Director*

[Pa.B. Doc. No. 07-954. Filed for public inspection May 25, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Approval of Interim Default Service Supply Plan

**P-00072305. Pennsylvania Power Company.** Petition of Pennsylvania Power Company for approval of Interim Default Service Supply Plan to supply provider of Last Resort Service for the period from June 1, 2008, to May 31, 2011.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before June 11, 2007. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

*Applicant:* Pennsylvania Power Company

*Through and By Counsel:* Linda R. Evers, Esquire, FirstEnergy, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001.

### Notice

A prehearing conference in the previous captioned case will be held as follows:

*Date:* Wednesday, June 20, 2007

*Time:* 10 a.m.

*Location:* 11th Floor Hearing Room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222 and

Hearing Room 5—Harrisburg Parties, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120.

*Presiding:* Administrative Law Judge Larry Gesoff, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-955. Filed for public inspection May 25, 2007, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 18, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

**A-00123746. Kenneth Scott Cobb & William E. Peterson, Partners** (3014 Derry Street, Harrisburg, PA 17111)—for the right to begin to transport, as a common carrier, by motor vehicle, persons, upon call or demand, from points in the Counties of Cumberland, Dauphin and York.

**A-00123750. Masilamony Pauliah** (1540 Mansfield Court, Bushkill, Monroe County, PA 18324)—for the right to begin to transport, as a common carrier, by motor vehicle, person in paratransit service from points in the Counties of Pike and Monroe, to points in Pennsylvania, and return.

**A-00123764. J & H Transport, LLC** (181 Weaver Street, Philadelphia, PA 19119), a limited liability company of the Commonwealth—persons, in paratransit service, from points in the City and County of Philadelphia, to all State and Federal Correctional Institutions in Pennsylvania, and return.

### Applications of the following for approval to *begin operating as contract carriers for transportation of persons as described under the application.*

**A-00123761. Map Shuttle Service, LLC** (939 Oakland Avenue, Langhorne, Bucks County, PA 19047), a limited liability company of the Commonwealth—contract carrier—persons, for Philadelphia Park Casino and Race-track, between points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Chester and Delaware. *Attorney:* Brandon R. Wind, P. O. Box 1214, Newtown, PA 18940.



**Applications of the following for approval to begin operating as a broker for transportation of persons as described under each application.**

**A-00123739. Tours R Us, Inc.** (112 East Pike Street, Houston, PA 15342)—for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

**A-00123740. Fannie M. Marsico t/a FMM Tours** (509 Greenbriar Avenue, New Kensington, PA 15068)—for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania. *Attorney:* Matthew M. Jacob, 1203 Law & Finance Building, Pittsburgh, PA 15219.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-00121190. D & B Transportation, Inc.** (315 Clermont Avenue, Stroudsburg, PA 18360)—for the discontinuance of service and cancellation of its certificate, as a common carrier, persons, in airport transfer service, from points in the Counties Monroe, Pike, Wayne, Lackawanna and Carbon, to the Wilkes-Barre/Scranton Airport located in the Township of Pittston, Luzerne County, the Allentown/Bethlehem/Easton International Airport, located in the Township of Hanover, Lehigh County, and the Philadelphia International Airport, located in the City of Philadelphia and the Township of Tinicum, Delaware County.

**Complaint**

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. MIS Taxi, Inc., 100 Bellwood Drive, Upper Holland, PA 019053; Doc. No. A-00120104C0701*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That the principal place of business of MIS Taxi, Inc., respondent, is 100 Bellwood Drive, Upper Holland, PA 19053.

2. That respondent was issued a certificate of public convenience by this Commission on 10/3/2003, at Docket No. A-00120104.

3. That, on August 21, 2006, respondent was sent an initial assessment of \$28. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$28.

4. That respondent has an outstanding assessment of \$28.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**VERIFICATION**

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel, Chief of Enforcement

**NOTICE**

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the

penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention  
Stanley A. Heintzelman  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-956. Filed for public inspection May 25, 2007, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #07-054.2, HVAC Maintenance and Repairs, Tioga Administration Building (TAB), until 2 p.m. on Thursday, June 21, 2007. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available May 30, 2007. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportu-

nity employer. Contractor must comply with all applicable equal opportunity laws and regulations. Bidders must provide to the Procurement Department in writing, the names of individuals that will be attending prebid meetings. This information is needed 24 hours prior to the meeting. Fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held June 7, 2007, 10 a.m. at Tioga Administration Building, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 07-957. Filed for public inspection May 25, 2007, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Dirt and Gravel Roads Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year (FY) 2007 Dirt and Gravel Road Pollution Prevention Maintenance Program (Program) funds to participating county conservation districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt and gravel road maintenance).

#### A. *Effective Date*

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2007. The final amount and time of release of these allocations are subject to the final passage of the State budget of 2007-2008.

#### B. *Background*

The Commission approved the following allocations at their public meeting on March 14, 2007: \$3,528,000 of FY 07 funds are apportioned according to stipulations in 75 Pa.C.S. § 9106(c). Copies of 25 Pa. Code § 83.604 and 75 Pa.C.S. § 9106 are available from Michael Klimkos, State Conservation Commission Office, Room 407, Agriculture Building, 2301 N. Cameron Street, Harrisburg, PA 17110-9408, (717) 787-8821.

The following allocations are being made to the county conservation districts participating in the program. Not all counties receive an allocation as provided for at 25 Pa. Code § 83.613(a) (relating to performance standards). Listed alphabetically, the allocations are:

## FY 2007—2008 Allocations

*Adams	\$15,000*
Armstrong	\$127,412
*Beaver	\$15,000*
Bedford	\$40,843
*Berks	\$15,000*
Blair	\$20,682
Bradford	\$313,955
Bucks	\$16,531
Butler	\$29,966
Cambria	\$15,090
Cameron	\$33,240
Carbon	\$25,842
Centre	\$33,428
Chester	\$17,106
Clarion	\$60,722
Clearfield	\$66,871
Clinton	\$22,848
Columbia	\$79,119
Crawford	\$146,944
*Cumberland	\$15,000*
Dauphin	\$23,496
Elk	\$24,132
Erie	\$53,075
Fayette	\$32,326
Forest	\$21,320
Franklin	\$15,261
Fulton	\$30,235
Greene	\$37,805
Huntingdon	\$71,752
Indiana	\$93,101
Jefferson	\$45,200
Juniata	\$36,007
Lackawanna	\$28,471
Lancaster	\$16,692
*Lawrence	\$15,000*
*Lebanon	\$15,000*
Lehigh	\$26,198

Luzerne	\$24,984
Lycoming	\$82,630
McKean	\$21,222
Mercer	\$47,416
Mifflin	\$20,813
**Monroe	\$0**
*Montgomery	\$15,000*
Montour	\$17,807
*Northampton	\$15,000*
Northumberland	\$47,899
Perry	\$41,851
Pike	\$56,792
Potter	\$132,946
Schuylkill	\$53,783
Snyder	\$28,105
Somerset	\$33,646
Sullivan	\$68,024
Susquehanna	\$135,317
Tioga	\$314,160
Union	\$25,377
Venango	\$74,352
Warren	\$192,219
Washington	\$76,536
Wayne	\$114,752
Westmoreland	\$27,285
Wyoming	\$57,875
York	\$106,539

\* \$15,000 minimum applied

\*\* Did not meet SCC spending requirements for allocation eligibility

Total Allocated to Districts = \$3,528,000

DENNIS C WOLFF,  
*Chairperson*

[Pa.B. Doc. No. 07-958. Filed for public inspection May 25, 2007, 9:00 a.m.]

