

PENNSYLVANIA BULLETIN

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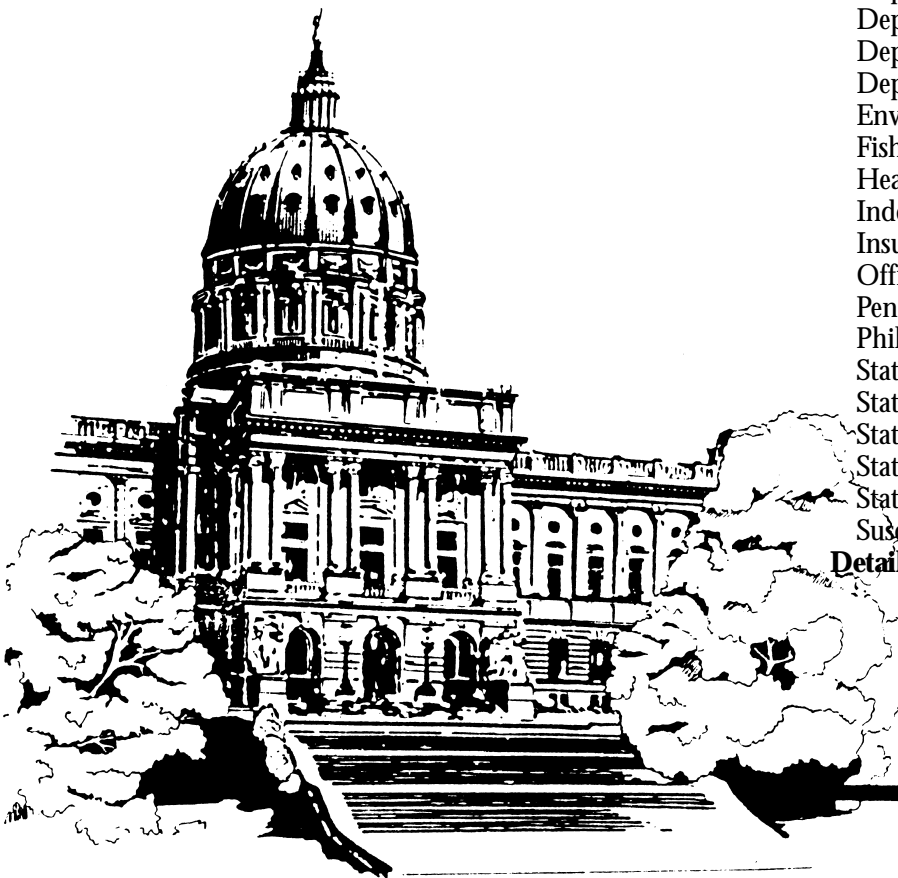
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No. 392, July 2007

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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

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THE GENERAL ASSEMBLY

Recent Actions during the 2007 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2007 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 008 through 020					
008	Jun 27	HB0876	PN1446	Immediately	State Government (71 Pa.C.S.)—employer retirement contribution rates
009	Jun 27	SB0437	PN0853	Immediately	Uniform Construction Code—concrete and masonry foundation walls structural standards
010	Jun 28	HB0906	PN2021	Immediately	Volunteer Fire Company and Volunteer Ambulance Service Grant Act—publication of grant availability, distribution of written instructions for grants and applications for grants
011	Jun 30	HB0013	PN1536	Immediately	Limiting liability of owners of land and water areas available for recreational purposes
012	Jun 30	HB0781	PN0900	60 days	Colonel John Joseph Tominac Memorial Bridge—designation
013	Jun 30	HB0840	PN0955	60 days	AMVETS POW-MIA Memorial Bridge—designation
014	Jun 30	HB0892	PN1045	60 days	Marine Lance Corporal Jason L. Frye Memorial Highway—designation
015	Jun 30	HB0917	PN1067	60 days	Borough Code—borough real or personal property sale or auction, advertising requirements
016	Jun 30	HB1367	PN2087	Immediately	Public Welfare Code—medical assistance payments to county and nonpublic nursing facilities and establishment of Pharmaceutical and Therapeutics Committee and Senior Care and Services Study Commission
017	Jun 30	SB0431	PN0162	Immediately	Project 70 lands—release and imposition of restrictions on lands in Adams County
018	Jun 30	SB0580	PN0625	Immediately	Game and Wildlife Code (34 Pa.C.S.)—Use of dogs in hunting wild turkeys
019	Jun 30	SB0755	PN0831	60 days	Port of Philadelphia—regulating rates of pilotage
020	Jun 30	SB0815	PN0909	Immediately	Storage Tank and Spill Prevention Act—expiration dates for underground storage tank environmental cleanup program and underground storage tank pollution prevention program
2007 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 1A through 6A					
1A	Jun 30	SB0791	PN0883	July 1, 2007	State Employees Retirement Fund—expenses for State Employees Retirement Board and payment of unpaid bills from fiscal year ending June 30, 2007
2A	Jun 30	SB0792	PN0884	July 1, 2007	Public School Employees' Retirement Fund—expenses for Public School Employees' Retirement Board and payment of unpaid bills from fiscal year ending June 30, 2007

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
3A	Jun 30	SB0793	PN0885	July 1, 2007	Professional Licensure Augmentation Account—appropriations for Bureau of Professional and Occupational Affairs for professional licensure boards
4A	Jun 30	SB0794	PN0886	July 1, 2007	Workmen's Compensation Administration Fund—appropriations for administering Workers' Compensation Act, Pennsylvania Occupational Disease Act and Office of Small Business Advocate
5A	Jun 30	SB0795	PN0887	July 1, 2007	Pennsylvania Public Utility Commission—funding
6A	Jun 30	SB0797	PN0889	July 1, 2007	Office of Small Business Advocate—funding

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore-PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 07-1219. Filed for public inspection July 13, 2007, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW [204 PA. CODE CH. 71]

Amendment of Rule 301 of the Pennsylvania Bar Admission Rules; No. 418 Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 29th day of June, 2007, Rule 301 of the Pennsylvania Bar Admission Rules is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Pennsylvania Rule of Judicial Administration No. 103 or otherwise, the immediate amendment of Pa. B.A.R. 301 is hereby found to be required in the interest of justice and efficient administration. This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and the amendment adopted hereby shall be effective September 4, 2007.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE OF LAW CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter C. RESTRICTED PRACTICE OF LAW IN GENERAL

Rule 301. Admission pro hac vice.

(a) *General rule.* The provisions of Subchapter B of these rules (relating to admission to the bar generally) [,] do not apply to motions for admission pro hac vice. An attorney, barrister or advocate who is qualified to practice in the courts of another state or of [any] a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular matter. [He or she] An attorney, barrister or advocate admitted pro hac vice in a matter shall not [, however,] thereby be authorized to act as attorney of record in such matter.

(b) *Procedure.* [In the case of such applicants, the oath shall not be required and there shall be no fee. Such] The general requirements for applicants seeking admission pro hac vice are:

(1) Applicants shall provide such information and pay such fee to the Pennsylvania Interest on Lawyer Trust Account (IOLTA) Board as is required by the regulations concerning pro hac vice admission that have been adopted by the IOLTA Board and approved by the Court.

(2) Pro hac vice admissions shall be only on motion of a member of the bar of this Commonwealth. Except as otherwise prescribed by general rule, [written notice

of] such motion shall be signed by [such] the member of the bar, shall recite all relevant facts, including, if applicable, those averments required by regulations adopted by the IOLTA Board, and shall be filed with the clerk of the court in which or with the magisterial district [justice] judge before which the matter is pending at least three days prior to the [motion] appearance before the court or magisterial district judge by the attorney, barrister, or advocate seeking pro hac vice admission. Any court or magisterial district [justice] judge shall grant such a motion unless good cause for denial shall appear, which shall include failure to comply with applicable regulations promulgated by the IOLTA Board.

(3) The oath shall not be required.

* * * * *

[Pa.B. Doc. No. 07-1220. Filed for public inspection July 13, 2007, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Adoption of IOLTA Regulations and Form for Pro Hac Vice Admission; No. 62 Disciplinary Rules Doc. No. 1

Order

Per Curiam:

And Now, this 29th day of June, 2007, it is hereby ordered that:

The Pennsylvania Interest on Lawyers Trust Account Regulations and Form for Pro Hac Vice Admission are adopted as follows.

This Order should be processed in accordance with Pa.R.J.A 103(b) and shall be effective September 4, 2007.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter D. INTEREST ON LAWYER TRUST ACCOUNT REGULATIONS FOR PRO HAC VICE ADMISSION

Sec.	
81.501.	Definitions.
81.502.	Scope.
81.503.	Requirements and Procedure for Admission Pro Hac Vice.
81.504.	Information to be Provided to IOLTA Board.
81.505.	Fees.
81.506.	Records Custodian.

These Regulations are to be read and applied in connection with the Pennsylvania Bar Admission Rules. Nothing in these regulations shall be construed to relieve a lawyer from complying with any other rules applicable to the practice of law in Pennsylvania, including but not limited to the Pennsylvania Bar Admission Rules and the Pennsylvania Rules of Professional Conduct. Where these regulations contain directives pertaining to pro hac vice admission before a court in the Commonwealth of Penn-

sylvania which are more specific than those set forth in the Pennsylvania Bar Admission Rules, the provisions of these regulations shall control.

§ 81.501. Definitions.

(a) *Admission pro hac vice.* Special admission to the bar of this Commonwealth for purposes limited to a particular case before a court in this Commonwealth.

(b) *Applicant.* The attorney seeking admission pro hac vice.

(c) *Attorney.* A member in good standing of the bar of the highest court of any state in the United States or admitted to practice law before any court in a foreign jurisdiction.

(d) *Case.* A particular legal action, including appellate review of that action, maintained in a Pennsylvania court which is not a special court. The term "case" does not refer to an action maintained only in a special court.

(e) *Court.* Any Pennsylvania court of common pleas, the Pennsylvania Superior Court, the Pennsylvania Commonwealth Court, the Supreme Court of Pennsylvania, and any other Pennsylvania court established after the effective date of these regulations which is not a special court.

(f) *IOLTA Board.* The Pennsylvania Interest on Lawyer Trust Account Board.

(g) *Special court.* Any Pennsylvania magisterial district court, the Philadelphia Municipal Court, the Philadelphia Traffic Court, the Pittsburgh Municipal Court, and any other special court of similar jurisdiction.

§ 81.502. Scope.

(a) An attorney, barrister or advocate who is qualified to practice in the courts of another state or of a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular case.

(b) An attorney admitted pro hac vice shall not be authorized to act as attorney of record for any case in this Commonwealth. The attorney should refer to the Pennsylvania Bar Admission Rules.

(c) Appearance before a Pennsylvania court by a foreign attorney is deemed to commence with the attorney's first appearance in a Pennsylvania court with respect to a particular case, and shall continue until final determination of that case, including appellate review, or until issuance of an order permitting the foreign attorney to withdraw.

§ 81.503. Requirements and Procedure for Admission Pro Hac Vice.

(a) No oath shall be required of an attorney seeking admission pro hac vice.

(b) Pro hac vice admission shall be only on motion of a member of the bar of the Commonwealth of Pennsylvania, and, unless waived or otherwise not required, by payment of the fee required by Section 81.505.

(c) These regulations apply to admission pro hac vice before a Pennsylvania court, as defined in these regulations.

(d) Except as otherwise prescribed by general rule, admission pro hac vice shall be by written motion of a member of the bar of the Commonwealth of Pennsylvania, and shall be signed by that member. The motion shall recite all relevant facts and shall be filed with the clerk of the court before which the case is pending at least three days prior to any appearance by the attorney seeking pro hac vice admission.

(e) Each motion for pro hac vice admission shall aver that the fee required by Section 81.505(a) has been paid, or include as an attachment a copy of a fee payment certification from the IOLTA Board, unless payment of the fee is not required pursuant to Section 81.505(c).

(f) Each motion for pro hac vice admission shall aver that the information required by Section 81.504 has been provided to the IOLTA Board.

§ 81.504. Information to be Provided to IOLTA Board.

(a) The following information shall be provided to the IOLTA Board with the fee required by Section 81.505:

(i) The name, address, contact information, and Supreme Court identification number of the active member of the bar of this Commonwealth who sponsors the applicant for pro hac vice admission.

(ii) The applicant's complete name, date of birth, law firm address and other contact information.

(iii) The name and address of each court and a full identification of the case.

(iv) The courts before which the applicant has been admitted to practice, the respective period(s) of admission, and the applicant's identification number in the jurisdiction(s) admitted.

(v) An averment that the applicant is familiar with the Pennsylvania Rules of Professional Conduct, the Pennsylvania Rules of Disciplinary Enforcement, and the rules and court procedures of the court before which the applicant seeks pro hac vice admission.

(b) Included as Appendix A to this regulation is a form which may be used to provide the information required by Section 81.504(a).

§ 81.505. Fees.

(a) An attorney seeking admission pro hac vice with respect to a case shall pay a fee of One Hundred Dollars (\$100). The fee shall be required for each case in which the attorney is seeking pro hac vice admission. Under no circumstances shall the fee required by this regulation be refunded.

(b) An attorney seeking admission pro hac vice shall pay the fee required by this regulation to the IOLTA Board no later than the time of filing a motion requesting permission to participate in a case proceeding in a court in this Commonwealth.

(c) No fee for admission pro hac vice shall be required if the client being represented has been granted in forma pauperis status, or for actions before a special court.

(d) Fees required by this regulation shall be paid by a check drawn on a United States bank, money order, or bank cashier's check payable in the full amount to the IOLTA Board.

(e) Fees collected under this regulation shall be used by the IOLTA Board to fund the expenses needed to administer this regulation, and to supplement the funding of non-profit organizations that provide civil legal services to the indigent and disadvantaged, or for similar purposes as authorized by the Supreme Court of Pennsylvania.

§ 81.506. Records Custodian.

The Pennsylvania IOLTA Board is considered the custodian of records for pro hac vice admission and does not approve or disapprove pro hac vice admission. Approval or disapproval shall be determined by the court before which the attorney wishes to appear.

Appendix A
PENNSYLVANIA IOLTA BOARD
Form for PRO HAC VICE ADMISSION

Use this form if you are an attorney who is qualified to practice in another state or in a foreign jurisdiction, is not admitted to practice law in Pennsylvania, and is seeking to be specially admitted to the Bar of the Commonwealth of Pennsylvania in order to appear before a Pennsylvania court in connection with a particular case.

Filing this form and paying the fee is the mandatory first step in your request for permission to participate in proceedings in a Pennsylvania court. The next step is to file a motion in the Pennsylvania court before which you are seeking to appear. The motion must aver payment of the fee or be accompanied by the acknowledgment letter you will receive from the Board. The decision to grant or deny your admission is ultimately made by the court before which you are seeking to appear. Applicable regulations define a case as: a particular legal action, including appellate review of that action, maintained in a Pennsylvania Court of Common Pleas, the Pennsylvania Superior Court, the Pennsylvania Commonwealth Court, or the Supreme Court of Pennsylvania. The term "case" does not refer to an action maintained only in a special court. Each case is subject to the completion of a new form and fee.

Appearance before a Pennsylvania court by a foreign attorney is deemed to commence with the attorney's first appearance in a Pennsylvania court with respect to a particular case, and shall continue until final determination of that case, including appellate review, or until issuance of an order permitting the foreign attorney to withdraw.

It is not necessary to file this form or pay the fee in order to appear before a special court, as defined in applicable regulations.

Carefully follow these instructions and complete this form. Keep a copy of your completed form for future reference, as you may be charged for any copies you request from the Board's file.

No alterations may be made to the text or wording of this form. Before you file your form, verify that you have fully responded to all items and questions, leaving no blanks. If the item or question is inapplicable, write "N/A."

Your form will not be considered filed if incomplete. If incomplete, it may be returned to you. Failure to provide any of the following information will result in an incomplete form:

- a) failure to provide any information required, including names, complete addresses, telephone numbers, or zip/postal codes;
- b) failure to answer any question;
- c) failure to send in the required fee;
- d) alteration of any language of the form; and
- e) failure to sign any document requiring your signature.

1. Admission fees: Make your check, money order, or bank cashier's check payable in the full amount due to the PA IOLTA Board. **The admission fee is One Hundred Dollars (\$100).** If you have any questions about the fee, please contact the PA IOLTA Board before submitting this form. Do not postdate your check. A form is not considered filed until all fees are received in the Board's office. If your check for fees is returned for insufficient funds or is otherwise dishonored by your bank, you will be assessed a returned check charge. All fees due after that time must be paid by bank cashier's check or money order. **There is no refund of fees if you withdraw your application for pro hac vice admission or do not meet all requirements for admission. No fee is required if the applicant attorney is representing a person who has been granted in forma pauperis status.**

2. Filing of Application: Mail or deliver your form and required fees to the Board as follows:

Mailing Address:

**PA IOLTA Board
P. O. Box 1025
Harrisburg, PA 17108-1025**

Delivery Address:

**PA IOLTA Board
115 State Street
Harrisburg, PA 17101**

Phone: (717) 238-2001 or 888-PA-IOLTA (724-6582)

Web address: www.paiolta.org

E-mail Address: paiolta@pacourts.us

The Board will acknowledge receipt of your form and fee payment within three (3) working days of its receipt. The acknowledgment letter will serve as your proof of payment of the requisite fee and can be included with your written motion to the Court in Pennsylvania in which you are requesting permission to participate. If you do not receive such an acknowledgment by that time, please contact the Board's office.

3. Case Number: List only one (1) case number per form, as this crucial information will be included on the acknowledgment letter.

4. Pennsylvania Court of Record: List the Court in which the Motion for Admission Pro Hac Vice will be filed.

5. Certificate of Good Standing: Formal Certificates of Good Standing are not necessary.

6. Forms from the Board web page: If you are using an electronic version of this form, it is your responsibility to insure that it is printed with the same content and wording as the Board's printed version of this form.

7. Regulations: The Applicant should review Rule 301 of the Pennsylvania Bar Admission Rules as well as the regulations of the Pennsylvania Interest on Lawyers Trust Account Board for Pro Hac Vice Admission for further guidance.

PENNSYLVANIA IOLTA BOARD

Form for PRO HAC VICE ADMISSION

(For all nonresident attorneys requesting permission to participate in proceedings in a Pennsylvania Court)

Applicant [] Mr.
Name: [] Ms. _____
Last First Middle
Date of Birth: _____

Your Firm's Name & Mailing Address: (All correspondence will be mailed to this address.)

Firm Name

Street Address/P.O. Box Ste. No. City State Zip Code

Your Firm's Physical Address: _____ Check here if same as above

Street Address Ste. No. City State Zip Code

Office Phone Office Fax Contact E-Mail Address

Acknowledgment Letter should be faxed to: _____
Contact Name Contact Fax

Name & Office Address of Attorney of Record in the Pennsylvania Proceeding who is filing the Motion for your admission Pro Hac Vice:

Name Firm Name (if applicable)

Street Address/P.O. Box Ste. No. City State Zip Code

Office Phone Office Fax PA I.D. Number

Case Number: _____

Case Name: _____

Pennsylvania Court of Record: _____

Address of Court: _____

THE COURTS

- 1. List all foreign, state and federal jurisdictions in which you have been qualified, licensed or admitted to practice law and are currently active and in good standing, the year of licensure, and your license or bar card numbers, if applicable. Use the *Continuation Form* if additional space is needed.

<u>Jurisdiction(s)</u>	<u>Year(s) of Licensure(s)</u>	<u>License Number(s)</u>
------------------------	--------------------------------	--------------------------

- 2. If you have ever practiced law under another name, please state that name here. List also all jurisdictions in which you practiced law under that name, license number, and the time period involved. Use the *Continuation Form* if additional space is needed.

<u>Other Name(s)</u>	<u>Jurisdiction(s)</u>	<u>License Number(s)</u>	<u>Time Period(s)</u>
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- 3. Are you familiar with the Pennsylvania Rules of Professional Conduct, Pennsylvania Rules of Disciplinary Enforcement, and the rules and court procedures of the court before which you seek to appear, and will you at all times abide by and comply with the same so long as such Pennsylvania proceeding is pending and you have not withdrawn as counsel therein?

<u> </u> Yes	<u> </u> No
-------------------------------	------------------------------

I certify that the information provided on this form is true. If any statements are false, I realize I am subject to discipline by the Supreme Court of Pennsylvania. I hereby certify that I am enclosing the fee required by Rule 301 of the Pennsylvania Bar Admission Rules. I hereby agree that any action brought against me by the Supreme Court of Pennsylvania or any of its boards or instrumentalities may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County, Pennsylvania.

Signature of *Pro Hac Vice* Applicant

Date of Application

CONTINUATION FORM

(Use a separate form for each statement requiring a *Continuation Form*. Make additional copies of this form as needed.)

For Question: _____

Name: _____

Last

First

Middle

[Pa.B. Doc. No. 07-1221. Filed for public inspection July 13, 2007, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 83]

Amendment of Pennsylvania Rule of Disciplinary Enforcement 102; No. 60 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 26th day of June, 2007, Pennsylvania Rule of Disciplinary Enforcement 102 is amended to read as set forth in Annex A.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter A. PRELIMINARY PROVISIONS

Rule 102. Definitions.

(a) *General rule.* Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

“Experienced hearing committee member.”—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has [**previously**] served [**either (i) as a member of the Board, or (ii)**] as a member of a panel of hearing committee members for at least one year and on a hearing committee that has conducted at least one hearing into formal charges of misconduct by a respondent-attorney.

* * * * *

“Senior hearing committee member.”—An attorney who at the time is a member of the panel of hearing committee members in a disciplinary district and who has previously served either (i) as a member of the Board, or (ii) a full three-year term on a panel of hearing committee members and on hearing committees that have conducted at least [**three**] **two** hearings into formal charges of misconduct by respondent-attorneys [**for which formal transcripts have been prepared**].

* * * * *

[Pa.B. Doc. No. 07-1222. Filed for public inspection July 13, 2007, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 83]

Amendment of Rules 501, 502, 503, 504, 511, 512, 513, 514, 521 and 531 of the Pennsylvania Rules of Disciplinary Enforcement; No. 61 Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 29th day of June, 2007, Rules 501, 502, 503, 504, 511, 512, 513, 514, 521 and 531 of the Pennsylvania Rules of Disciplinary Enforcement are amended to read as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective September 4, 2007.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter E. PENNSYLVANIA LAWYERS FUND FOR CLIENT SECURITY [FUND]

GENERAL PROVISIONS

Rule 501. Definitions.

The following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meaning given to them in this section:

“Board.” The Pennsylvania Lawyers Fund for Client Security Board.

“Covered [attorney] Attorney.” An individual defined in Rule 512 (relating to covered attorney).

“Claimant.” A person who makes application to the Board for a disbursement from the [**fund**] **Fund**.

“Dishonest [conduct] Conduct.” Conduct defined in Rule 513 (relating to dishonest conduct).

“Fund.” The Pennsylvania Lawyers Fund for Client Security.

“Reimbursable [losses] Losses.” Losses defined in Rule 514 (relating to reimbursable losses).

Rule 502. Pennsylvania Lawyers Fund for Client Security.

(a) *General rule.* [**There is hereby established in the Administrative Office of Pennsylvania Courts**] **The Supreme Court shall establish** a separate fund to be known as the “Pennsylvania Lawyers Fund for Client Security.” The [**fund**] **Fund** shall consist of such amounts as shall be transferred to the [**fund**] **Fund** pursuant to this subchapter. The [**fund**] **Fund** is created by contributions of the members of the Bar to aid in ameliorating the losses caused to clients and others by defalcating members of the Bar acting as attorney or fiduciary. No [**claimant**] **Claimant** or other person shall have any legal interest in such [**fund**] **Fund** or right to receive any portion thereof, except for discretionary disbursements therefrom directed by the Board or the

Supreme Court, all payments from the [fund] Fund being a matter of grace and not of right. **There shall be no appeal from a decision of the Board. A decision of the Board to grant or deny payment to a Claimant shall not be subject to judicial review by any court.** The Supreme Court reserves the right to amend or repeal this subchapter.

(b) *Additional assessment.* Every attorney who is required to pay an annual assessment under [Enforcement] Rule 219 (relating to periodic assessment of attorneys; voluntary inactive status) shall pay an additional annual fee of \$45.00 for [the use of the fund] use by the Fund. Such additional annual assessment shall be added to, and collected with and in the same manner as, the basic annual assessment, but the statement mailed by the Administrative Office pursuant to [Enforcement] Rule 219 shall separately identify the additional assessment imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the [fund] Fund.

(c) *Transfers to fund.* The Administrative Office shall transfer to the [fund] Fund all bequests and gifts hereafter made for [the use of the fund] use by the Fund. **All monies or other assets of the Fund shall constitute a trust and shall be held in the name of the Fund, subject to the direction of the Board.**

(d) *Audit.* The Board shall annually obtain an independent audit of the [fund] Fund by a certified public accountant, and shall file a copy of such audit with the Supreme Court.

Rule 503. Pennsylvania Lawyers Fund for Client Security Board.

(a) *General rule.* The Supreme Court shall appoint a board to be known as the "Pennsylvania Lawyers Fund for Client Security Board" which shall consist of five members of the bar of this Commonwealth and two non-lawyer public members. One of the members shall be designated by the Court as Chair and another as Vice-Chair. **A majority of the members of the Board shall designate a member of the Board to act as Treasurer.**

(b) *Terms; manner of action.* The regular terms of members of the Board shall be for three years, and no member shall serve for more than two consecutive three-year terms. The terms of one-third of the members of the Board, as nearly as may be, shall expire in each year. The terms of members shall commence on April 1. The Board shall act with the concurrence of not less than a majority of the members in office. A majority of the members in office shall constitute a quorum.

(c) *Vacancies.* **Vacancies shall be filled by appointment by the Supreme Court for any unexpired terms.**

(d) *Powers.* The Board shall have the power and duty:

(1) To appoint hearing committees. Each committee shall consist of three members who are members of the bar of the Supreme Court or who are current members of the Board [of the Pennsylvania Lawyers Fund for Client Security].

(2) To investigate applications by [claimants] Claimants for disbursements from the [fund] Fund.

(3) To authorize disbursements from the [fund] Fund and to fix the amount thereof.

(4) To determine in January of each year, and to report to the Supreme Court, whether the [fund] Fund is of sufficient amount to pay adjudicated claims and other anticipated claims.

(5) To adopt rules of procedure not inconsistent with these rules. Such rules may provide for the delegation to the Chair or the Vice [-] Chair of the power to act for the Board on administrative and procedural matters.

(6) To exercise the powers and perform the duties vested in and imposed upon the Board by the Supreme Court.

(7) With prior approval of the Supreme Court to give financial assistance to Pennsylvania non-profit corporations whose purpose it is to assist alcohol or drug impaired Pennsylvania lawyers and judges to regain their health and to restore them to professional competence, **or to such other Supreme Court Committees or Boards as the Court may direct.**

(8) **To prudently invest, per the direction of the Investment Advisory Board or the Court, such portions of the funds as may not be needed currently to pay losses, and to maintain sufficient reserves as appropriate.**

(9) **To prosecute claims for restitution to which the Fund is entitled.**

[(d) Assistance and] (e) *Compensation; expenses.* [The Administrative Office shall provide necessary clerical assistance to the Board and shall pay the cost thereof and the necessary travel and other expenses of members of the Board and hearing committees out of the fund.] Members of the Board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the discharge of their duties.

(f) *Conflict of interest.*

(1) **A member of the Board who has or has had a client-attorney relationship or a financial relationship with a Claimant or a Covered Attorney shall not participate in the investigation or adjudication of a claim involving that Claimant or Covered Attorney;**

(2) **A member of the Board who has or has had a relationship, other than as provided in subparagraph (1) above, with a Claimant or Covered Attorney, or who has other potential conflicts of interest, shall disclose such relationship to the Board and, if the Board deems appropriate, that Board member shall not participate in the investigation or adjudication of a claim involving that Claimant or Covered Attorney;**

(3) **Claims based upon alleged Dishonest Conduct by members of the Board shall be submitted directly to the Supreme Court. Claims based upon alleged dishonest conduct by Counsel to the Board or Staff shall be submitted directly to the Board for disposition.**

(g) *Immunity.* **Members of the Board, members of hearing committees, Counsel to the Board and Staff shall be immune from civil suit for any conduct in the course of their official duties. All communications to the Board, a hearing committee, Counsel to the Board or Staff relating to Dishonest Conduct by a Covered Attorney and all testimony given in a proceeding conducted pursuant to this subchapter**

shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony, except that such immunity shall not extend to any action that violates Rule 402 or Rule 504 (relating to confidentiality).

Official Note: The provisions of subdivision (g) of the Rule recognize that the submission and receipt of applications by Claimants for disbursements from the Fund, and investigation, hearing, decision and disposition of such claims, are all parts of a judicial proceeding conducted pursuant to the inherent power of the Supreme Court of Pennsylvania. The immunity from civil suit recognized to exist in subsection (g) is that which exists for all participants in judicial proceedings under Pennsylvania law, so long as their statements and actions are pertinent, material and during the regular course of a proceeding. Communications made or revealed in violation of the confidentiality requirements of Rules 402 and 504 are not pertinent to the proceeding and, thus, do not entitle the person who publishes them to absolute immunity.

Rule 504. [Immunity] Confidentiality.

(a) [Claims submitted to the Board shall be confidential. Members of the Board, members of hearing committees, General Counsel and staff shall be immune from civil suit for any conduct in the course of their official duties. All communications to the Board, a hearing committee, General Counsel or staff relating to dishonest conduct by a covered attorney and all testimony given in a proceeding conducted pursuant to this subchapter shall be absolutely privileged and the person making the communication or giving the testimony shall be immune from civil suit based upon such communication or testimony, except that such immunity shall not extend to any action that violates Rule 402 (relating to confidentiality).] All claims filed with the Fund shall be confidential and shall not be disclosed. This confidentiality requirement extends to all documents and things made and/or obtained, and all investigations and proceedings conducted and/or held by the Fund in connection with the filing of a claim.

(b) [Claims based upon alleged dishonest conduct by members of the Board shall be submitted directly to the Supreme Court. Claims based upon alleged dishonest conduct by General Counsel or staff shall be submitted directly to the Board for disposition.] Notwithstanding subsection (a), the Fund, after an award is approved, may disclose the following information:

- (1) the name of the Claimant (if Claimant has granted permission to disclose);
- (2) the name of the Covered Attorney;
- (3) the amount claimed;
- (4) the amount awarded; and
- (5) a summary of the claim.

(c) Nothing in this Rule shall preclude the Fund from utilizing confidential information in the release of statistical data or in the pursuit of the Fund's subrogation rights.

(d) This Rule shall not be construed to preclude disclosure, at any time during the investigation and/or proceeding, for confidential information requested by the following entities:

- (1) authorized agencies investigating the qualifications of judicial candidates;
- (2) the Judicial Conduct Board and/or its counterpart in other jurisdictions conducting an investigation;
- (3) authorized agencies investigating qualifications for government employment;
- (4) federal courts and/or other jurisdictions investigating qualifications for admission to practice law;
- (5) Office of Disciplinary Counsel and/or the Disciplinary Board investigating misconduct by the Covered Attorney;
- (6) lawyer discipline agencies and client protection funds in other jurisdictions conducting an investigation; or
- (7) law enforcement authorities investigating and/or prosecuting the Covered Attorney for a criminal offense.

(e) Requests for the release of confidential information by any person or entity, other than those identified in subsection (d), must be made to the Fund through the issuance of a subpoena; requests for same made under the Freedom of Information Act will not be honored.

Official Note: The provisions of subdivision (a) of the rule recognize that the submission and receipt of applications by claimants for disbursements from the fund, and the investigation, hearing, decision and disposition of such claims, are all parts of a judicial proceeding conducted pursuant to the inherent power of the Supreme Court of Pennsylvania. The immunity from civil suit recognized to exist in subsection (a) is that which exists for all participants in judicial proceedings under Pennsylvania law, so long as their statements and actions are pertinent, material and during the regular course of a proceeding. Communications made or revealed in violation of the confidentiality requirement of Rule 402 are not pertinent to the proceeding and, thus, do not entitle the person who publishes them to absolute immunity.]

DISHONEST CONDUCT OF ATTORNEY

Rule 511. Reimbursement of certain losses authorized.

The Board in its discretion may authorize a disbursement from the [fund] Fund in an amount not exceeding the [reimbursable loss] Reimbursable Loss caused by the [dishonest conduct of a covered attorney] Dishonest Conduct of a Covered Attorney.

Rule 512. Covered attorney.

This subchapter covers conduct of [an active] a member of the bar of the Supreme Court, including attorneys admitted pro hac vice and formerly admitted attorneys whose clients reasonably believed the former attorney to be licensed to practice when the Dishonest Conduct occurred, an active foreign legal consultant, an active military attorney, or a person holding an active Limited In-House Corporate Counsel

License, which conduct forms the basis of the application to the Board. The conduct complained of need not have taken place in this Commonwealth for application to the Board to be considered by the Board and an award granted, except that an award shall not be granted with respect to conduct outside of this Commonwealth of a foreign legal consultant, military attorney or person holding a Limited In-House Corporate Counsel License unless the conduct related to the provision of legal services to a resident of this Commonwealth.

Rule 513. Dishonest conduct.

For the purposes of this subchapter, dishonest conduct **[consists of wrongful acts or omissions committed by a covered attorney in the manner of defalcation or embezzlement of money, or the wrongful taking or conversion of money, property or other things of value]** means wrongful acts committed by a Covered Attorney in the nature of theft or embezzlement of money or the wrongful taking or conversion of money or property or other things of value.

Rule 514. Reimbursable losses.

(a) *General rule.* For the purposes of this subchapter reimbursable losses consist of those losses of money, property or other things of value which meet all of the following requirements:

(1) The loss was caused by the **[dishonest conduct of a covered attorney] Dishonest Conduct of a Covered Attorney** when acting:

- (i) as an attorney-at-law;
- (ii) in a fiduciary capacity customary to the practice of law, such as administrator, executor, trustee of an express trust, guardian or conservator; or
- (iii) as an escrow agent or other fiduciary, having been designated as such by a client in the matter in which the loss arose or having been so selected as a result of a client-attorney relationship.

(2) The loss was that of money, property or other things of value which came into the hands of the **[covered attorney] Covered Attorney** by reason of having acted in the capacity described in paragraph (1) **of this subdivision. Consequential or incidental damages, such as lost interest, or attorney fees or other costs incurred in seeking recovery of a loss, may not be considered in determining the Reimbursable Loss.**

(3) The loss, or the reimbursable portion thereof, was not covered by any insurance or by any fidelity or similar bond or fund, whether of the **[covered lawyer, or the claimant] Covered Attorney, or the Claimant** or otherwise.

(4) The loss was not incurred by:

- (i) the spouse or other close relative, partner, associate, employer or employee of the **[covered attorney] Covered Attorney**, or a business entity controlled by the **[covered attorney] Covered Attorney**, or any entity controlled by any of the foregoing;
- (ii) an insurer, surety or bonding agency or company, or any entity controlled by any of the foregoing; **[or]**
- (iii) any government unit **[.]**;

(iv) any financial institution that may recover under a "banker's blanket bond" or similar commonly available insurance or surety contract; or

(v) an individual or business entity suffering a loss arising from personal or business investments not arising in the course of the client-attorney relationship.

(5) **In cases of extreme hardship or special and unusual circumstances, the Board may, in its discretion, and consistent with the purpose of the Fund, recognize a claim which would otherwise be excluded under this subchapter.**

(6) **In cases where it appears that there will be unjust enrichment, or the Claimant unreasonably or knowingly contributed to the loss, the Board may, in its discretion, deny the claim.**

(7) A payment from the **[fund] Fund**, by way of subrogation or otherwise, will not benefit any entity specified in paragraph (4) **of this subdivision.**

(b) *Maximum recovery.* The maximum amount which may be disbursed from the **[fund] Fund** to any one **[claimant] Claimant** with respect to the **[dishonest conduct of any one covered attorney] Dishonest Conduct of any one Covered Attorney** shall be \$75,000.

(c) **No lawyer shall accept payment for assisting a Claimant with the filing of a claim with the Fund, unless such payment has been approved by the Board.**

PAYMENT OF CLAIMS

Rule 521. Investigation and payment of claims.

(a) *Cooperation with Disciplinary Board.* At the request of the Board, the Disciplinary Board of the Supreme Court of Pennsylvania shall make available to the Board all reports of investigations and records of formal proceedings conducted under these rules with respect to any attorney whose conduct is alleged to amount to **[dishonest conduct causing reimbursable loss to a claimant] Dishonest Conduct causing Reimbursable Loss to a Claimant**, and shall otherwise cooperate fully with the Board. The Board shall cooperate fully with the Disciplinary Board of the Supreme Court of Pennsylvania and shall preserve the confidential nature of any information which is required to be kept confidential under these rules.

(b) *Hearing committees.* The Board may utilize a hearing committee to conduct any hearings under this subchapter for the purpose of resolving factual issues. Imposition of discipline under Rule 204 (relating to types of discipline) or otherwise shall not be a prerequisite for favorable action by the Board with respect to a claim against the **[fund, but the covered attorney] Fund, but the Covered Attorney** involved shall be given notice of and an opportunity to contest any claim made with respect to his or her alleged **[dishonest conduct] Dishonest Conduct.**

(c) *Subpoenas.* At any stage of an investigation under this subchapter the Board, a **[claimant] Claimant** and a contesting **[covered attorney] Covered Attorney** shall have the right to summon witnesses before a hearing committee and require production of records before the same by issuance of subpoenas in substantially the same manner, and with the effect provided by Rule 213(b), (e), (f), (g) and (h), and if applicable, (c) and (d) (relating to subpoena power, depositions and related matters).

(d) *Factors to be considered.* In exercising its discretion under Rule 511 (relating to reimbursement of certain losses authorized) the Board may consider, among other things:

(1) The amount available and likely to become available to the [**fund**] **Fund** for payment to [**claimants**] **Claimants**.

(2) The size and number of claims which are likely to be presented in the foreseeable future.

(3) The total amount of losses caused by [**dishonest conduct by any one covered attorney**] **Dishonest Conduct by any one Covered Attorney** or associated group of [**covered attorneys**] **Covered Attorneys**.

(4) The degree of hardship the [**claimant**] **Claimant** has suffered by the loss.

(e) **The Claimant or Covered Attorney may request a reconsideration of the denial or approval of an award. Such request for a reconsideration shall be made in writing and shall be received by the Fund within 30 days of the date of the notification of the Board's denial or approval of an award. If the Claimant or Covered Attorney fails to make such a request, or the request is denied, the decision of the Board is final and there is no further right of appeal.**

(f) *Conditions.* In addition to such other conditions and requirements as it may impose, the Board shall:

(1) require each [**claimant**] **Claimant**, as a condition of payment, to execute such instruments, to take such action, and to enter into any agreements, including assignments of claims and subrogation agreements, as may be feasible in order to maximize the possibility that the [**fund**] **Fund** will be appropriately reimbursed for payments made from it. Amounts recovered pursuant to any such arrangements shall be paid to the [**Administrative Office for reimbursement of the fund; and**] **Fund**;

(2) require each [**claimant**] **Claimant**, as a condition of payment, to file a formal complaint with the Disciplinary Board of the Supreme Court of Pennsylvania against the [**covered attorney**] **Covered Attorney** and to cooperate in the fullest with the Disciplinary Board or other authorities in connection with other investigations of the alleged [**dishonest conduct.**] **Dishonest Conduct; and**

(3) require a **Claimant who has commenced an action to recover unreimbursed losses against the Covered Attorney, or another entity or third party who may be liable for the Claimant's loss, to notify the Board of such action.**

REINSTATEMENT

Rule 531. Restitution a condition for reinstatement.

The Board shall file with the Supreme Court a list containing the names of all formerly admitted attorneys with respect to the [**dishonest conduct**] **Dishonest Conduct** of which the Board has made unrecovered disbursements from the [**fund**] **Fund**. No person will be reinstated by the Supreme Court under Rule 218 (relating to reinstatement), Rule 219(h) (relating to periodic

assessment of attorneys; voluntary inactive status), [**or**] Rule 301(h) (relating to proceedings where an attorney is declared to be incompetent or is alleged to be incapacitated) [**or**], Pennsylvania Rules for Continuing Legal Education, Rule 111(b) (relating to noncompliance with continuing legal education rules) **or who has been suspended from the practice of law for any period of time, including, but not limited to suspensions under Rule 208(f) (relating to emergency temporary suspension) until the [fund] Fund has been repaid in full, plus 10% per annum interest, for all disbursements made from the [fund] Fund with respect to the [dishonest conduct] Dishonest Conduct of such person.**

[Pa.B. Doc. No. 07-1223. Filed for public inspection July 13, 2007, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 13 AND 21]

Order Amending Pa.R.A.P. 1301 and 2187; No. 186
Appellate Procedural Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 26th day of June, 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 Rules of Appellate Procedure 1301 and 2187 are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall become effective immediately upon adoption.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1301. Form of Papers. Number of Copies.

All papers filed under this chapter may be [**typewritten**] **produced on a word processor/computer or typewriter**. Eight copies shall be filed with the original in the Supreme Court. [**Twenty-three**] **Six** copies shall be filed with the original in the Superior Court. [**Eleven copies**] **One copy** and the original shall be filed in the Commonwealth Court.

* * * * *

CHAPTER 21. BRIEFS AND REPRODUCED
RECORD

FILING AND SERVICE

Rule 2187. Number of Copies to be Served and Filed.

(a) *General rule.*—Unless the appellate court directs otherwise, each party shall file:

* * * * *

(2) 15 copies of each definitive brief and [**eight**] five copies of each reproduced record in the Commonwealth Court;

* * * * *

[Pa.B. Doc. No. 07-1224. Filed for public inspection July 13, 2007, 9:00 a.m.]

**Title 225—RULES
OF EVIDENCE**

[225 PA. CODE ART. IV]

Proposed Amendment of Rule 408 and Revision of Comment

The Committee on Rules of Evidence is planning to recommend that the Supreme Court of Pennsylvania approve the Amendment of Pa.R.E. 408 and Revision of Comment. The changes are being proposed to adopt certain changes as a consequence of the adoption of new F.R.E. 408.

This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Additions are bold, and deletions are in bold and brackets.

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

Richard L. Kearns, Staff Counsel
Supreme Court of Pennsylvania
Committee on Rules of Evidence
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

no later than August 17, 2007.

By the Committee on Rules of Evidence

SANDRA D. JORDAN,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 408. Compromise and Offers to Compromise.

[Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require

the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Comment

This rule is identical to F.R.E. 408.

The 2000 amendments abolish the common law rule that distinct admissions of fact made during settlement discussions are admissible, see *Rochester Marine Corp. v. Mulach Steel Corp.*, 449 A.2d 1366 (Pa. 1982) (plurality), bringing Pennsylvania in line with F.R.E. 408 and most of the states.

The 2000 amendments are consistent with the Mediation Act of 1996. See 42 Pa.C.S. § 5949 (Confidential mediation communications and documents).

Like the federal rule, Pa.R.E. 408 permits evidence relating to compromises and offers to compromise to be admitted for purposes other than proving liability, such as showing bias or prejudice. See *Heyman v. Hanauer*, 152 A. 910 (Pa. 1930) (if proposal was offer to settle, it could have been used to impeach witness).

Pa.R.E. 408 is consistent with 42 Pa.C.S. § 6141 which provides, in pertinent part, as follows:

§ 6141. Effect of certain settlements

(a) *Personal injuries.*—Settlement with or any payment made to an injured person or to others on behalf of such injured person with the permission of such injured person or to anyone entitled to recover damages on account of injury or death of such person shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was made, unless the parties to such settlement or payment agree to the contrary.

(b) *Damages to property.*—Settlement with or any payment made to a person or on his behalf to others for damages to or destruction of property shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was made, unless the parties to such settlement or payment agree to the contrary.

(c) *Admissibility in evidence.*—Except in an action in which final settlement and release has been pleaded as a complete defense, any settlement or payment referred to in subsections (a) and (b) shall not be admissible in evidence on the trial of any matter.

See *Hatfield v. Continental Imports, Inc.*, 610 A.2d 446 (Pa. 1992) (evidence of “Mary Carter” agreement admissible to show bias or prejudice, and not excluded by § 6141(c)).

Under Pa.R.E. 408, as under F.R.E. 408, evidence of offers to compromise or completed compromises is admissible when used to prove an effort to obstruct a criminal investigation or prosecution. This is consistent with prior Pennsylvania case law. See *Commonwealth v. Pettinato*, 520 A.2d 437 (Pa. Super. 1987). Pa.R.E. 408 does not permit, however, the use of evidence relating to good faith compromises or offers to compromise when made for the

purpose of reaching an agreement such as those sanctioned by Pa.R.Crim.P. 586 (relating to dismissal of criminal charges not committed by force or violence upon payment of restitution) or Pa.R.Crim.P. 546 (relating to dismissal upon satisfaction or agreement). The court may need to conduct, out of the hearing of the jury, a preliminary inquiry into the circumstances surrounding compromises in criminal matters to determine whether to permit such evidence.]

(a) *Prohibited uses.* Evidence of the following is not admissible on behalf of any party, when offered to prove liability for, invalidity of, or amount of a claim that was disputed as to validity or amount, or to impeach through a prior inconsistent statement or contradiction:

(1) furnishing or offering or promising to furnish—or accepting or offering or promising to accept—a valuable consideration in compromising or attempting to compromise the claim; and

(2) conduct or statements made in compromise negotiations.

(b) *Permitted uses.* This rule does not require exclusion if the evidence is offered for purposes not prohibited by subdivision (a). Examples of permissible purposes include proving a witness's bias or prejudice, negating a contention of undue delay; and proving an effort to obstruct a criminal investigation or prosecution. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations.

Comment

This rule differs from to F.R.E. 408 as follows:

The federal rule in paragraph (a)(2) permits the use in criminal cases of statements made to government investigators, regulators, or enforcement authority in negotiations in civil cases.

The federal rule does not contain the last sentence of Pa.R.E. 408(b).

This rule does not follow the common law rule that distinct admissions of fact made during settlement discussions are admissible. See *Rochester Marine Corp. v. Mulach Steel Corp.*, 449 A.2d 1366 (Pa. 1982). Instead, like the federal rule, Pa.R.E. 408 permits evidence relating to compromises and offers to compromise to be admitted for purposes other than proving liability, such as showing bias or prejudice of a witness, but specifically prohibits use of such evidence to impeach a witness through a prior inconsistent statement or contradiction.

The rule is consistent with the Mediation Act of 1996. See 42 Pa.C.S. § 5949 (Confidential mediation communications and documents).

Pa.R.E. 408 is consistent with 42 Pa.C.S. § 6141 which provides, in pertinent part, as follows:

§ 6141. Effect of certain settlements

(a) *Personal Injuries.* Settlement with or any payment made to an injured person or to others on behalf of such injured person with the permission of such injured person or to anyone entitled to recover damages on account of injury or death of such person shall not constitute an admission of liability by the person making the payment or on

whose behalf the payment was made, unless the parties to such settlement or payment agree to the contrary.

(b) *Damages to Property.* Settlement with or any payment made to a person or on his behalf to others for damages to or destruction of property shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was made, unless the parties to such settlement or payment agree to the contrary.

(c) *Admissibility in Evidence.* Except in an action in which final settlement and release has been pleaded as a complete defense, any settlement or payment referred to in subsections (a) and (b) shall not be admissible in evidence on the trial of any matter.

See *Hatfield v. Continental Imports, Inc.*, 610 A.2d 446 (Pa. 1992)(evidence of "Mary Carter" agreement admissible to show bias or prejudice, and not excluded by § 6141(c)).

Under Pa.R.E. 408, as under F.R.E. 408, evidence of offers to compromise or completed compromises is admissible when used to prove an effort to obstruct a criminal investigation or prosecution. This is consistent with prior Pennsylvania case law. See *Commonwealth v. Pettinato*, 520 A.2d 437 (Pa. Super. 1987). Pa.R.E. 408 does not permit, however, the use of evidence relating to good faith compromises or offers to compromise when made for the purpose of reaching an agreement such as those sanctioned by Pa.R.Crim.P. 586 (relating to dismissal of criminal charges not committed by force or violence upon payment of restitution) or Pa.R.Crim.P. 546 (relating to dismissal upon satisfaction or agreement). The court may need to conduct, out of the hearing of the jury, a preliminary inquiry into the circumstances surrounding compromises in criminal matters to determine whether to permit such evidence.

REPORT

Proposed Amendments to Pa.R.E. 408 and Revision of Comment Compromise and Offers to Compromise

The language of Federal Rule of Evidence 408 was changed substantially. The changes were aimed at clarifying the meaning of the rule, and answering several questions that had arisen in the application of the rule. Prior to the amendment, Pa.R.E. 408 was identical to the federal rule. We recommend that we adopt some, but not all of the changes. First, we recommend the adoption of the changes aimed at clarifying the meaning of the rule. Essentially, this is accomplished by breaking up one long paragraph into several, and placing in the first paragraph some language that was previously in the middle of the paragraph. These changes have no substantive impact.

The second change in the rule is the language at the end of the first paragraph, prohibiting the use of the prohibited evidence to impeach through a prior inconsistent statement or contradiction. This had been a question in the federal courts. May a witness (usually a party) be impeached with a statement made during compromise negotiations that is arguably inconsistent with the witness's trial testimony? The federal courts had been split on this question. The federal drafters amended the rule, so that it now prohibits the use of statements made in negotiations as inconsistent statements. The drafters believed this was most consistent with the purpose of the rule, which is to encourage parties to engage in frank and

open negotiations in order to compromise disputes. There is no authority on this question in Pennsylvania. We think that the federal drafter's approach is better, and, therefore, recommend adoption of this portion of the rule.

The federal rule in paragraph (a)(2) permits the use in criminal cases of statements made to government investigators, regulators, or enforcement authority in negotiations in civil cases. We do not recommend the adoption of this portion of the federal rule, because we believe it will deter parties in civil matters from frank and open negotiations with government regulators, if there is a risk that their statements will then be used in criminal prosecutions.

The last sentence of the proposed rule was deleted from the federal rule, because it was believed to be superfluous. We recommend its retention as a precaution against frivolous argument.

We have not used the usual markup signals for the changes to the proposed Rule and Comment, because the changes are so many that the documents would be difficult to read.

[Pa.B. Doc. No. 07-1225. Filed for public inspection July 13, 2007, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1000]

Promulgation of Rule 1012.1 Governing Motions for Admission Pro Hac Vice; No. 481 Civil Proce- dural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 29th day of June, 2007, Pennsylvania Rule of Civil Procedure 1012.1 is promulgated to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective September 4, 2007.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1000. ACTIONS

Subchapter A. CIVIL ACTION

PLEADINGS

Rule 1012.1. Admission Pro Hac Vice. Motion. Con- tent.

(a) As used in this rule,

"candidate" means an attorney who is not admitted to the bar of the Commonwealth of Pennsylvania, but is admitted to the bar of and authorized to practice law in the highest court of another state or foreign jurisdiction and seeks admission pro hac vice;

Official Note: Pa.B.A.R. 301 states that the attorney seeking admission pro hac vice cannot act as the attorney of record.

"sponsor" means an attorney who is admitted to the bar of the Commonwealth of Pennsylvania and moves for the admission of a candidate pro hac vice.

(b) The sponsor shall file a written motion for admission pro hac vice in the action for which admission is sought. The verifications required by subdivisions (c) and (d)(2) shall be attached to the motion.

(c) A candidate shall submit a verified statement

(1) identifying the jurisdictions in which he or she is or has been licensed and the corresponding bar license numbers. With respect to each jurisdiction identified, the candidate shall state whether he or she

(i) is or has ever been suspended, disbarred, or otherwise disciplined. The candidate shall provide a description of the circumstances for each occurrence of suspension, disbarment or other disciplinary action,

(ii) is subject to any disciplinary proceedings. The candidate shall provide a description of the circumstances under which the disciplinary action has been brought,

(2) setting forth the number of pending actions in all courts of record in Pennsylvania in which the candidate has applied for admission pro hac vice, and the number of actions in which the motion has been denied. If any motion for admission pro hac vice has been denied, the candidate shall list the caption, court and docket number of the action, and describe the reasons for the denial of the motion.

(3) stating that he or she shall comply with and be bound by the applicable statutes, case law and procedural rules of the Commonwealth of Pennsylvania, including the Pennsylvania Rules of Professional Conduct,

(4) stating that he or she shall submit to the jurisdiction of the Pennsylvania courts and the Pennsylvania Disciplinary Board with respect to acts and omissions occurring during the appearance in the matter for which admission pro hac vice is being sought,

(5) stating that he or she has consented to the appointment of the sponsor as the agent upon whom service of process shall be made for all actions, including disciplinary actions, that may arise out of the practice of law in the matter for which admission pro hac vice is sought.

(d)(1) The sponsor shall enter an appearance as attorney of record in the action on behalf of the party whom the candidate seeks to represent. Upon the motion being granted, the sponsor shall remain the attorney of record for that party, and shall sign and serve, or be served with as the case may be, all notices, orders, pleadings or other papers filed in the action, and shall attend all proceedings before the court unless excused by the court. Attendance of the sponsor at a deposition in discovery shall not be required unless ordered by the court.

(2) The sponsor shall submit a verified statement

(i) stating that after reasonable investigation, he or she reasonably believes the candidate to be a reputable and competent attorney and is in a position to recommend the candidate's admission,

(ii) setting forth the number of cases in all courts of record in this Commonwealth in which he or she is acting as the sponsor of a candidate for admission pro hac vice, and

(iii) stating that the proceeds from the settlement of a cause of action in which the candidate is granted admission pro hac vice shall be received, held, distributed and accounted for in accordance with Rule 1.15 of the Pennsylvania Rules of Professional Conduct, including the IOLTA provisions thereof, if applicable.

(e) The court shall grant the motion unless the court, in its discretion, finds good cause for denial.

Official Note. Good cause may include one or more of the following grounds:

(1) the admission may be detrimental to the prompt, fair and efficient administration of justice,

(2) the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client whom the candidate proposes to represent,

(3) the client who the candidate proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk,

(4) the candidate is not competent or ethically fit to practice law,

(5) the candidate is, in effect, practicing as a Pennsylvania attorney, in light of the nature and extent of the activities of the candidate in the Commonwealth, without complying with the Pennsylvania requirements for the admission to the bar. The court may weigh the number of other admissions to practice sought and/or obtained by the candidate from Pennsylvania courts, the question of whether or not the candidate maintains an office in Pennsylvania although the candidate is not admitted to practice in Pennsylvania courts, and other relevant factors,

(6) the number of cases in all courts of record in this Commonwealth in which the Pennsylvania attorney is acting as the sponsor prohibits the adequate supervision of the candidate,

(7) failure to comply with this rule, or

(8) any other reason the court, in its discretion, deems appropriate.

(f) The court may revoke an admission pro hac vice sua sponte or upon the motion of a party, if it determines, after a hearing or other meaningful opportunity to respond, the continued admission pro hac vice is inappropriate or inadvisable.

Explanatory Comment

New Rule 1012.1 governs admission of an attorney pro hac vice. The rule achieves a uniform statewide practice, provides information and guidance to the court in the evaluation of a motion for such an admission, and imposes obligations upon both the attorney seeking admission and the attorney sponsoring the admission.

Pennsylvania Bar Admission Rule 301 authorizes a court to grant admission pro hac vice to an applicant attorney provided that there is a Pennsylvania attorney who has agreed to act as the attorney of record. Procedurally, Rule 301 requires written notice of the motion to be signed by the attorney of record, to recite all relevant facts, and to be filed with the clerk of court or magisterial

district judge office in which the matter is pending. New Rule 1012.1 supplements the Bar Admission rule by requiring the motion to provide the court with certain information regarding both the applicant attorney and the attorney of record.

Subdivision (a) of Rule 1012.1 designates the applicant attorney requesting admission pro hac vice as a "candidate" and the Pennsylvania attorney of record as a "sponsor."

Subdivision (b) requires the sponsor to file the motion for admission pro hac vice in the action in which admission is sought. The motion must include verified statements from both the candidate and the sponsor.

Subdivision (c) of the rule governs the requirements of the candidate's verification. One purpose of this verification is to gather relevant information regarding the candidate's disciplinary history, if any, in all jurisdictions in which he or she is licensed to practice law, as well as the extent of his or her admissions pro hac vice in Pennsylvania. The rule eliminates the concern that there may be attorneys who are not licensed in Pennsylvania, but routinely take on Pennsylvania cases by seeking admission pro hac vice.

A second purpose of the candidate's verification is to ensure that the court exercises the same supervision over an attorney admitted pro hac vice as over a Pennsylvania attorney. The verification must contain statements by the candidate with respect to (1) compliance with Pennsylvania law, (2) submission to the jurisdiction of Pennsylvania courts and the Pennsylvania Disciplinary Board, and (3) consent to the appointment of the sponsor as agent for service of process in actions arising out of the practice of law in the matter for which admission is sought.

Subdivision (d) of the rule governs the requirements for the sponsor's verification and imposes obligations upon him or her. Paragraph (2) requires the Pennsylvania attorney acting as sponsor through statements in the verification to assume the obligation to evaluate the candidate for reputation and competency before agreeing to sponsor him or her, and to supervise the candidate once admitted. A court may deny the motion on the basis that the Pennsylvania attorney is acting as sponsor in too many cases to adequately supervise the candidate.

Subdivision (d)(1) also requires the sponsor to enter an appearance as the attorney of record in the action on behalf of the party whom the candidate seeks to represent and to remain the attorney of record if the motion is granted. Further, the sponsor is obligated to sign and serve, or be served with, notices and papers filed in the actions and, unless excused, to attend proceedings before the court.

Subdivision (e) provides that the court must grant the motion for admission pro hac vice unless it finds good cause for denial. The note to subdivision (e) lists eight grounds for good cause.

Subdivision (f) provides for the revocation of admission pro hac vice either sua sponte by the court or upon motion of a party.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,

Chair

[Pa.B. Doc. No. 07-1226. Filed for public inspection July 13, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Amendments to Rule 1920; Administrative Order No. 17 of 2007; 07-M-19

Order of Court

And Now, this 22nd day of June, 2007, the Court does hereby amend Local Rule 1920 as follows:

Action of Divorce or Annulment of Marriage

Rule 1920(a). Uncontested Divorce.

A party may file a praecipe directing the Prothonotary to forward all papers to the Court for review and for entry of a final decree when all costs have been paid or excused and when all requirements of law and the Rules of Civil Procedure have been fulfilled. If the defendant files the praecipe, he or she shall state by what authority he or she acts.

Rule 1920(d). Master's List and Compensation.

The Court Administrator shall maintain a list of all attorneys primarily practicing in Adams County and who have not been excused from serving as masters in divorce or annulment. Any attorney may request the President Judge to excuse him or her from such service. Upon motion, the Court will appoint a master from the list to hear the issues set forth in the motion. The master shall be compensated at an hourly rate that will be periodically set by administrative order. Until changed, the hourly rate shall be \$65.00 per hour. No motion shall be considered unless there has been deposited with the Prothonotary the sum of \$500.00 for the purpose of guaranteeing payment of the master's and stenographer's fees. The master may direct at any point that additional deposits be made.

Rule 1920(e). Withdrawal of Issues.

Upon motion of any party, the Court may withdraw issues from the master, whether the master has yet acted upon those issues.

Rule 1920(f). Payment.

Upon notice to the parties, the master may request an order directing the Prothonotary to disburse fees. If a master's report has not been filed within sixty (60) days of the hearing date, the stenographer may request payment by filing the bill with the Prothonotary. If no exceptions to the sums are filed within ten (10) days, the Prothonotary shall disburse funds as requested.

Following the filing of the Report and Recommendation of the Master, the master may request by Motion and Proposed Order, the payment of stenographer and master's fees. The Proposed Order shall provide for the payment by the Prothonotary of the stenographer fees if sufficient amount is on deposit, and the master's fees after that, if available, from the Prothonotary's deposit. In the event there are not sufficient funds on deposit with the Prothonotary, the Order submitted with the Motion shall provide for payment of the stenographer's fees first. Such Proposed Order may also provide for the payment of such additional fees not covered by the Prothonotary's deposit by the parties in accordance with the Master's Report and Recommendation or by such third parties as the Court may direct.

Rule 1920(l). Exceptions.

Exceptions to the master's report, or any motions or reasons for a new trial in relation to the verdict of any jury, where applicable, which either party desire to make, shall be filed with the Prothonotary, and a copy thereof served at the same time upon the opposite party of his/her attorney of record. If no exceptions are filed by either party, or if exceptions have been filed and an Order has been entered disposing of the exceptions, the Court will, upon praecipe of either party, enter the final decree.

Rule 1920(n). Counseling.

If either party requests counseling under § 3302 of the Divorce Code, the party making such request shall deposit seventy-five dollars (\$75.00), with the Prothonotary at the time of filing the request to cover the cost of the counselor's report, unless the court shall order otherwise.

The party requesting counseling shall provide the appointed counselor with a copy of the Court Order directing such counseling.

These amendments shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

By the Court

JOHN D. KUHN,
President Judge

[Pa.B. Doc. No. 07-1227. Filed for public inspection July 13, 2007, 9:00 a.m.]

CARBON COUNTY

Availability and Temporary Assignments of Magisterial District Judges; No. 07-0164; CP-13-AD-000004-2007 (Old Number-MD023-2007)

Administrative Order 14-2007

And Now, this 27th day of June, 2007, in order to ensure compliance with Pa.R.C.P.M.D.J.112 governing the Rules of Conduct, Office Standards, and Civil Procedure for Magisterial District Judges, Pa.R.Crim.P. 132 governing the Temporary Assignment of Issuing Authorities, Pa.R.C.P. 1901.2 governing Scheduling of Temporary Protection From Abuse matters, Carbon County's Administrative Order 27-2001 governing when the Court is available to address Temporary Protection From Abuse matters, Carbon County Local Rule CARB.R.C.P. 1901.5 governing Enforcement of Protection From Abuse matters and 35 P. S. § 10225.307 governing Involuntary Intervention by Emergency Court Order under the Older Adult Protective Services Act, it is hereby

Ordered and Decreed that the schedule attached hereto be and is hereby *Approved* and said attachment *Shall Establish* the on-call schedule and temporary assignments for the Magisterial District Judges of Carbon County for the period of August 1, 2007 to December 31, 2007.

It Is Further Ordered and Decreed that the same Magisterial District Judge temporarily assigned on this schedule *Shall Serve* as the temporary issuing authority during regularly scheduled hours for any Magisterial District Judge unavailable due to duties outside the county, mandatory continuing education classes, illness or vacation.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Minor Court Rules Committee and Pennsylvania Criminal Procedural Court Rules Committee.
4. Forward one (1) copy for publication in the *Carbon County Law Journal*.
5. Forward one (1) copy to the Carbon County Law Library.
6. Forward one (1) copy to the Chief of Police of each Borough and Township in Carbon County to be conspicuous placed in their respective offices.
7. Keep continuously available for public inspection a copy of the Order in the Magisterial District Judges' Offices, Prothonotary's Office and Clerk of Courts Office.

By the Court

ROGER N. NANOVIC,
President Judge

THE FOLLOWING SCHEDULE IS FOR NON-BUSINESS HOURS AND EMERGENCIES FOR CARBON COUNTY MAGISTERIAL DISTRICT JUDGES COVERING COURTS 3-1, 3-2, 3-3 AND 3-4 BEGINNING 4:30 P.M. EACH MONDAY AND ENDING THE FOLLOWING MONDAY AT 4:30 P.M. IN ADDITION, THIS ON-CALL SCHEDULE APPLIES TO CIVIL MATTERS PURSUANT TO PA.R.C.P.M.D.J. 112 DURING NORMAL BUSINESS HOURS.

August 6, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
August 13, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
August 20, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
August 27, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
September 3, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
September 10, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
September 17, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
September 24, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
October 1, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
October 8, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
October 15, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
October 22, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
October 29, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
November 5, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4

August 6, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
November 12, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
November 19, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
November 26, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
December 3, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2
December 10, 2007	Magisterial District Judge Edward M. Lewis	Court 3-1
December 17, 2007	Magisterial District Judge Casimir T. Kosciolk	Court 3-3
December 24, 2007	Magisterial District Judge Joseph D. Homanko	Court 3-4
December 31, 2007	Magisterial District Judge Bruce F. Appleton	Court 3-2

[Pa.B. Doc. No. 07-1228. Filed for public inspection July 13, 2007, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Rule of Criminal Procedure 117 (MDJ Night Court Duty Procedure); AO-15-2007 No. 4-13 MD 2007 (Amending 1793 S 1989 and 0091-7 MD 2006)

Order

And Now, this 19th day of April, 2007, Dauphin County Local Rule of Criminal Procedure 117 is amended as follows:

Rule 117. Magisterial District Judge Night Court Duty Procedures.

Pursuant to Pa.R.Crim.P. 117, the following schedule shall be implemented for ensuring provision of services:

4. In accordance with Pa.R.Crim.P. 117(B), the following schedule is hereby established for Night Court coverage:

a. **Sunday**, Monday, Tuesday, Wednesday, and Thursday evenings: the Night Court Duty Judge shall be present at either Night Court or his/her own office from 9:00 PM—12:00 AM. Any matters presented during those hours shall be resolved by the Night Court Duty Judge.

b. Friday[,] and Saturday[, and Sunday] evenings: the Night Court Duty Judge shall be present at either Night Court or his/her own office from 10:00 PM—1:00 AM. Any matters presented between those hours shall be resolved by the Night Court Duty Judge.

This rule shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 07-1229. Filed for public inspection July 13, 2007, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Rule; Juvenile Dependency; No. 1793 CV 1989; No. 4-MD 2007

Order

And Now, this 9th day of April, 2007, Dauphin County Local Rule (Juvenile Procedure) 1167(B)(2) is adopted pursuant to Pennsylvania Rule of Juvenile Court Procedure 1167(B)(2):

Rule 1167(B)(2). Service of Court Orders and Notices

Dauphin County Social Services for Children and Youth is hereby designated to effectuate service of Juvenile Dependency Court Orders and Court Notices upon all parties pursuant to the Pennsylvania Rules of Juvenile Court Procedure Pa. R.J.C.P. 1167(B)(2).

This rule shall be effective thirty (30) days from date of publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 07-1230. Filed for public inspection July 13, 2007, 9:00 a.m.]

DELAWARE COUNTY

Rule of Civil Procedure; No. 07-0756

Order

And Now, this 25th day of June, 2007, it is hereby *Ordered* and *Decreed* that this Court's Order of February 13, 2007 entered in the above matter and which rescinded Delaware County Local Rule of Civil Procedure 204.5 is *Vacated*.

It is further *Ordered* and *Decreed* that Delaware County Local Rule of Civil Procedure 205.4 is *Rescinded*.

By the Court

EDWARD J. ZETUSKY,
President Judge

[Pa.B. Doc. No. 07-1231. Filed for public inspection July 13, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE STATE BOARD OF OSTEOPATHIC MEDICINE [49 PA. CODE CHS. 16, 18 AND 25] Athletic Trainers

The State Boards of Medicine and Osteopathic Medicine (Boards) amend Chapters 16, 18 and 25 to read as set forth in Annex A.

A. *Effective Date*

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

B. *Statutory Authority*

Section 51.1(d) of the Medical Practice Act of 1985 (63 P. S. § 422.51a(d)) and section 7.1(d) of the Osteopathic Medical Practice Act (63 P. S. § 271.7a(d)) (medical practice acts) authorize the Boards to jointly promulgate regulations that establish approved education and training programs for certification of athletic trainers and define the circumstances and protocol under which a certified athletic trainer may perform athletic training services.

C. *Background and Purpose*

Under the Physical Therapy Practice Act (formerly 63 P. S. §§ 1301, 1310.1 and 1310.2), the State Board of Physical Therapy certified and regulated athletic trainers in this Commonwealth.

The acts of December 10, 2001 (P. L. 859, No. 92) and (P. L. 863, No. 93) (Acts 92 and 93) repealed these provisions insofar as they are inconsistent with the medical practice acts. Acts 92 and 93 added section 51.1(d) to the Medical Practice Act of 1985 and section 7.1(d) to the Osteopathic Medical Practice Act to provide for the certification and regulation of athletic trainers by the Boards. Acts 92 and 93, effective February 8, 2002, further provided that until the Boards adopt final-form regulations, the regulations of the State Board of Physical Therapy in Chapter 40, Subchapter B (relating to athletic trainers) govern the activities of athletic trainers, which are not inconsistent with amendments to the medical practice acts. The Boards are adopting these amendments to establish procedures for certification and protocols for the practice of athletic trainers.

D. *Summary of Comments to Proposed Rulemaking and the Boards' Responses*

The proposed rulemaking was published at 36 Pa.B. 1233 (March 18, 2006). The Boards entertained public comment for a period of 30 days, during which time the Boards received comments from the Pennsylvania Athletic Trainers' Society, Inc. (PATS), the Pennsylvania Physical Therapy Association (PPTA) and an individual certified athletic trainer. Following the close of the public comment period, the Boards received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The following summarizes the comments received and provides the Boards' responses.

§ 16.61. Unprofessional and immoral conduct.

The HPLC noted that subsection (a)(18) makes it unprofessional conduct for a Board-regulated practitioner to fail to complete reports needed for reimbursement by an insurance company of the medical expenses of a patient. In light of the change in focus in this section from "physicians" to "Board-regulated practitioners," the HPLC suggested this language be amended to refer to expenses that result from the practice of the healing arts. The State Board of Medicine had no objection to this suggestion and made the change to the final-form rulemaking.

§§ 18.502 and 25.702. Definitions.

The HPLC commented that there was a minor discrepancy in the definition of "direction" between the two Boards' versions in that § 18.502 used "via" while § 25.702 used "by means of." The Legislative Reference Bureau corrected this situation when the proposed rulemaking was published so that both versions use the generally accepted "by means of."

The HPLC also noted that the word "and" appears in the definition of "written protocol" in § 18.502, but is absent from the same definition in § 25.702. This situation has been remedied by deleting it from § 18.502.

§§ 18.503 and 25.703. Certification requirement.

The HPLC sought clarification regarding the exceptions to the general rule that a person may not use the title of athletic trainer or perform athletic training services unless certified by the Board. The HPLC observed that the exceptions in subsection (b) seem to permit other types of licensees to call themselves athletic trainers. The intent of the exceptions was to permit other duly licensed practitioners of the healing arts to perform services within the scope of practice for which they were trained, not to permit them to call themselves athletic trainers. IRRC agreed that this section should be rewritten to clarify the Boards' intentions. In the final-form rulemaking, the Boards amended these sections to clarify their intent. Subsection (a) discusses the use of the title "athletic trainer" and subsection (b) discusses the general prohibition on the practice of athletic training unless certified, with the exceptions provided for other duly licensed practitioners of the various healing arts practicing within the scope of practice for which they were trained, athletic trainers licensed or certified in other jurisdictions who are employed by a visiting athletic team or organization, and students whose performance of athletic training services is coincidental to their education and training.

PPTA suggested adding a notice requirement for out-of-State athletic trainers who are required to be in this Commonwealth for an extended period of time. The Boards have elected not to adopt this suggestion.

The HPLC noted an inconsistency between §§ 18.503(c) and 25.703(c) regarding former certificateholders under the State Board of Physical Therapy. Section 18.503(c) has been amended to remedy the inconsistency.

§§ 18.504 and 25.704. Application for certification.

The HPLC noted that both Boards are setting a minimum age for certification as an athletic trainer at 20 years of age although the enabling acts are silent with regard to an age requirement. The Boards adopted the age limitation that had been established by the State

Board of Physical Therapy, which has been in effect since 1987. Under this final-form rulemaking, an applicant shall complete an approved athletic training education program to be eligible for certification. These programs are available at the bachelor's degree and master's degree levels. Normally, an individual would be at least 20 years of age by the time they meet the educational requirements for certification. Therefore, the Boards find this age limitation reasonable. In addition, the Boards are not aware of a situation when the age limitation became a barrier to an applicant for certification since its original adoption by the State Board of Physical Therapy in 1987. The Boards may reevaluate this requirement if it proves to be an impediment to otherwise qualified applicants.

IRRC asked how the Boards intend to determine whether an applicant meets the requirement that "an applicant may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination." This requirement is standard language required for licensure or certification in the health-related professions in this Commonwealth. To enforce this provision, the Boards require applicants to certify that they are not addicted to drugs or alcohol. In addition, the Boards ask a number of questions on the licensure/certification applications that may indicate drug or alcohol related problems, such as prior convictions, disciplinary actions in other jurisdictions, loss of hospital privileges and so forth. If an applicant supplies an answer that indicates potential problems with drugs or alcohol, the application is reviewed by the Bureau of Professional and Occupational Affairs' (Bureau) Professional Health Monitoring Program. A false statement on an application subjects the applicant to criminal penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities) and to disciplinary action including the refusal or revocation of a license or certificate.

The HPLC also noted a typographical error in § 25.704(a)(4) which has been corrected in the final-form rulemaking.

§§ 18.505 and 25.705. Educational requirements.

The HPLC and IRRC asked for clarification of the educational requirements. Sections 18.505 and 25.705 require that an applicant for certification as an athletic trainer be a graduate of an accredited athletic training education program or hold and maintain current credentialing as a certified athletic trainer (ATC) by the Board of Certification, Inc. (BOC). Entry-level athletic training education programs are accredited by the Commission on Accreditation of Athletic Training Education (CAATE). CAATE and the National Athletic Trainers Association (NATA) accredit master's degree programs in athletic training. Accredited programs offer either a baccalaureate or master's degree in athletic training. Accredited programs generally include basic coursework in applied mathematics, biology, chemistry, psychology, communications and so forth, as well as courses in medical terminology, anatomy and physiology, kinesiology and biomechanics, therapeutic modalities, injury evaluation and prevention, strength and conditioning, rehabilitation sciences, exercise physiology and related courses. During their education, athletic training students participate in clinical education in a variety of practice settings such as high schools, colleges, universities, hospitals, physicians' offices and health care clinics. There are currently 19 accredited athletic training education programs operating at colleges and universities in this Commonwealth.

Currently, to obtain the ATC credential from the BOC, a candidate shall be a graduate of an entry-level athletic training education program accredited by CAATE. Prior to 2004, internship was an alternative route to BOC certification. The BOC has eliminated the internship route to BOC certification and new candidates shall now graduate from a CAATE-accredited program. To maintain BOC certification, an ATC shall adhere to the BOC Standards of Professional Practice, maintain certification in emergency cardiac care and complete 75 continuing education contact hours every 3 years. At the present time, the BOC is the only organization that offers this type of credential to athletic trainers. The regulations refer to "another credentialing body approved by the Board" to recognize that the profession is dynamic and there may be other organizations formed in the future for this purpose. If another credentialing body is approved by the Boards, the Boards will provide notice to certificateholders through the Boards' websites and newsletters. In addition, the application for certification will include all approved credentials accepted by the Boards.

The HPLC also asked whether the registered trademark symbol should be removed from "ATC" in paragraph (2). The Boards agree and deleted the symbol.

IRRC requested that these sections be amended to use the defined term "approved athletic training education program" in place of "accredited educational program for athletic trainers" and "accredited education program." The Boards made the requested changes.

§§ 18.507 and 25.707. Temporary certification.

The HPLC noted that section 51.1(b) of the Medical Practice Act of 1985 and section 7.1(b) of the Osteopathic Medical Practice Act provide for temporary certification of athletic trainers who were previously certified by the State Board of Physical Therapy prior to the amendments made by Acts 92 and 93. However, §§ 18.507 and 25.707 appear to be creating another type of temporary certificate. Therefore, the HPLC requested an explanation of the effect of this provision.

To become certified as an athletic trainer, a graduate of an accredited athletic training education program shall pass the certification examination administered by the BOC. The BOC offers the examination several times throughout the year at approximately 16 locations across the United States. However, some applicants for examination may find the next test date at their chosen location is full and may have to wait until a subsequent administration of the examination or travel to another test site. The BOC will be transitioning to a computer-based examination that will eventually be offered at over 200 exam sites across the United States and Canada. Until then, the Boards felt it necessary to create a mechanism to provide graduates of accredited athletic education programs the ability to begin their athletic training careers under the direct onsite supervision of a certified athletic trainer until they have the opportunity to take the certification exam.

IRRC and PATS both suggested that the reference to the Commission for Accreditation of Allied Health Education Programs (CAAHEP) be deleted from this section. In light of the fact that CAATE now accredits athletic trainer education programs, and to avoid having to amend the regulations in the future should this organization again change, the Boards have adopted IRRC's suggestion and use the defined term "approved athletic training education programs" in these sections.

PATS suggested that temporary certificateholders be required to report to the Boards whether the temporary certificateholder had passed, failed or failed to take the certification examination within 30 days of the expiration of the temporary certification period. The Boards have elected not to adopt this recommendation believing it to be unnecessary. If a temporary certificateholder passes the examination, it is the temporary certificateholder's responsibility to report it to the Board to be certified. If no report is made to the Board within 1 year, the temporary certificate will expire and may not be renewed.

Additionally, the HPLC noted that § 25.707 included the additional statement that temporary certificates may not be renewed. This statement has been added to § 18.507 in the final-form rulemaking.

§ 18.508. Renewal of certification.

§ 25.708. Renewal of certificate.

The HPLC noted that the State Board of Medicine requires that continuing education certificates be maintained for 2 years, while the State Board of Osteopathic Medicine requires them to be maintained for 4 years. The difference is due to the different administrative capacities of the two Boards in conducting continuing education audits. These requirements were intended to be consistent within each Board, not between the two Boards. Acts 92 and 93 place jurisdiction over athletic trainers who are supervised by medical doctors with the State Board of Medicine and those supervised by doctors of osteopathic medicine with the State Board of Osteopathic Medicine. An athletic trainer who is supervised by more than one physician from both Boards could comply with both regulations simply by maintaining all continuing education certificates for 4 years.

In addition, the HPLC noted that with respect to §§ 18.508(d) and 25.708(d), the medical regulations provide for a \$5 penalty fee for untimely renewals and the osteopathic medical regulations do not. The \$5 late fee is provided for in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (Fee Act) (63 P. S. § 1401-225) and applies to all of the board and commissions under the Bureau. The State Board of Medicine included it in the rulemaking to provide certificateholders with additional notice of the fee for late renewal. Therefore, § 25.708(d) is amended in the final-form rulemaking to likewise provide notice to athletic trainers certified by the State Board of Osteopathic Medicine. IRRC commented that a cross-reference to the Fee Act should be added to the final-form rulemaking. The Boards have done so.

IRRC suggested that subsection (e) be deleted from this section and a new section regarding continuing education be added. The Boards responded to this suggestion by adding §§ 18.511 and 25.711 (relating to continuing education).

One individual certified athletic trainer who was originally certified by the State Board of Physical Therapy in 1987 expressed concern about whether he would be able to comply with the BOC continuing education requirements because he is not certified by the BOC and is not eligible to take the BOC certification exam. Former certificateholders under the State Board of Physical Therapy are deemed certified under the regulations without further action. However, to renew their certificates, they will need to comply with the continuing education requirements. It is not the Board's intent to require certificateholders to become BOC certified. In addition, the BOC confirmed that one does not have to be an ATC

to take continuing education courses from the BOC approved providers, colleges and universities. Therefore, current certificateholders will be able to comply with the continuing education requirements without becoming certified by the BOC.

§§ 18.509 and 25.709. Practice standards for athletic trainers.

The HPLC and IRRC asked whether a physically active person being referred by a podiatrist or dentist should have the results of the required medical exam reviewed by the dentist or podiatrist. The Boards note that this section is inconsistent with § 25.709, which includes review by a dentist or podiatrist. Therefore, § 18.509(a)(3) has been amended to include review by the referring dentist or podiatrist.

In addition, the HPLC noted that these sections permit a podiatrist or dentist to issue a standing written prescription or protocol. The HPLC noted that with respect to a protocol, both enabling acts only mention a physician. These sections have been amended to clarify that an athletic trainer must ensure that the physically active person have a referral or prescription for athletic trainer services from a physician, podiatrist or dentist, or be subject to a written protocol from a physician.

IRRC noted that the Pennsylvania Physical Therapists Association recommended that the review of the written protocol occur more frequently than annually and asked how the Boards determined that an annual review is appropriate. The Boards believe that an annual review of the written protocol is an appropriate standard within the profession. The regulations already provide for on-going communication between the athletic trainer and the supervising physician. In fact, the written protocol itself is required to describe the manner and frequency of communications between the athletic trainer and the supervising physician. However, the intent was to establish a minimum requirement. Therefore, the final-form rulemaking has been amended to require the review occur "at least" annually.

Finally, the HPLC noted that in the medical regulations, the responsibility is on the athletic trainer to obtain the standing written prescription or protocol, when the osteopathic physician regulations place the responsibility on the supervising physician, dentist or podiatrist to provide the standing written prescription or protocol. In recognition of the fact that this rulemaking is intended to regulate the conduct of athletic trainers, § 25.709(c) has been rewritten to mirror the language in § 18.509(c).

E. Description of the Amendments

With regard to the State Board of Medicine, § 16.1 (relating to definitions) is amended to define "treatment regimen" to describe the service provided by athletic trainers. This term is also of a broad enough nature that the clinical service provided by other State Board of Medicine-regulated practitioners could come under this umbrella term. It provides flexibility to the State Board of Medicine in regulating its licensees and certificateholders and ensures uniformity in regulation. Section 16.61 (relating to unprofessional and immoral conduct) is also amended by replacing the term "physician" with "Board-regulated practitioner" so that athletic trainers and other practitioners licensed by the State Board of Medicine would be subject to the regulation. At the request of the HPLC, § 16.61(a)(18) has been amended to refer to payment by a third party of the expenses of a patient that result from treatment of the healing arts.

The Boards are amending §§ 16.13 and 25.31 (relating to licensure, certification, examination and registration fees; and schedule of fees) to carry over the fees currently in place under the regulations of the State Board of Physical Therapy in § 40.5 (relating to fees).

The Boards are adding Chapter 18, Subchapter H and Chapter 25, Subchapter M (relating to athletic trainers) to provide for the certification and regulation of athletic trainers.

Sections 18.501 and 25.701 (relating to purpose) provide a general statement of the purpose of this final-form rulemaking. Sections 18.502 and 25.702 (relating to definitions) define key terms used throughout the subchapters. The definitions of "direction" and "standing written prescription" have been amended in the final-form rulemaking in response to the HPLC's observation that the legislation refers to the written protocol in conjunction with physicians only, not dentists or podiatrists.

Sections 18.503 and 25.703 (relating to certification requirements) set forth the requirement for certification of persons using the title of or performing athletic trainer services in this Commonwealth. The final-form rulemaking was amended in response to comments from the HPLC and IRRC. Subsection (a) was amended to refer solely to the use of the title. Subsection (b) now prohibits the practice of athletic training unless certified, with exceptions provided for licensed practitioners of the healing arts practicing within the scope of practice for which they are trained, a licensed or certified athletic trainer from another jurisdiction who is employed by a visiting athletic team or organization competing in this Commonwealth, and student athletic trainers whose practice of athletic training is coincidental to the student's education.

In addition, §§ 18.503(c) and 25.703(c) with regard to former athletic training certificateholders under the State Board of Physical Therapy have been amended in the final-form rulemaking to mirror each other.

Sections 18.504 and 25.704 (relating to application for certification) delineate the documentation and information required to apply for certification.

Sections 18.505 and 25.705 (relating to educational requirements) set forth the educational requirements for certification. The requisite education can met by having graduated from an approved athletic training education program or by holding a current credential as a certified athletic trainer from the BOC or another accrediting body approved by the Board.

Sections 18.506 and 25.706 (relating to examination requirement) provide that applicants shall achieve a passing score on the BOC examination or an equivalent examination approved by the Board.

Sections 18.507 and 25.707 (relating to temporary certification) provide for temporary certification for applicants who have completed their education and have applied to take the examination. An applicant may practice under a temporary certificate under the direct supervision of a certified athletic trainer for up to 1 year or until certification, whichever occurs first. Section 18.507 has been amended in the final-form rulemaking to delete the reference to the CAAHEP because athletic training programs are now accredited by the CAATE. To avoid the need to amend this section every time the accrediting body changes, the section now simply refers to "approved athletic training education programs" as suggested by IRRC. This section was also amended to mirror § 25.707 by adding the phrase "and may not be renewed."

Section 18.508 and 25.708 (relating to renewal of certification; and renewal of certificate) provide for biennial renewal of certificates. Section 25.708 has been amended in the final-form rulemaking to clarify that all athletic trainer certifications under both Boards must be renewed by December 31 of even-numbered years. At the suggestion of IRRC, a cross-reference to the Fee Act has been added. In addition, at the suggestion of IRRC, the continuing education requirements have been removed from these sections and §§ 18.511 and 25.711 have been added to the final-form rulemaking.

Sections 18.509 and 25.709 (relating to practice standards for athletic trainers) contain provisions regarding referrals and protocols for treatment, retention of records and circumstances under which consultation with or referral to a physician, dentist or podiatrist is required. Subsection (a) also makes these standards applicable to an athletic trainer certified by any other state, commonwealth, Canadian province or territory or the District of Columbia when providing services to a team or organization in this Commonwealth. These sections have been amended in the final-form rulemaking to clarify that an athletic trainer shall secure a written referral or prescription from a licensed physician, dentist or podiatrist, or shall be subject to a written protocol from a licensed physician. Sections 18.509(a)(3) and 25.709(a)(3) have been amended to require the referring physician, dentist or podiatrist to review the results of a recently performed medical diagnostic examination prior to treatment by an athletic trainer. Finally, §§ 18.509(c) and 25.709(c) have been amended to require the athletic trainer to obtain the protocol or standing written prescription from the supervising physician and to require review of the written protocol or standing written prescription at least annually.

Sections 18.510(a) and 25.710(a) (relating to refusal, suspension or revocation of certificate) authorize the Boards to impose disciplinary action against athletic trainers under section 41 of the Medical Practice Act of 1985 (63 P.S. § 422.41) as set forth in § 16.61, and section 15(b) of the Osteopathic Practice Act (63 P.S. § 271.15(b)). Subsection (b) provides for the applicability of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the activities of and proceedings before the Boards regarding athletic trainers. The language is included to direct applicants and certificateholders to the procedural provisions that govern the Boards' actions.

Finally, §§ 18.511 and 25.711 have been added to the final-form rulemaking to provide for the continuing education of athletic trainers.

F. *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions because the sole purpose of the amendments is to transfer regulatory authority over athletic trainers from the State Board of Physical Therapy to the Boards. For this reason also, the final-form rulemaking will impose no additional paperwork requirements on the public sector.

G. *Sunset Date*

The Boards continuously monitor the effectiveness of their regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 8, 2006, the Boards submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 1233, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (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 May 23, 2007, this final-form rulemaking was approved by the HPLC. On June 6, 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 June 7, 2007, and approved the final-form rulemaking.

I. Contact Persons

Further information may be obtained by contacting Sabina I. Howell, Board Counsel, State Board of Medicine, or Beth Sender Michlovitz, Counsel, State Board of Osteopathic Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

J. Findings

The Boards find 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 the 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) This final-form rulemaking does not enlarge the purpose of proposed rulemaking published at 36 Pa.B. 1233.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

K. Order

The Boards, acting under their authorizing statutes, order that:

(a) The regulations of the Boards, 49 Pa. Code, Chapters 16, 18 and 25, are amended by amending §§ 16.1, 16.13 and 16.61 and 25.231 and by adding §§ 18.501—18.511 and 25.701—25.711 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The addition of §§ 18.511 and 25.711 was not included in the proposed rulemaking published at 36 Pa.B. 1233.)

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

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

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

CHARLES D. HUMMER, Jr., M.D.,
Chairperson
State Board of Medicine

CHARLES P. FASANO, D.O.,
Chairperson
State Board of Osteopathic Medicine

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2909 (June 23, 2007).)

Fiscal Note: Fiscal Note 16A-4915 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 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter A. BASIC DEFINITIONS AND INFORMATION

§ 16.1. Definitions.

The following words and terms, when used in this chapter and Chapters 17 and 18 (relating to State Board of Medicine—medical doctors; and State Board of Medicine—practitioners other than medical doctors), have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Treatment regimen—The provision of care and practice of a component of the healing arts by a Board-regulated practitioner.

* * * * *

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.13. Licensure, certification, examination and registration fees.

* * * * *

(h) *Athletic Trainer:*

Application for certification \$20
Biennial renewal \$37

(i) *Verification or Certification:*

Verification of status \$15
Certification of records \$25

(j) *Examination Fees:*

The State Board of Medicine has adopted Nationally recognized examinations in each licensing class. Fees are established by the National owners/providers of the examinations and are indicated in the examination applications.

Subchapter E. MEDICAL DISCIPLINARY PROCESS AND PROCEDURES

COMPLAINTS

§ 16.61. Unprofessional and immoral conduct.

(a) A Board-regulated practitioner who engages in unprofessional or immoral conduct is subject to disciplinary action under section 41 of the act (63 P.S. § 422.41). Unprofessional conduct includes, but is not limited to, the following:

(1) Revealing personally identifiable facts, obtained as the result of a practitioner-patient relationship, without the prior consent of the patient, except as authorized or required by statute.

(2) Violating a statute, or a regulation adopted thereunder, which imposes a standard for the practice of the healing arts as regulated by the Board in this Commonwealth. The Board, in reaching a decision on whether there has been a violation of a statute, rule or regulation, will be guided by adjudications of the agency or court which administers or enforces the standard.

(3) Performing a medical act or treatment regimen incompetently or performing a medical act or treatment regimen which the Board-regulated practitioner knows or has reason to know that the practitioner is not competent to perform.

(4) Unconditionally guaranteeing that a cure will result from the performance of medical services or treatment regimen.

(5) Advertising of a medical business which is intended to or has a tendency to deceive the public.

(6) Practicing the healing arts fraudulently, or with reckless indifference to the interests of a patient on a particular occasion, or with negligence on repeated occasions.

(7) Practicing the healing arts while the ability to practice is impaired by alcohol, drugs or physical or mental disability.

(8) Knowingly permitting, aiding or abetting a person who is not licensed or certified, or exempt from license or certification requirements, to perform activities requiring a license or certification in a health care practice.

(9) Continuing to practice while the Board-regulated practitioner's license or certificate has expired, is not registered or is suspended or revoked.

(10) Impersonating another health-care practitioner.

(11) Possessing, using, prescribing for use or distributing a controlled substance or a legend drug in a way other than for an acceptable medical purpose. An acceptable experimental purpose is considered an acceptable medical purpose.

(12) Offering, undertaking or agreeing to cure or treat a disease by a secret method, procedure, treatment or medicine, or the treating, operating or prescribing for a human condition by a method, means or procedure which the licensee refuses to divulge to the Board upon demand of the Board.

(13) Charging a patient or a third-party payor for a medical service or treatment regimen not performed. This paragraph does not apply to charging for an unkept office visit.

(14) Delegating a medical responsibility to a person when the physician knows or has reason to know that the person is not qualified by training, experience, license or certification to perform the delegated task.

(15) Failing to exercise appropriate supervision over a person who is authorized to practice only under the supervision of the physician.

(16) Willfully harassing, abusing or intimidating a patient.

(17) Abandoning a patient. Abandonment occurs when a physician withdraws his services after a physician-patient relationship has been established, by failing to give notice to the patient of the physician's intention to withdraw in sufficient time to allow the patient to obtain necessary medical care. Abandonment also occurs when a physician leaves the employment of a group practice, hospital, clinic or other health-care facility, without the physician giving reasonable notice and under circumstances which seriously impair the delivery of medical care to patients.

(18) Failing to make available to the patient or to another designated health care practitioner, upon a patient's written request, the medical record or a copy of the medical record relating to the patient which is in the possession or under the control of the Board-regulated practitioner; or failing to complete those forms or reports, or components of forms or reports, which are required to be completed by the Board-regulated practitioner as a precondition to the reimbursement or direct payment by a third party of the expenses of a patient that result from the practice of the healing arts. Reasonable fees may be charged for making available copies, forms or reports. Prior payment for professional services to which the records relate—this does not apply to fees charged for reports—may not be required as a condition for making the records available. A Board-regulated practitioner may withhold information from a patient if, in the reasonable exercise of his professional judgment, he believes release of the information would adversely affect the patient's health.

(19) Violating a provision of this chapter, Chapter 17 or Chapter 18 (relating to State Board of Medicine—medical doctors; or State Board of Medicine—practitioners other than medical doctors) fixing a standard of professional conduct.

(b) Immoral conduct includes, but is not limited to, the following:

(1) Misrepresentation or concealment of a material fact in obtaining a license or a certificate issued by the Board or a reinstatement thereof.

(2) The commission of an act involving moral turpitude, dishonesty or corruption when the act directly or indirectly affects the health, welfare or safety of citizens of this Commonwealth. If the act constitutes a crime, conviction thereof in a criminal proceeding is not a condition precedent to disciplinary action.

**CHAPTER 18. STATE BOARD OF
MEDICINE—PRACTITIONERS OTHER THAN
MEDICAL DOCTORS**

Subchapter H. ATHLETIC TRAINERS

Sec.	
18.501.	Purpose.
18.502.	Definitions.
18.503.	Certification requirement.
18.504.	Application for certification.
18.505.	Educational requirements.
18.506.	Examination requirement.
18.507.	Temporary certification.
18.508.	Renewal of certification.
18.509.	Practice standards for athletic trainers.
18.510.	Refusal, suspension or revocation of certificate.
18.511.	Continuing education.

§ 18.501. Purpose.

This subchapter implements section 51.1 of the act (63 P. S. § 422.51a) to provide for the certification and practice standards of athletic trainers.

§ 18.502. Definitions.

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

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

Athletic training services—The management and provision of care of injuries to a physically active person, with the direction of a licensed physician.

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, management, treatment, rehabilitation and reconditioning of the physically active person whose conditions are within the professional preparation and education of a certified athletic trainer.

(iii) The term also includes the use of modalities such as: mechanical stimulation, heat, cold, light, air, water, electricity, sound, massage and the use of therapeutic exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive procedures or prescription of any medication or controlled substance.

BOC—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

Certified athletic trainer—A person who is certified to perform athletic training services by the Board or by the State Board of Osteopathic Medicine.

Direction—Supervision over the actions of a certified athletic trainer by means of referral by prescription to treat conditions for a physically active person from a licensed physician, dentist or podiatrist or written protocol approved by a supervising physician, except that the physical presence of the supervising physician, dentist or podiatrist is not required if the supervising physician, dentist or podiatrist is readily available for consultation by direct communication, radio, telephone, facsimile, telecommunications or by other electronic means.

Physically active person—An individual who participates in organized, individual or team sports, athletic games or recreational sports activities.

Referral—An order from a licensed physician, dentist or podiatrist to a certified athletic trainer for athletic training services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

Standing written prescription—A portion of the written protocol or a separate document from a supervising physician, which includes an order to treat approved individuals in accordance with the protocol.

Written protocol—A written agreement or other document developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the certified athletic trainer, and describes the manner and frequency in which the certified athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and certified athletic trainer, that the certified athletic trainer follows when not directly supervised onsite by the supervising physician.

§ 18.503. Certification requirement.

(a) A person may not use the title “athletic trainer” or “certified athletic trainer” or use any abbreviation including “A.T.,” “A.T.C.” or “C.A.T.” or any similar designation to indicate that the person is an athletic trainer unless that person has been certified by the Board.

(b) Except as otherwise provided in this subsection, a person may not perform the duties of an athletic trainer unless that person is certified by the Board. This provision is not intended to prevent the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by an athletic team or organization that is competing in this Commonwealth only on a visiting basis, from providing athletic training services, provided the practice of the athletic trainer is limited to the members of the team or organization.

(3) An athletic training student practicing athletic training that is coincidental to required clinical education and is within the scope of the student’s education and training.

(c) Former athletic training certificateholders certified under the Physical Therapy Practice Act (63 P. S. §§ 1301—1313) prior to July 14, 2007, are deemed certified by the Board.

(d) Athletic training certificateholders certified by the State Board of Osteopathic Medicine are deemed certified by the Board.

§ 18.504. Application for certification.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Verification of professional education in athletic training in accordance with § 18.505 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 18.506 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for certification, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 18.505. Educational requirements.

An applicant for certification shall comply with one of the following:

(1) Be a graduate of an approved athletic training education program.

(2) Hold and maintain current credentialing as a certified athletic trainer (ATC) from the BOC or another credentialing body approved by the Board.

§ 18.506. Examination requirement.

An applicant for a certificate to practice as a certified athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC certification examination for athletic trainers, or its equivalent as determined by the Board.

§ 18.507. Temporary certification.

An applicant who is a graduate of an approved athletic training education program and who has applied to take the certification examination may be granted a temporary certificate to practice athletic training under the onsite direct supervision of a certified athletic trainer. The temporary certification expires 1 year from issuance or upon certification as an athletic trainer by the Board, whichever comes first, and may not be renewed.

§ 18.508. Renewal of certification.

(a) A certification issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the certificateholder shall renew certification in the manner prescribed by the Board and pay the required fee prior to the expiration of the next biennium.

(d) When a certification is renewed after December 31 of an even numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

(e) As a condition of renewal, a certificateholder shall comply with the continuing education requirements in § 18.511 (relating to continuing education).

§ 18.509. Practice standards for athletic trainers.

(a) Athletic trainers certified by the Board or by the proper licensing authority of another state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or prescription from a licensed physician, dentist or podiatrist or is subject to a written protocol for treatment by a certified athletic trainer from a licensed physician.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by the referring physician, dentist or podiatrist.

(4) Keep a copy of the referral or prescription and the results of the medical diagnostic examination in the physically active person's file.

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers certified by the Board, or by the proper licensing authority of another state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, or the standing written prescription or written protocol.

(c) An athletic trainer shall obtain the standing written prescription or protocol annually from the supervising physician and review it at least annually. The standing written prescription or written protocol shall be retained at or near the treatment location or facility. An individual referral or prescription from a referring physician, dentist or podiatrist is required in the absence of a standing written prescription or written protocol.

§ 18.510. Refusal, suspension or revocation of certificate.

(a) The Board may refuse to issue a certificate, and after notice and hearing, may suspend or revoke the certificate of a person who is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41) as set forth in § 16.61 (relating to unprofessional and immoral conduct).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a certificate are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law).

§ 18.511. Continuing education.

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(b) Applicants for renewal of a certificate shall provide a signed statement verifying that the continuing education requirement has been met.

(c) Proof of completion of the required continuing education shall be retained for at least 2 years after completion.

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter F. FEES

§ 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

Application for unrestricted license to practice as osteopathic physician—original, reciprocal, boundary or by endorsement	\$45
Application for short-term camp license as osteopathic physician	\$30
Temporary training license or graduate training certificate	\$30
Annual renewal of temporary training license or graduate training certificate	\$25
Application for physician assistant certificate	\$30
Application for supervising physician	\$95
Uncertified verification of any license, certification or permit	\$15
Certification of any licenses, certifications, examination grades or hours	\$25
Application for athletic trainer certification	\$20
Biennial renewal—athletic trainer	\$37
Biennial renewal—physicians	\$440
Biennial renewal—physician assistants	\$10
Penalty for late biennial renewal—per month or part of month	\$5
Duplicate license or certificate	\$5
Application for radiology examinations	\$25
Application for acupuncturist registration	\$30
Biennial renewal—acupuncturists	\$25
Application for acupuncturist supervisor registration	\$30

Subchapter M. ATHLETIC TRAINERS

Sec.	Purpose.
25.701.	Definitions.
25.702.	Certification requirement.
25.703.	Application for certification.
25.704.	Educational requirements.
25.705.	Examination requirement.
25.706.	Temporary certification.
25.707.	Renewal of certificate.
25.708.	Practice standards for athletic trainers.
25.709.	Refusal, suspension or revocation of certificate.
25.710.	Continuing education.
25.711.	

§ 25.701. Purpose.

This subchapter implements section 7.1 of the act (63 P.S. § 271.7a) to provide for the certification of athletic trainers.

§ 25.702. Definitions.

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

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

Athletic training services—The management and provision of care of injuries to a physically active person, with the direction of a licensed physician.

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, management, treatment, rehabilitation and reconditioning of the physically active person whose conditions are within the professional preparation and education of a certified athletic trainer.

(iii) The term also includes the use of modalities such as: mechanical stimulation, heat, cold, light, air, water, electricity, sound, massage, and the use of therapeutic exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive procedures or prescription of any medication or controlled substance.

BOC—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

Certified athletic trainer—A person who is certified to perform athletic training services by the Board or the State Board of Medicine.

Direction—Supervision over the actions of a certified athletic trainer by means of referral by prescription to treat conditions for a physically active person from a licensed physician, dentist or podiatrist or written protocol approved by a supervising physician, except that the physical presence of the supervising physician, dentist or podiatrist is not required if the supervising physician, dentist or podiatrist is readily available for consultation by direct communication, radio, telephone, facsimile, telecommunications or by other electronic means.

Physically active person—An individual who participates in organized, individual or team sports, athletic games or recreational sports activities.

Referral—An order from a licensed physician, dentist or podiatrist to a certified athletic trainer for athletic training services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

Standing written prescription—A portion of the written protocol or a separate document from a supervising physician, which includes an order to treat approved individuals in accordance with the protocol.

Written protocol—A written agreement or other document developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the certified athletic trainer, describes the manner and frequency in which the certified athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and certified athletic trainer, which the certified athletic trainer follows when not directly supervised onsite by the supervising physician.

§ 25.703. Certification requirement.

(a) A person may not use the title of “athletic trainer” or “certified athletic trainer” or use any abbreviation including “A.T.C.,” “C.A.T.,” or “A.T.” or any similar designation to indicate that the person is an athletic trainer unless that person has been certified by the Board.

(b) Except as otherwise provided by this subsection, a person may not perform the duties of an athletic trainer unless that person has been certified by the Board. This provision is not intended to prevent the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by an athletic team or organization that is competing in this Commonwealth on a visiting basis, who provides athletic training services to the members of their respective athletic team or organization.

(3) An athletic training student who practices athletic training that is incidental to required clinical education and is within the scope of the student's education and training.

(c) Former athletic training certificateholders under the Physical Therapy Practice Act (63 P. S. §§ 1301—1313) prior to July 14, 2007, are deemed certified by the Board.

(d) Athletic training certificateholders certified by the State Board of Medicine are deemed certified by the Board.

§ 25.704. Application for certification.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 25.231 (relating to schedule of fees).

(2) Verification of professional education in athletic training in accordance with § 25.705 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 25.706 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for certification, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 25.705. Educational requirements.

An applicant for certification shall comply with one of the following:

(1) Be a graduate of an approved athletic training education program.

(2) Hold current credentialing as a Certified Athletic Trainer (ATC) from the BOC or another credentialing body approved by the Board.

§ 25.706. Examination requirement.

An applicant for a certificate to practice as a certified athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC certification examination for athletic trainers or its equivalent, as determined by the Board.

§ 25.707. Temporary certification.

An applicant who is a graduate of an approved athletic training education program and who has applied to take the certification examination may be granted a temporary certificate to practice athletic training under the onsite

direct supervision of a certified athletic trainer. The temporary certification expires 1 year from issuance or upon certification as an athletic trainer by the Board, whichever comes first, and may not be renewed.

§ 25.708. Renewal of certificate.

(a) A certificate issued under this subchapter shall be renewed biennially. An application form will be mailed to the most recent address of the certificateholder as it appears on the records of the Board. The certificateholder shall complete the renewal application and return it to the Board with a renewal fee before December 31 of the year in which the application was received. Certificates other than temporary certificates expire on December 31 of each even-numbered year. Upon receipt of an application and renewal fee, the Board will verify the accuracy of the application and issue to the applicant a certificate of renewal for the next biennial period.

(b) When a certification is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee, as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401—225).

(c) As a condition of renewal, a certificateholder shall comply with the continuing education requirements in § 25.711 (relating to continuing education).

§ 25.709. Practice standards for athletic trainers.

(a) Athletic trainers certified by the Board or by the proper licensing or certification authority of another state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or prescription from a licensed physician, dentist or podiatrist or is subject to a written protocol for treatment by a certified athletic trainer from a licensed physician.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by the referring physician, dentist or podiatrist.

(4) Keep a copy of the referral or prescription and the results of the medical diagnostic examination in the physically active person's file.

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers certified by the Board or by the proper licensing authority of another state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, the standing written prescription or written protocol.

(c) An athletic trainer shall obtain the standing written prescription or written protocol annually from the supervising physician and review it at least annually. This standing written prescription or protocol must be in writing and retained at or near the treatment location or facility. An individual referral or prescription from a referring physician, dentist or podiatrist is required in the absence of a written protocol.

§ 25.710. Refusal, suspension or revocation of certificate.

(a) The Board may refuse to issue a certificate, and after notice and hearing, may suspend or revoke the certificate of a person who is subject to disciplinary action under section 15(b) of the act (63 P. S. § 271.15(b)).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a certificate are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

§ 25.711. Continuing education.

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(b) Applicants for renewal of a certificate shall provide a signed statement verifying that the continuing education requirement has been met.

(c) Proof of completion of the required continuing education shall be retained for 4 years after completion.

[Pa.B. Doc. No. 07-1232. Filed for public inspection July 13, 2007, 9:00 a.m.]

STATE BOARD OF VETERINARY MEDICINE
[49 PA. CODE CH. 31]
Recordkeeping

The State Board of Veterinary Medicine (Board) amends § 31.22 (relating to recordkeeping), to read as set forth in Annex A.

A. Effective Date

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

B. Statutory Authority

Section 27.1 of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.27a) requires the Board to promulgate regulations setting forth recordkeeping standards.

C. Background and Purpose

The Board determined that there is a need for greater specificity in its regulations regarding veterinary medical recordkeeping. This proposed rulemaking is intended to provide more specific requirements regarding the contents of veterinary medical records; to further define acceptable standards of veterinary medical recordkeeping; and to provide notice requirements for veterinarians who are retiring or closing their veterinary practices.

D. Summary of Comments to Proposed Rulemaking and the Board's Response

The proposed rulemaking was published at 36 Pa.B. 5984 (September 30, 2006), which provided for 30 days of public comment. No public comments were received. The

Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.15). The following is a summary of those comments and the Board's response.

The HPLC asked whether the Board's rulemaking should include citations to Federal regulations regarding the recordkeeping responsibilities of veterinarians who provide services for production animals. Because Federal regulation of production animals and the veterinary care provided to these animals is so extensive, the Board has added a general statement to the final-form rulemaking that references 9 CFR (relating to animals and animal products). Subparts on birds, ruminants and swine are included in 9 CFR. In addition, 9 CFR includes testing and recordkeeping requirements regarding particular diseases, such as tuberculosis and scrapie.

The HPLC asked, with respect to the final sentence of § 31.22(1), which requires notation on a veterinary medical record of the treating individual after each chart entry, whether the term "individual" could be both a veterinarian and a veterinary technician and if so, if the Board would consider using the term "licensee" instead of "individual." Depending on the treatment, a veterinary medical treatment may be performed by a veterinarian, a certified veterinary technician or an unlicensed veterinary assistant. Because the term "licensee" is underinclusive, the Board determined that the term "individual" should be retained.

The HPLC made several comments regarding drafting which were corrected by the editors of the *Pennsylvania Bulletin*. The Board agrees with the subtitles added by the editors to § 31.22(4) and (5). The Board also agrees with the editors regarding the use of numbered paragraphs rather than alphabetized subsections.

The HPLC noted that the Board used the term "patient" and "animal" in various parts of the rulemaking and inquired whether one term should be used consistently. The Board amended the final-form rulemaking to use the term "patient" throughout.

Finally, the HPLC questioned § 31.32(10), noting that the first sentence established a bright line rule that notice must be given to clients at least 30 days in advance of a planned retirement or closing of a veterinary facility but that the last sentence stated that if prior notice was not possible, the successor veterinarian was required to provide notice. The HPLC asked the Board to provide guidance regarding: (1) when the 30-day notice is not required; and (2) under what circumstances the successor veterinarian will have to provide notice.

The 30-day notice is always required for planned events, such as retirement or the closing of a veterinary practice. However, the 30-day notice would not be required when it is not possible, such as in the case of an unplanned closure due to acute illness or death of a veterinarian. A veterinarian who does not provide at least 30 days advance notice when advance notice was possible would be subject to discipline under section 21(1) of the act (63 P. S. § 485.21(1)) for willful violation of a Board regulation. The successor veterinarian is required to provide notice whenever prior notice was not provided.

IRRC submitted comments to the Board on November 29, 2006. IRRC noted three concerns. First, IRRC also commented that the Board appeared to use the terms "patient" and "animal" interchangeably throughout the rulemaking and recommended that one term be used consistently. This concern has been addressed.

Second, IRRC asked for further clarification of a "problem-oriented medical record" and specifically inquired what methods are acceptable to the Board. A problem-oriented medical record is acceptable to the Board. Recordkeeping systems with different nomenclature that include record of subjective and objective assessment, treatment plan and documentation of treatment provided will be acceptable to the Board.

Finally, IRRC agreed with the HPLC comments regarding citation to Federal regulations regarding veterinary medical recordkeeping for production animals and recommended a cross reference be added to the Board's rulemaking. The Board has added the requested information.

E. Fiscal Impact

The Board believes that the final-form rulemaking should have little or no fiscal impact on licensees as the regulation represents what is already the acceptable and prevailing standard of practice with regard to veterinary medical recordkeeping. Veterinarians who are not practicing in accordance with recognized standards may experience some costs in conforming their recordkeeping to the requirements in the regulation. The Board may experience some costs in prosecuting veterinarians whose recordkeeping does not conform to the regulation. There are no costs to other political subdivisions as the Board is self-supporting.

F. Paperwork Requirements

Veterinarians who are not practicing in accordance with recognized standards may experience additional paperwork requirements to practice in accordance with the regulation. Neither the Board nor political subdivisions will experience additional paperwork requirements as a result of the final-form rulemaking.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 20, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 5984, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (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 May 23, 2007, the final-form rulemaking was approved by the HPLC. On June 6, 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 June 7, 2007, and approved the final-form rulemaking.

I. Additional Information

Further information may be obtained by contacting J. Robert Kline, Administrative Assistant, State Board of Veterinary Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, or from the Department website, www.dos.state.pa.us.

J. 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 the 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) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this Preamble.

K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 31, are amended by amending § 31.22 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General 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) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

THOMAS J. MCGRATH, D.V.M.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2909 (June 23, 2007).)

Fiscal Note: Fiscal Note 16A-5719 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

PROFESSIONAL CONDUCT

§ 31.22. Recordkeeping.

Veterinary medical records serve as a basis for planning patient care and as a means of communicating among members of the veterinary practice. The records furnish documentary evidence of the patient's illness, hospital care and treatment and serve as a basis for review, study and evaluation of the care and treatment rendered by the veterinarian. A veterinary medical record shall be kept in a problem-oriented or similar format that allows any veterinarian, by reading the record, to proceed with the care and treatment of the patient and allow the Board or other agency to determine the advice and treatment recommended and performed. This section does not apply to laboratory animal practice.

(1) *Record required.* A veterinarian shall maintain a separate veterinary medical record for each patient, herd or group, as appropriate, which accurately, legibly and completely reflects the evaluation and treatment of the patient or patients. The veterinary medical record must identify the treating individual after each chart entry.

(2) *Identity of patient.* The veterinary medical record must include, at a minimum, the following information to identify the patient, herd or group:

- (i) Client identification.
- (ii) Appropriate patient identification, which may include species, breed, age, sex, weight, name or identity number or numbers, color and identifying markings, and whether neutered, spayed or intact.
- (3) *Minimum content of record.* Production animal veterinarians shall comply with all Federal recordkeeping requirements, including requirements in 9 CFR (relating to animals and animal products). Veterinary medical records for other animals must include:
 - (i) Vaccination history.
 - (ii) Previous medical history, presenting symptoms and complaint.
 - (iii) Date of each examination.
 - (iv) Diagnosis.
 - (v) Results and findings of pathological or clinical laboratory examination.
 - (vi) Findings of radiological examination.
 - (vii) Medical or surgical treatment.
 - (viii) Other diagnostic, corrective or therapeutic procedures.
 - (ix) Documentation of drugs administered, prescribed or dispensed, including dosage.
 - (x) Documentation of surgical and dental procedures, including type and dosage of anesthesia, and dental charting.

(4) *Communication with client.* The veterinary medical record of any patient, except a production animal, must document communication with the client, including the client's consent to or rejection of recommended diagnostic tests, treatments and drugs.

(5) *Retention of records.* Records shall be maintained for a minimum of 3 years from the date that the patient was last treated by the veterinarian.

(6) *Ownership and use of records.* The records of a veterinary practice are the sole property of that facility, and when a veterinarian leaves salaried employment therein, the departing veterinarian may not copy, remove or make subsequent use of the records, without the consent of the owner of the veterinary practice.

(7) *Radiographs.* A radiograph is the property of the veterinary practice that originally ordered it to be prepared. Radiographs shall be properly identified by hospital name, date, name of client, name of patient and positional marker. A radiograph shall be released upon the written request of another veterinarian who has the written authorization of the client. The radiograph shall be returned to the veterinary practice that originally ordered it to be prepared within a reasonable time.

(8) *Release of information to clients.* A veterinarian shall release a summary or a copy of the veterinary medical records of a patient to the client within 3 business days of receipt of the client's written request. A veterinarian may charge a reasonable fee for duplicating veterinary medical records and for preparation of veterinary medical record file summaries for release to clients. A veterinarian may not withhold the release of veterinary medical records or summaries to clients for nonpayment of a professional fee. The release of veterinary medical records or summaries to clients under these circumstances does not constitute a waiver by the veterinarian of the fee claimed.

(9) *Veterinary medical records for vaccination clinics.* A veterinarian providing veterinary medical services to the public for a public health vaccination clinic or an animal health vaccination clinic shall prepare a veterinary medical record that includes, at a minimum, an identification of the client and patient, the vaccine lot number, and the date and dosage administered. A veterinarian who provides veterinary medical services to a vaccination clinic shall provide a means for clients to obtain advice pertaining to postvaccine reactions for the 24-hour period immediately following the time of vaccination.

(10) *Veterinary records of retiring veterinarian or a veterinary practice that is closing.* A veterinarian shall notify clients, in writing, at least 30 days prior to the date of a planned retirement or closing of a veterinary practice. The written notice must include instructions on how to obtain copies of veterinary medical records from the veterinarian or other custodian of the records and the name, address and telephone number of the person purchasing the practice, if applicable. Veterinary medical records must remain available to clients for 3 years after the date the veterinarian retires or the practice is closed. If prior notice could not be provided, a successor veterinarian shall notify clients within 60 days of the date the successor takes over the practice.

[Pa.B. Doc. No. 07-1233. Filed for public inspection July 13, 2007, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 173]

Flashing or Revolving Lights on Emergency and Authorized Vehicles

The Department of Transportation (Department), under 75 Pa.C.S. §§ 4571, 4572 and 6103 (relating to visual and audible signals on emergency vehicles; visual signals on authorized vehicles; and promulgation of rules and regulations by department), amends Chapter 173 to read as set forth in Annex A.

Purpose of Chapter

This final-form rulemaking provides the limitations and requirements for flashing and revolving lighting on emergency and authorized vehicles. The purpose of Chapter 173 is to set forth the nature, display, color, standards and configuration for flashing, revolving and oscillating lights that may be displayed on emergency and authorized vehicles.

Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to provide greater flexibility and lighting options to ensure that emergency and authorized vehicles have adequate flashing or revolving lights. The final-form rulemaking allows the use of flashing and revolving lights which were not envisioned or available at the time the regulations were originally adopted. The final-form rulemaking also clarifies the flashing or revolving lighting options and requirements for an unmarked police car.

The final-form rulemaking reflects the joint effort of the State Police and the Department. The State Police also solicited advice and recommendations from local police departments and other law enforcement officials throughout this Commonwealth as well as members of the emergency lighting industry.

*Summary of Comments and Responses**§ 173.2. Definitions.*

Comment: The Independent Regulatory Review Commission (IRRC) found the definition of "intersection light" unnecessary and too broad.

Response: The Department considered IRRC's comments and amended the definition for clarity. The Department believes the definition remains necessary as the term continues to be used in the regulations to refer to lights mounted on the fenders of emergency vehicles which enhance the visibility of emergency vehicles as they pass through an intersection.

Comment: IRRC expressed confusion about the use of the terms "flashing light" and "oscillation."

Response: The Department deleted the definition of "oscillation," added a definition of "oscillating light" and removed "oscillation" from the definition of "flashing light."

*§ 173.3(a). Display requirements.**Subsection (a)—color*

Comment: A retired police officer, Michael DalPezzo, noted that there is no authorization for green lights designating command vehicles. He also opined that it is impossible to "exceed" standards for chromaticity coordinates.

Response: There is no need for a particular vehicle to display green lights. Although flashing green lights are used to designate command areas, they are not specific to particular command vehicles. Under the Incident Command System, multiple agency response could potentially bring multiple vehicles equipped with green lights to an incident scene, causing confusion among responders as to where a command center was located. Further, a portable green light could be maintained in a vehicle and used as necessary at the scene of an emergency.

With respect to the observation that it is impossible to exceed standards for chromaticity coordinates, it is important to note that the CIE 1931 standard was devised in 1931 using wavelengths of light that were perceived as specific colors by persons with normal visual acuity. The standard has been revised twice. Consequently, this language is intended to take into consideration any future revisions to the CIE 1931 standard.

Subsection (a)(3)—blue lights

Comment: The City of Philadelphia Fire Department opined that personnel of for-profit ambulance services should not be authorized to use emergency lighting. IRRC questioned whether personnel from those services are

eligible to use blue lights and asked who is the "chief" of a private company. IRRC and the Pennsylvania Emergency Health Services Council (PEHSC) asked whether "quick responder services" personnel can use blue lights and asked the Department to clarify the types of organizations that allow blue lights on personal vehicles.

Response: The personnel of ambulance services are entitled to use blue lights on their personal vehicles in accordance with 75 Pa.C.S. § 4572. Under section 12 of the Emergency Medical Services Act (35 P.S. § 6932), ambulances in this Commonwealth must be licensed by the Department of Health whether they are for profit or not. The license requirements in 28 Pa. Code Chapter 1005 (relating to licensing of BLS and ALS ground ambulance services) require emergency lighting on all basic life support ambulances in conformance with 75 Pa.C.S. §§ 4571 and 4572. Therefore, the status of the agency as "for profit," volunteer or municipally employed is moot. In addition, quick responder vehicles are covered by the definition of "ambulance" in 75 Pa.C.S. § 102 (relating to definitions) and should display red lights or a combination of red and white lights.

Subsection (a)(4)—combination red and blue lights

Comment: The Chiefs of Police Association commented that only police officers should be allowed to use a combination of red and blue lights.

Response: The authority for using combination red and blue lights is granted in 75 Pa.C.S. § 4571(b)(1) and extends to police, sheriff, coroner, medical examiner and fire police vehicles. The regulation cannot establish a narrower scope contrary to 75 Pa.C.S. § 4571(b)(1).

Subsection (a)(5)(iii)—yellow or amber lights

Comment: IRRC commented that § 173.3(a)(5)(iii) should be simplified to state that these lights "shall be mounted to only flash or shine rearward." Mr. DalPezzo recommended allowing fire police officers to use traffic control emergency light assemblies.

Response: The Department considered and rejected Mr. DalPezzo's suggestion. Under 75 Pa.C.S. § 4571(b.1)(2), the use of traffic-control emergency directional light assemblies is limited to emergency vehicles. Privately-owned vehicles of fire police officers are not emergency vehicles and are regulated by 75 Pa.C.S. § 4572. Therefore, those vehicles are not entitled to use traffic-control emergency directional light assemblies. However, fire police vehicles that are owned by a fire company are entitled to use combination red and blue lights as well as traffic-control emergency directional light assemblies. In response to IRRC's comments, the Department amended the language of subsection (a)(5)(iii).

Subsection (a)(6)—white or clear lights

Comment: The PEHSC asked about the rationale for increasing the number of white or flashing lights. The City of Philadelphia Fire Department and IRRC asked the Department to clarify whether a vehicle can have a total of four white or clear lights by combining a single light with a light-bar assembly. IRRC expressed three additional concerns about this section. First, the Department should clarify the need for and intent of the subsection and whether a light created from reflection by mirrors is counted as a separate and unique light. Second, subparagraphs (i) and (ii) may conflict with existing systems and procedures. Third, the phrase "pre-emptive traffic control devices" is not defined. Finally, Mr. DalPezzo opined that the restrictions in this section are unworkable and unenforceable.

Response: The Department considered the comments received concerning this section and made revisions to clarify the section. The three white lights can only be used as part of a light bar assembly. In some light bar configurations, two white lights are used as intersection lights mounted on the outboard sides of the light bar. An optional third white light was added to allow for a forward-facing center-mounted light for the purpose of signaling traffic directly in front of an emergency vehicle. The Department has not included a definition of "preemptive traffic control device" insofar as the term seems self-explanatory to mean a device which allows operators of emergency vehicles to preempt the operation of a traffic signal in accordance with 75 Pa.C.S. § 3105(g) (relating to drivers of emergency vehicles).

Subsection (a)(8)—utility lights

Comment: IRRC and Mr. DalPezzo found this section unclear and confusing.

Response: The Department revised the language of this subsection for clarification.

Subsection (b)—360° visibility

Comment: IRRC recommended reformatting this section for clarity.

Response: The Department accepted IRRC's suggestion and reformatted this subsection.

Comment: The PEHSC recommended that front bumper-mounted lights should only be red.

Response: The Department considered and rejected the PEHSC's suggestion to give emergency vehicles, other than ambulances, the option of using lights of other colors. Under 28 Pa. Code § 1005.10(b)(1) (relating to licensure and general operating standards), emergency lights on ambulances must conform to Federal standard KKK-A-1822E, which requires that front bumper-mounted lighting be red. Therefore, ambulances will not be affected by this change.

Subsection (c)—visibility of unmarked police vehicles

The Pennsylvania State Association of Township Supervisors submitted a comment outside the public comment period regarding the provisions of this section. The comment misinterprets the section to limit the placement of lights on unmarked vehicles to those described in the section. The section does not prohibit the addition of other lights on unmarked vehicles as township or law enforcement official may see fit.

Subsection (d)—mounting location

Comment: Mr. DalPezzo suggested adding subsection (d)(5) to address the mounting of blue lights on authorized vehicles. IRRC noted that subsection (d)(1)(v)(A) refers to "private vehicles" and "emergency calls" as defined by 75 Pa.C.S. § 102, but those are not separately-defined terms in 75 Pa.C.S. § 102. Mr. DalPezzo also found this section confusing. IRRC asked the Department to reformat subsection (d)(3)(i)(E)(i)—(iv) to conform to *Pennsylvania Code and Bulletin Style Manual*. With respect to subsection (d)(3)(ii), the Pennsylvania Chiefs of Police Association said that law enforcement should be able to put strobe packs inside corner parking lamps, break lamps or inside back-up lamps and the proposed rulemaking should permit the use of flash back-up white lamps in conjunction with flashing red tail lamps. Finally, IRRC was unclear as to the intent of the restrictions in subsection (d)(4).

Response: In consideration of these comments, subsection (d) was reformatted and amended for clarification. The Department considered and rejected Mr. DalPezzo's suggestion of adding subsection (d)(5) to address mounting of blue lights. The mounting of lights is already addressed in subsection (e)(3), which applies to authorized vehicles regardless of the color of the light. With respect to the concern expressed by the Pennsylvania Chiefs of Police Association, police vehicles are entitled to use strobe packs at the listed locations on a vehicle in accordance with subsection (d)(2)(vii).

Statutory Authority

The regulations are amended under the authority in 75 Pa.C.S. §§ 4571, 4572 and 6103.

Persons and Entities Affected

The final-form rulemaking affects owners of emergency and authorized vehicles who are qualified to display flashing or revolving lights.

Fiscal Impact

Implementation of the final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. The final-form rulemaking will not impose additional costs on the regulated community and may reduce costs by providing more lighting options for emergency and authorized vehicles.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 6, 2005, the Department submitted a copy of the notice of proposed rulemaking, published at 35 Pa.B. 6769 (December 17, 2005), to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees 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 House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on June 6, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 7, 2007, and approved the final-form rulemaking.

Sunset Provisions

This final-form rulemaking is effective upon publication following appropriate evaluation of comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor the regulations for their effectiveness.

Contact Person

The contact person for technical questions about the final-form rulemaking is Lawrence Allen, Equipment Division, 17th and Arsenal Boulevard, Harrisburg, PA 17120, (717) 787-2123.

Order

The Department of Transportation orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 173, are amended by amending §§ 173.1—173.4 to read as set forth in Annex A.

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

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

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ALLEN D. BIEHLER, P. E.,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 2909 (June 23, 2007).)

Fiscal Note: Fiscal Note 18-404 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 173. FLASHING OR REVOLVING LIGHTS ON EMERGENCY AND AUTHORIZED VEHICLES

§ 173.1. Purpose.

This chapter pertains to the nature, display, color, minimum performance standards and configuration of flashing, oscillating or revolving lights that are permissible for display by emergency and authorized vehicles.

§ 173.2. Definitions.

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

Authorized vehicle—The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

Emergency vehicle—The term as defined in 75 Pa.C.S. § 102.

Flash—An intermittent burst of light.

Flash rate—The rate of flash, revolution or oscillation per minute of a single light, when that light is observed from a fixed position.

Flashing headlamp system—A system designed to automatically flash the high intensity—high beam—portion of the headlamps of a vehicle in either an alternate or simultaneous flash. The system shall be designed so that activation of the high intensity—high beam—portion of the standard headlamp system overrides the flashing headlamp system.

Flashing light—A light designed to flash by current interruption, or by other means providing an intermittent change in intensity when the light is observed from a fixed position.

Hazard warning system—Driver-controlled flashing front and rear lights used to warn approaching motorists when a vehicle is broken down or is traveling at a slow speed.

Intersection light—A flashing red, blue, white, or clear light used as part of a flashing, oscillating, or revolving light system to enhance the visibility of an emergency vehicle from the front and side as it approaches or travels through an intersection.

Light activation indicator—An audible signal or an illuminated switch or pilot light which provides the driver of an emergency or authorized vehicle with a clearly audible or visible and continual indicator that a flashing or revolving light, flashing headlamp system, traffic control emergency directional light or authorized nonflashing or nonrevolving light is activated.

Light-bar assembly—A device or devices designed and constructed to provide and display more than one steady burning, flashing, oscillating or revolving light.

Oscillating light—A light designed to flash by movement back and forth between two or more points, including the alternation between the maximum and minimum voltage.

Revolving light—A light designed to give the appearance of flashing by its rotation around a fixed axis through a 360° arc, on a horizontal plane.

Single light—A device containing one or more lenses, lamps or bulbs which are designed to produce, when viewed from a fixed position or point, the appearance of one flashing or revolving beam of light.

Traffic control emergency directional light assembly—A device electronically designed to display amber or yellow warning signal lights in a distinctive motion-lighting pattern—arrow left, arrow right, center out or alternately flashing—to warn motorists that they are approaching a hazard or to direct them around an impending hazard.

Unmarked police vehicle—A police vehicle not equipped with a roof-mounted light-bar assembly. The vehicle may display graphics, markings or decals, identifying the agency or department.

§ 173.3. Display requirements.

(a) *Color.* White, clear, red, blue, amber or yellow are the only colors permitted for use in flashing or revolving lights.

(1) *Chromaticity coordinates.* A flashing, revolving or oscillating light must meet or exceed the Chromaticity Coordinates, CIE 1931, Standard Colorimetric System as provided in SAE Standard J578d, Color Specification for Electrical Signal Lighting Devices, September 1978 or subsequent SAE Standards. This requirement does not apply to flashing headlamp systems.

(2) *Red lights.* A vehicle may display red lights as provided by 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles).

(3) *Blue lights.* A vehicle may display blue lights as provided for by 75 Pa.C.S. § 4572(a) (relating to visual signals on authorized vehicles). Vehicles described in 75 Pa.C.S. § 4572(a) may be equipped with a light-bar assembly using only blue lights. See Figure 3.1.

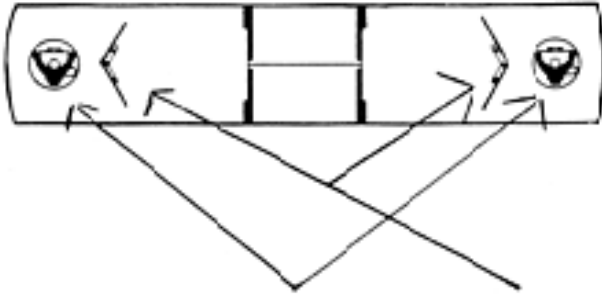
(4) *Combination red-and-blue lights.* Vehicles listed under 75 Pa.C.S. § 4571(b) may display combination red-and-blue lights. The privately-owned vehicles defined as an emergency vehicle under 75 Pa.C.S. § 102 (relating to definitions) must be equipped under 75 Pa.C.S. § 4571(a).

(5) *Yellow or amber lights.* A vehicle may display yellow or amber lights as follows:

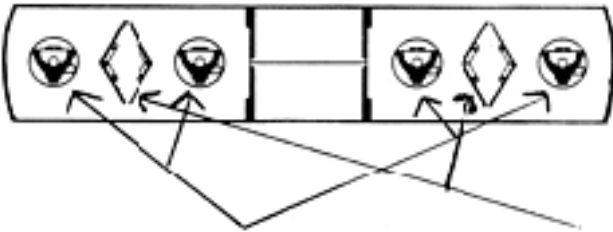
(i) Under 75 Pa.C.S. § 4572(b), an authorized vehicle as defined in 75 Pa.C.S. § 102 and designated in Chapter 15 (relating to authorized vehicles and special operating privileges) may be equipped with flashing or revolving yellow or amber lights or one or more light-bar assemblies containing only yellow or amber lights. See Figure 3.1.

FIGURE 3.1

ILLUSTRATIONS OF LIGHT-BAR ASSEMBLIES *



Rotating halogen lamps—"V" mirrors
(contains two single lights)



Rotating halogen lamps—"diamond" mirrors
(contains four single lights)

* THESE ILLUSTRATIONS REPRESENT TWO COMMON MODELS OF LIGHT-BAR ASSEMBLIES. OTHER LIGHT-BAR ASSEMBLIES MAY BE USED.

(ii) An authorized vehicle which is used in the construction, repair or maintenance of a bridge or highway maybe equipped with traffic control emergency directional light assemblies.

(iii) Emergency vehicles may be equipped with yellow or amber lights, in addition to traffic control emergency directional light assemblies. The yellow or amber lights shall be mounted on the rear of the vehicle or face rearward so that they are visible from behind the vehicle.

(6) *White or clear lights.* In addition to flashing or revolving red or combination red-and-blue lights, an emergency vehicle may be equipped with a flashing headlamp system and no more than one flashing, revolving or oscillating white or clear light, or with a light-bar assembly containing no more than three flashing, revolving or oscillating white or clear lights. The vehicle may also be equipped with additional preemptive traffic control devices.

(i) When the light-bar assembly contains three flashing, revolving or oscillating white or clear lights, the center light must be mounted to flash white or clear light only to the front.

(ii) When the vehicle is stationary, the light-bar assembly may not display white or clear light to the rear.

(iii) Flashing, revolving or oscillating white or clear lights and flashing headlamp systems may only be used in conjunction with the flashing or revolving red or combination red-and-blue lights. Flashing, revolving or oscillating white or clear lights and flashing headlamp systems that are not used in conjunction with flashing or revolving red or combination red-and-blue lights do not constitute visual signals under 75 Pa.C.S. §§ 3325 and 4571 (relating to duty of driver on approach of emergency vehicle; and visual and audible signals on emergency vehicles).

(7) *Steady burning lights.* Red, blue, amber or yellow nonflashing or nonrevolving lights—steady burning lights—may be used in conjunction with flashing or revolving lights.

(8) *Utility lights.* Clear or white forward or side facing steady burning utility lights (that is, take down, alley, spotlight) may not be used as a visual signal for purposes of 75 Pa.C.S. § 3325. These lights may be used while the vehicle is in motion or stationary for the purpose of an emergency, for the safety of the public, or in the enforcement of the law.

(9) *Other lights.* A vehicle, other than those identified in this chapter, may not be equipped with lights or systems identical or similar to those specified by this subsection, except that school buses and urban mass transit buses which will be used for carrying school children may be equipped with flashing lights as permitted by 75 Pa.C.S. §§ 4552(b) and 4553(a) (relating to general requirements for school buses; and general requirements for other vehicles transporting school children), and Chapters 15 and 171 (relating to school buses; and school vehicles).

(10) *Hazard warning systems and turn signals.* Hazard warning systems and turn signals are not considered flashing lights for the purposes of this chapter.

(b) *360° visibility.* Except for unmarked police vehicles, when flashing or revolving red, blue, yellow or amber lights are mounted on a vehicle, one or more of these lights shall be mounted to provide visibility to vehicles approaching from any direction (360° visibility), regardless of the method of mounting.

(1) When only one light is used to provide 360° visibility, this light must be in compliance with SAE Standard J845, 360° Emergency Warning Lamps, May 1997, or subsequent SAE Standards.

(2) When more than one light is used to provide 360° visibility, the number of lights used may not exceed those specified in 75 Pa.C.S. §§ 4571 and 4572.

(c) *Visibility for unmarked police vehicles.* When the combination of lights are mounted on an unmarked police vehicle, these lights shall be mounted to provide visibility to vehicles approaching from the front and rear, regardless of the method of mounting.

(d) *Flash rate.* The flash rate, when observed from a fixed position, must be between 60 and 260 flashes per minute. When the flash rate is produced by the interruption of current, the period of illumination must be long enough to permit the bulb to come to full brightness.

(e) *Mounting location.* The following applies to mounting locations for flashing or revolving lights:

(1) *Emergency vehicles, except police vehicles.* Flashing or revolving lights, excluding flashing headlamp systems, may be permanently mounted on the vehicle or attached to a mounting device, in a workmanlike manner, in the following locations only:

(i) On a cab or roof of the vehicle.

(ii) No more than 18 inches above the highest fixed point of the vehicle.

(iii) Behind, in front of, or on the grille of emergency vehicles. A flashing light may be mounted so as to flash through or in front of the grille on emergency vehicles when the vehicle is also equipped with one or more flashing or revolving red lights that meet the 360° visibility requirements of subsection (b).

(iv) With respect to fender intersection lights, close to the front upper edge of each front fender of an emergency vehicle and not protruding more than 2 inches from the fender.

(v) Inside of existing vehicular lighting modules/assemblies, such as headlights, parking lights, taillights. This does not include reverse lights.

(A) This subsection does not apply to privately owned vehicles that otherwise qualify as emergency vehicles as defined in 75 Pa.C.S. § 102.

(B) Vehicles mounting lights as outlined in this subsection must also mount, in another location, flashing or revolving lights that meet the 360° visibility requirements. This does not include reverse lights.

(2) *Police vehicles.* Flashing or revolving lights may be permanently mounted on the vehicle or attached to a mounting device, in a workmanlike manner, in the following locations only:

(i) On a cab or roof of the vehicle.

(ii) No more than 18 inches above the highest fixed point of the vehicle.

(iii) With respect to combination red-and-blue lights only, behind, in front of, or on the grille. Police vehicles mounting lights as outlined in this subsection must also mount flashing or revolving lights in another location visible from the front of the vehicle.

(iv) Inside the passenger compartment, clearly visible through the front windshield. (See original equipment manufacturer for mounting locations.)

(v) Inside the passenger compartment, clearly visible through the rear window.

(vi) In or on the trunk lid.

(vii) Inside of existing vehicular lighting modules/assemblies, such as headlights, parking lights, taillights (not including reverse lights). Police vehicles mounting

lights as outlined in this subsection must also mount, in another location, flashing or revolving lights visible from the front and rear of the vehicle.

(viii) With respect to flashing lights only, within the nondriver's compartment-side window.

(ix) With respect to combination red-and-blue lights, in a location visible from the front and rear of the vehicle.

(x) With respect to fender intersection lights, close to the front upper edge of each front fender of a police vehicle and not protruding more than 2 inches from the fender.

(xi) With respect to motorcycles, at a location in accordance with the manufacturer's specifications.

(3) *Authorized vehicles.*

(i) Flashing or revolving lights may be permanently mounted on the vehicle or attached to a mounting device, in the following locations only:

(A) On a cab, cab protector or roof of the vehicle.

(B) No more than 18 inches above the highest fixed point of the vehicle.

(C) On the front or rear of the bed or body of an authorized vehicle.

(D) On the tailgate of an authorized vehicle.

(E) In a location other than as set forth in clauses (A)—(D) as needed to comply with the 360° requirement in subsection (b).

(ii) The installation or use of additional flashing or strobe lights in existing vehicular lighting modules/assemblies, such as headlights, parking lights, taillights, is expressly prohibited.

(4) *Traffic control emergency directional light assemblies.* Traffic control emergency directional light assemblies may not interfere with permanently installed lights. These assemblies may be permanently mounted on the vehicle or attached to a mounting device, in a workmanlike manner, in a location visible to approaching traffic.

(e) *Mounting devices.* Flashing or revolving lights, excluding flashing headlamp systems, grille-mounted flashing lights and intersection lights, may be mounted on one of the following devices:

(1) A magnetic base.

(2) A roof rack, light-bar or other device that is welded or bolted onto the vehicle, or is mounted on the vehicle by using suction cups equipped with nylon or steel straps and clips which hook onto the drip rail or molding.

(3) A self-leveling gimbal device.

(4) Grommet mounting is acceptable for flush mounted flashing lights.

§ 173.4. Wiring.

Wiring shall be installed using the industry's best practices.

(1) Wiring must be primary SAE rated and be of proper gauge to handle applied load. Ground wiring must be of equal gauge.

(2) Wiring may not be loaded to more than 80% of its rated capacity.

(3) The wiring must be permanently installed and routed through the vehicle in a manner to avoid short circuits or interfering with the operation of the vehicle.

(4) Grommets shall be used when wires pass through bulkheads and other sharp metal surfaces.

(5) Each accessory will be protected with the proper circuit protection as recommended by the manufacturer (that is, fuses or circuit breakers). The main circuit protection will be as close to the power source as possible.

(6) Additional wiring installed for emergency equipment may not impede or compromise the original equipment manufacturer circuits or original equipment manufacturer equipment functions as intended by the vehicle manufacturer.

(7) Tapping power off of original equipment manufacturer circuits, such as in fuse blocks, must be only as recommended by the vehicle manufacturer. Tapping power off air bag or ABS brake and brake light circuits is prohibited.

(8) These requirements do not apply to flashing or revolving lights that are attached to a vehicle with a magnetic base.

[Pa.B. Doc. No. 07-1234. Filed for public inspection July 13, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 260a, 261a, 262a, 263a, 264a,
265a, 266a, 266b, 267a, 269a AND 270a]

Hazardous Waste Regulations

The Environmental Quality Board (Board) proposes to amend Chapters 260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b, 267a, 269a and 270a and add Chapter 267a (relating to standards for owners and operators of hazardous waste facilities operating under a standardized permit) to read as set forth in Annex A. This proposed rulemaking updates the hazardous waste management program regulations.

This proposed rulemaking was adopted by the Board at its meeting of May 16, 2007.

A. Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact D. Richard Shipman, Chief, Division of Hazardous Waste Management, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 787-6239; or Kurt Klappkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us.

C. Statutory Authority

The proposed rulemaking is being made under the authority of sections 105, 402 and 501 of the Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.303 and 6020.305(e)(2)); sections 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Under sections 105, 402 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety, welfare and property, and the air, water and other natural resources of this Commonwealth. Sections 303 and 305(e)(2) of the HSCA grant the Board the power and duty to promulgate regulations to carry out the provisions of the HSCA. Sections 5, 402 and 501 of The Clean Streams Law grant the Board the authority to adopt regulations that are necessary to protect the waters of this Commonwealth from pollution. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

D. Background and Purpose

This proposed rulemaking addresses the Secretary's directive to review and revise the Department regulations to implement the goals in the Administration's priorities of increased environmental protection and improved human quality of life.

The proposed rulemaking includes revisions to remove obsolete provisions and correct inaccurate references currently in the regulations; delete the outdated coproduct transition scheme; simplify the hazardous waste manifest system; update the financial assurance requirements for bonding; expand and clarify the universal waste requirements; and add provisions for standardized permits.

The specific Administration priorities addressed in this proposed rulemaking include the following:

- Improving the permitting process by incorporating the Federal standardized permits provision and including regulatory provisions to accomplish this.

- Changing the bonding requirements to improve the reliability of money available to properly close a hazardous waste facility. Replacing the financial test and corporate guarantee with the option to use an insurance policy as a closure bond mechanism.

- Making a minor correction to the regulations for corrective action for solid waste management units will eliminate an impediment for the Commonwealth to receive Federal authorization, which would provide increased flexibility and further encourage brownfields redevelopment opportunities.

- Simplifying the reporting requirements for hazardous waste manifests and universal wastes to eliminate unnecessary reports and reduce paperwork requirements.

- Adding two new universal wastes that encourage recycling and proper management of hazardous wastes that might otherwise be disposed improperly.

E. Summary of Regulatory Requirements

Chapter 260a. Hazardous Waste Management System: General

§ 260a.30. Variances from classification as a solid waste.

This proposed rulemaking rescinds this section because the coproduct transition language is obsolete. This language was previously necessary to transition materials that were classified as coproducts and therefore not regulated as waste under the regulations prior to incorporating the Federal definition of "solid waste" on May 1, 1999. The deadline for transitioning was May 1, 2001.

Chapter 261a. Identification and Listing of Hazardous Waste

§ 261a.8. Requirements for universal waste.

This proposed rulemaking amends language to include new materials that may be managed as universal waste (oil-based finishes and photographic solutions) and deletes mercury-containing devices. A parallel regulation in 40 CFR (relating to protection of environment) is incorporated in 25 Pa. Code (relating to environmental protection) by reference. This causes the Pennsylvania-specific universal waste for mercury-containing devices to be redundant and not necessary.

Chapter 262a. Standards Applicable to Generators of Hazardous Waste

§ 262a.10. Incorporation by reference, purpose, scope and applicability.

New language excludes the University Laboratories XL Project—Laboratory Environmental Management Standard from incorporation of Federal regulations by reference. These unincorporated citations apply only to specific university laboratories in Massachusetts and Vermont.

§ 262a.12. EPA identification numbers.

This proposed rulemaking removes the exception to substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) because the Department now issues United States Environmental Protection Agency (EPA) ID numbers. This proposed rulemaking adds the requirement for a generator to submit a subsequent notification if the name of the facility changes and clarifies a subsequent notification when there is a change of “generator status” instead of “facility class.”

Subchapter B. Manifest

§§ 262a.20—262a.23.

Changes to the manifest system in the incorporated Federal regulations that were published as a final rule at 70 FR 10776 (March 4, 2005), known as the uniform manifest rule, have made Pennsylvania-specific requirements obsolete. Therefore, Pennsylvania-specific requirements in §§ 262a.20—262a.23 are being rescinded.

§ 262a.41. Biennial report.

This section is rescinded because it is no longer necessary to modify the EPA report form for use in this Commonwealth.

§ 262a.100. Source reduction strategy.

This proposed rulemaking corrects an incorrect cross reference to 40 CFR.

Chapter 263a. Transporters of Hazardous Waste

§ 263a.12. Transfer facility requirements.

This proposed rulemaking removes Pennsylvania-specific manifest requirements for transfer facilities. These requirements are no longer necessary because of the incorporated Federal uniform manifest requirements.

§ 263a.13. Licensing.

This proposed rulemaking removes an inaccurate cross-reference to § 263a.30 (relating to immediate action).

§ 263a.20. Manifest system.

§ 263a.21. Compliance with the manifest.

These sections are rescinded because the Pennsylvania-specific manifest requirements are redundant because of the Federal uniform manifest rule adopted on March 4, 2005.

§ 263a.25. Civil penalties for failure to submit hazardous waste transporter fees.

§ 263a.26. Assessment of penalties.

These sections are rescinded to remove regulatory provisions for civil penalties. The provision has never been used. The Department still has the authority to assess penalties for failure to submit fees, submission of falsified information, failure to submit documentation that no fee was due or failure to meet the time schedule for submission of fees.

Chapter 264a. Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

§ 264a.1. Incorporation by reference, purpose, scope and reference.

This proposed rulemaking clarifies the reference to 40 CFR Part 264, Appendix VI (relating to political jurisdictions in which compliance with 40 CFR 264.18(a) must be demonstrated) that is excluded from incorporation by reference.

§ 264a.71. Use of the manifest system.

This section is rescinded because the Pennsylvania-specific manifest requirements are redundant because of the Federal uniform manifest rule adopted on March 4, 2005.

§ 264a.80. Civil penalties for failure to submit hazardous waste management fees.

§ 264a.81. Assessment of penalties; minimum penalties.

These sections are rescinded to remove regulatory provisions for civil penalties. The provision has never been used. The Department still has the authority to assess penalties for failure to submit fees, submission of falsified information, failure to submit documentation that no fee was due or failure to meet the time schedule for submission of fees.

§ 264a.83. Administration fees during closure.

This proposed rulemaking moves closure requirements from this section to § 264a.115 (relating to certification of closure), as suggested by the EPA, for clarity purposes, during authorization update review.

§ 264a.101. Corrective action for solid waste management units.

This section is rescinded because it prevented the Commonwealth from being approved by the EPA for authorization to implement the RCRA Corrective Action Program.

§ 264a.115. Certification of closure.

This proposed rulemaking adds certification of closure provisions from § 264a.83 (relating to administration fees during closure).

Subchapter H. Financial Requirements

The financial test and corporate guarantee is proposed to be deleted based on the Department's experience with companies suddenly losing the ability to meet the requirements of the financial test with no means of replacing collateral available or entering bankruptcy. The use of closure insurance is proposed to replace the financial test. This is provided for in the Federal regulations.

The proposed rulemaking clarifies that only new facilities that are applying for a new permit are eligible for phased deposit of collateral. An existing facility could enter forfeiture early in the phased deposit stage and not have adequate bond to cover closure costs.

The proposed rulemaking revises bond forfeiture wording to specify that moneys from forfeited bonds will first be used to properly close the facility for which the bond was forfeited (same as municipal and residual waste regulations).

§ 264a.195. Inspections.

This section, regarding hazardous waste tank inspection frequency, is proposed to be rescinded. A request for interpretation from the Pennsylvania Chamber of Business and Industry brought to the attention of Department

staff that this section may conflict with Federal regulations otherwise incorporated by reference. This section originally supplemented the incorporated Federal regulations by adding a requirement that tanks be inspected every 72 hours when not operating if waste remains in the tank. The incorporated Federal regulations require tanks to be inspected at least once each operating day. Since tanks are designed to contain an accumulation of hazardous waste, the Department has taken the position that, when waste is in the tank, it is operating and shall be inspected once every 24 hours.

Chapter 265a. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

§ 265a.71. Use of the manifest system.

This section is rescinded because the Pennsylvania-specific manifest requirements are redundant because of the Federal uniform manifest rule adopted on March 4, 2005.

§ 265a.80. Civil penalties for failure to submit hazardous waste management fees.

§ 265a.81. Assessment of penalties; minimum penalties.

These sections are rescinded to remove regulatory provisions for civil penalties. The provision has never been used. The Department still has the authority to assess penalties for failure to submit fees.

§ 265a.83. Administration fees during closure.

This proposed rulemaking moves closure requirements from this section to § 265a.115 (relating to certification of closure), as suggested by the EPA, for clarity purposes, during authorization update review.

§ 265a.115. Certification of closure.

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This proposed rulemaking amends bond forfeiture wording to specify that moneys from forfeited bonds will first be used to properly close the facility for which the bond was forfeited (same as municipal and residual waste regulations).

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the tank. The incorporated Federal regulations require tanks to be inspected at least once each operating day. Since tanks are designed to contain an accumulation of hazardous waste, the Department has taken the position that, when waste is in the tank, it is operating and shall be inspected once every 24 hours.

Chapter 266a. Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

§ 266a.70. Applicability and requirements.

This proposed rulemaking corrects a typographical error that incorrectly refers to § 270a.60(b)(6) (relating to references) as the precious metal reclamation permit-by-rule provision. The correct citation is § 270a.60(b)(5).

Chapter 266b. Universal Waste Management

§ 266b.1. Incorporation by reference and scope.

This proposed rulemaking deletes mercury-containing devices; the incorporated Federal regulations now include mercury-containing equipment with equivalent requirements. This proposed rulemaking lists two new Pennsylvania-specific materials to be eligible for management as universal wastes: oil-based finishes and photographic processing solutions.

§ 266b.3. Definitions.

This proposed rulemaking deletes mercury-containing devices and moves the definitions to the beginning of the subchapter. This proposed rulemaking adds technical definitions for the two new materials that are being proposed as Pennsylvania-specific materials to be eligible for management as universal wastes under this proposed rulemaking (oil-based finishes and photographic solutions).

§ 266b.4. Applicability—oil-based finishes.

This proposed section describes which oil-based finishes will be eligible for management as universal wastes.

§ 266b.5. Applicability—photographic solutions.

This proposed section describes which photographic solutions will be eligible for management as universal wastes.

Subchapter B. Small Quantity Handlers of Universal Waste

This subchapter is amended by adding standards and labeling/marketing requirements applicable to the two new materials which are being proposed as Pennsylvania-specific materials to be eligible for management as universal wastes under this proposed rulemaking (oil-based finishes and photographic solutions). This proposed rulemaking deletes the management standards for mercury-containing devices.

Subchapter C. Large Quantity Handlers of Universal Waste

This subchapter is amended by adding standards and labeling/marketing requirements applicable to the two new materials which are being proposed as Pennsylvania-specific materials to be eligible for management as universal wastes under this proposed rulemaking (oil-based finishes and photographic solutions). This proposed rulemaking deletes the management standards for mercury-containing devices.

Chapter 267a. Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit

This proposed chapter incorporates by reference 40 CFR Part 267 (relating to standards for owners and operators of hazardous waste facilities operating under a standardized permit) along with proposed Chapter 270a, Subchapter I (relating to procedures for standardized permit), that provides standards for hazardous waste facilities operating under a standardized permit that was published on September 8, 2005, as a final Federal regulation. The rule streamlines the hazardous waste permitting process for tanks, containers and containment buildings. It applies to onsite facilities and facilities controlled by the same company as the offsite generator. The standardized permit provision provides a streamlined process for generators of hazardous waste to obtain a permit to store wastes for more than 90 days. A standardized permit process is also available to companies that generate hazardous waste at various locations but want to establish a treatment facility at one generation location for hazardous wastes generated at all locations.

Chapter 269a. Siting

§ 269a.50. Environmental assessment considerations.

A proposed amendment replaces the Board as the jurisdictional designee of natural areas or wild areas with a more generic designee as a State or Federal agency. The legislation that established the Department of Conservation and Natural Resources (DCNR) and the Department as two separate agencies from the Department of Environmental Resources effectively changed the designee of these areas from the Board to the DCNR. The details for making these determinations are dealt with in guidance documents that assist applicants for siting hazardous waste facilities.

Chapter 270a. Hazardous Waste Permit Program

§ 270a.2. Definitions.

The proposed rulemaking adds the definition of "standardized permit."

§ 270a.6. References.

The proposed rulemaking corrects a typographical error in the citation to 40 CFR 270.6 (relating to references).

§ 270a.41. Procedures for modification, termination or revocation and reissuance of permits.

Changes were made to 40 CFR Part 124 (relating to procedures for decisionmaking), the general requirements for Federal permit issuance that affect hazardous waste permits. The Board's regulations do not incorporate 40 CFR Part 124 by reference; these changes are in the areas of 25 Pa. Code that are regulatory analogs to 40 CFR Part 124.

§ 270a.42. Permit modification at the request of the permittee.

The proposed rulemaking clarifies requirements and time frames for public notice for Class 3 modifications.

§ 270a.51. Continuation of existing permits.

Changes were made to 40 CFR Part 124, the general requirements for Federal permit issuance that affect hazardous waste permits. Pennsylvania regulations do not incorporate 40 CFR Part 124 by reference; these changes are in the areas of 25 Pa. Code that are regulatory analogs to 40 CFR Part 124.

§ 270a.60. Permits-by-rule.

The proposed rulemaking deletes a defunct notification deadline and adds a clarifying provision establishing that thermal treatment activities are not eligible to operate under the generator treatment in accumulation containers, tanks and containment buildings permit-by-rule.

§ 270a.83. Preapplication public meeting and notice.

The proposed rulemaking deletes Class 2 permit modification as a "significant change" (suggested by the EPA during authorization update review).

Subchapter I. Procedures for RCRA standardized permit

§ 270a.201. Incorporation by reference, scope and applicability.

This proposed subchapter incorporates an analog to 40 CFR Part 124, Subpart G (relating to procedures for RCRA standardized permit). These permits are for generators who store waste for more than 90 days or treat hazardous waste in containers, tanks or containment buildings that do not qualify for generator treatment permit-by-rule. This permit is also available for accepting offsite waste from another generator that has the same owner. The standardized permit utilizes standard permit procedures simplifying the permit process. A standardized permit is not available for thermal treatment.

Note: New 40 CFR Part 270, Subchapter J (relating to RCRA standardized permits for storage and treatment units) is incorporated by reference.

F. Benefits, Costs and Compliance

Benefits

The proposed rulemaking will clarify some ambiguous provisions and eliminate redundant provisions and typographical errors. The proposed rulemaking includes new requirements that address the Secretary's directive to review and revise Department regulations to implement the goals in the Administration's priorities of increased environmental protection and improved human quality of life. The proposed rulemaking will also provide a basis to solicit formal comment from the EPA for changes required for approval of the regulations in an update application for state authorization of the hazardous waste program.

Compliance Cost

Most of the proposed amendments include clarifications and corrections that impose no new compliance costs. The proposed amendment to eliminate the Corporate Guarantee as an option to satisfy the closure/postclosure bond requirement will impose a cost on the 16 companies that utilize the Corporate Guarantee to satisfy the bond requirement at 23 facilities. The total amount of the closure/postclosure liability covered at those facilities is \$44,449,600. Replacement using a surety, some form of collateral or an insurance policy is estimated to cost the companies from 1% to 5% of the liability amount. The 1% to 5% range is approximately \$444,500 to \$2,222,500. Some proposed requirements are intended to reduce compliance costs, such as the new universal wastes and the standardized permit. The implementation of the uniform manifest should provide cost saving to the regulated community.

Compliance Assistance Plan

As with previous hazardous waste management regulations, the Department's compliance assistance efforts will take three forms. Following promulgation as a final-form rulemaking, the Department will prepare a fact sheet specifically addressing certain changes made by this

proposed rulemaking. The Department will also continue to work with the regulated community to explain impacts from the proposed rulemaking and necessary operational changes to remain in compliance. Information concerning these amendments and necessary technical guidance documents will also be available on the Department's website.

Paperwork Requirements

This proposed rulemaking will result in a net reduction of paperwork requirements by implementing the uniform manifest and reducing other manifest and universal waste reporting requirements. Other proposed amendments do not affect paperwork requirements.

G. Pollution Prevention

For this proposed rulemaking, the Department will not require additional pollution prevention efforts. The Department already provides pollution prevention educational material as part of its hazardous waste program. There is an existing requirement for hazardous waste generators to develop a source reduction strategy. The new universal wastes will help assure proper recycling or disposal that will facilitate pollution prevention by providing alternatives to inappropriate disposal of these wastes, preventing the hazardous constituents from polluting the air, land and water. The Department is actively involved with the EPA in the National Partnership for Environmental Priorities (NPEP) program. The NPEP program targets priority pollutants to reduce or eliminate them in products (which are frequently disposed at end of life) and wastes as the result of manufacturing products.

H. Sunset Review

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on June 22, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. Public Comments

Written comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by September 12, 2007. Interested persons may also submit a summary of their comments to the Board.

The summary may not exceed one page in length and must also be received by September 12, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by September 12, 2007. A subject heading of the proposal and a return name and address must be included in each transmission.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-409. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 260a. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

Subchapter C. RULEMAKING PETITIONS

§ 260a.30. [**Variations from classification as a solid waste**] (Reserved).

[**The coproduct transition scheme is as follows:**

(1) Those materials previously regulated as coproducts prior to May 1, 1999, and that are not otherwise excluded as solid wastes, continue to be regulated as if excluded from classification as a solid waste until a variance from classification as a solid waste under 40 CFR 260.30 (relating to variances from classification as a solid waste) is acted upon by the Department. The request for a variance shall be filed by May 1, 2001.

(2) To qualify under paragraph (1), a person producing, selling, transferring, possessing or using a material as a coproduct not exempt from regulation under other provisions of this article shall submit by August 13, 1999, a written notification to the Department that the exemption in paragraph (1) applies to the person's activity.]

CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 261a.8. **Requirements for universal waste.**

In addition to the requirements incorporated by reference, [**mercury-containing devices**] **oil-based finishes and photographic solutions** as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under Chapter 266b (relating to universal waste management).

CHAPTER 262a. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

* * * * *

Subchapter A. GENERAL

§ 262a.10. Incorporation by reference, purpose, scope and applicability.

Except as expressly provided in this chapter, 40 CFR Part 262 and its appendices (relating to standards applicable to generators of hazardous waste) are incorporated by reference. In 40 CFR 262.10(g) (relating to purpose, scope and applicability), the term "section 3008 of the act" is replaced with "Article VI of the Solid Waste Management Act (35 P.S. §§ 6018.601—6018.617)." **40 CFR 262.10(j) and (k) (relating to purpose, scope, and applicability) and 262 Subpart J (relating to University Laboratories XL Project—Laboratory Environmental Management Standard) are not incorporated by reference.**

§ 262a.12. EPA identification numbers.

[(a) Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 262.12 (relating to EPA identification numbers).

(b)] In addition to the requirements incorporated by reference:

(1) A generator shall submit a subsequent notification to the Department if:

* * * * *

(v) The generator's **[facility class] generator status** changes, except when the **[facility class] generator status** change is temporary.

(vi) The name of the facility changes.

* * * * *

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete the text of §§ 262a.20—262a.23 and 262a.41, which appears in 25 Pa. Code pages 262a-3, 262a-4 and 262a-5, serial pages (294489) to (294491).)

Subchapter B. (Reserved)

§§ 262a.20—262a.23. (Reserved).

Subchapter D. RECORDKEEPING AND REPORTING

§ 262a.41. (Reserved).

Subchapter I. SOURCE REDUCTION STRATEGY

§ 262a.100. Source reduction strategy.

* * * * *

(f) A person or municipality that generates hazardous waste may reference existing documents it has prepared to meet other waste minimization requirements to comply with this section, including those proposed to comply with 40 CFR **[261.41] 262.41(a)(5)—(7)** (relating to biennial report).

CHAPTER 263a. TRANSPORTERS OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 263a.12. Transfer facility requirements.

In addition to the requirements incorporated by reference:

[(3) A transporter delivering hazardous waste to another transporter at a transfer facility shall do the following:

(i) Obtain the printed or typed name and signature of the subsequent transporter and the date of the transfer in the designated location on the manifest.

(ii) If the subsequent transporter is not present at the transfer facility while the delivering transporter is at the transfer facility, obtain the location address of the transfer facility, the printed or typed name and signature of the transfer facility operator, and the date of delivery to the transfer facility, assuring the information is entered in Item 15 of the manifest.

(iii) If neither the subsequent transporter nor a representative of the transfer facility is present, enter the location address of the transfer facility, the subsequent transporter's printed or typed name and signature, and the date of delivery to the transfer facility in Item 15 of the manifest.

(iv) Assure all the information required by subparagraphs (i)—(iii) is legible on remaining copies of the manifest.]

§ 263a.13. Licensing.

(a) Except as otherwise provided in subsection (b), **[§ 263a.30,]** § 261a.5(c), § 266a.70(1) or § 266b.50 (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators; applicability and requirements; and applicability), a person or municipality may not transport hazardous waste within this Commonwealth without first obtaining a license from the Department.

* * * * *

Subchapter B. COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

§ 263a.20. Manifest system.

[(a)] Relative to the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply in 40 CFR 263.20 (relating to manifest system), as incorporated by reference into this chapter.

[(b) In addition to the requirements incorporated by reference:

(1) A transporter shall print or type the transporter's name.

(2) The second and any subsequent highway transporter shall print or type their name, and sign and date the manifest or continuation sheet in the designated location.

(3) A transporter shall obtain the printed or typed name of the subsequent transporter or representative of the designated facility.]

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete the text of §§ 263a.21, 263a.25 and 263a.26, which appears in 25 Pa. Code pages 263a-5, 263a-7 and 263a-8, serial pages (294501) and (294503) to (294504).)

- § 263a.21. (Reserved).
- § 263a.25. (Reserved).
- § 263a.26. (Reserved).

CHAPTER 264a. OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Subchapter A. GENERAL

§ 264a.1. Incorporation by reference, purpose, scope and reference.

* * * * *

(b) Relative to the requirements incorporated by reference:

(1) 40 CFR 264.1(f) (relating to purpose, scope and applicability), regarding state program authorization under 40 CFR Part 271 (relating to requirements for authorization of state hazardous waste programs) and Appendix VI to Part 264—(relating to political jurisdictions in which compliance with 40 CFR 264.18(a) [relating to location standards must] shall be demonstrated are not incorporated by reference.

* * * * *

Subchapter E. MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete the text of §§ 264a.71, 264a.80 and 264a.81, which appears in 25 Pa. Code pages 264a-4, 264a-7 and 264a-8, serial pages (294510) and (294513) to (294514).)

- § 264a.71. (Reserved).
- § 264a.80. (Reserved).
- § 264a.81. (Reserved).
- § 264a.83. Administration fees during closure.

[(a) The owner or operator shall complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes. The Department may approve a longer closure period if the owner or operator demonstrates that:

- (1) The closure activities will, of necessity, take longer than 180 days to complete or the following:
 - (i) The facility has the capacity to receive additional wastes.
 - (ii) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site.
 - (iii) Closure of the facility would be incompatible with continued operation of the site.

(2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the un-closed but inactive facility. Under 40 CFR 264.112(d) (relating to closure plan; amendment of plan) and paragraph (1)(i), if operation of the site is recommenced, the Department may defer completion of closure activities until the new operation is terminated. The deferral shall be in writing.

(3) The demonstrations referred to in 40 CFR 264.112(d) and this section shall be made as follows:

(i) The demonstrations in 40 CFR 264.112(d) shall be made at least 30 days prior to the expiration of the 60-day period.

(ii) The demonstrations in this section shall be made at least 30 days prior to the expiration of the 180-day period.

(b)] A nonrefundable administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" shall be forwarded to the Department within 30 days after receiving the final volumes of waste, and on or before January 20th of each succeeding year until the requirements of § 264a.115 (relating to certification of closure) are met. The fee shall be:

* * * * *

Subchapter F. RELEASES FROM SOLID WASTE MANAGEMENT UNITS

§ 264a.101. [Corrective action for solid waste management units] (Reserved).

[In 40 CFR 264.101(b) (relating to corrective action for solid waste management units), the reference to Subpart S does not apply until 40 CFR Part 264, Subpart S is effective in this Commonwealth.]

Subchapter G. CLOSURE AND POSTCLOSURE

§ 264a.115. Certification of closure.

(a) The owner or operator shall satisfy § 264a.166 (relating to closure and postclosure certification) instead of the reference to 40 CFR 264.143(i) (relating to financial assurance for closure).

(b) The owner or operator shall complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes. The Department may approve a longer closure period if the owner or operator demonstrates that:

- (1) The closure activities will, of necessity, take longer than 180 days to complete or the following:
 - (i) The facility has the capacity to receive additional wastes.
 - (ii) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site.
 - (iii) Closure of the facility would be incompatible with continued operation of the site.

(2) The owner or operator has taken and will continue to take all steps to prevent threats to human health and the environment from the un-closed but inactive facility. Under 40 CFR 264.112(d) (relating to closure plan; amendment of plan) and paragraph (1)(i), if operation of the site is recommenced, the Department may defer completion of closure activities until the new operation is terminated. The deferral will be in writing.

(3) The demonstrations referred to in 40 CFR 264.112(d) and this section shall be made as follows:

- (i) The demonstrations in 40 CFR 264.112(d) shall be made at least 30 days prior to the expiration of the 60-day period.
- (ii) The demonstrations in this section shall be made at least 30 days prior to the expiration of the 180-day period.

Subchapter H. FINANCIAL REQUIREMENTS

§ 264a.143. Financial assurance for closure.

40 CFR 264.143 (relating to financial assurance for closure) is not incorporated by reference except for 40 CFR 264.143 [(f)] (e) as referenced in § 264a.156 (relating to special terms and conditions for collateral bonds and bonds pledging [corporate guarantee for] closure insurance).

§ 264a.145. Financial assurance for postclosure care.

40 CFR 264.145 (relating to financial assurance for post-closure care) is not incorporated by reference; except for 40 CFR 264.145 [(f)] (e) as referenced in § 264a.156 (relating to special terms and conditions for collateral bonds and bonds pledging [corporate guarantee for] closure insurance).

§ 264a.153. Requirement to file a bond.

* * * * *

(b) The Department will not issue a new, revised, amended, modified or renewed permit for the storage, treatment or disposal of hazardous waste unless the applicant files with the Department a bond under this subchapter, payable to the Department, on a form prepared and provided by [or approved by] the Department, and the bond is approved by the Department.

* * * * *

§ 265a.154. Form, terms and conditions of bond.

(a) The Department accepts the following types of bond:

* * * * *

(3) A bond pledging [a corporate guarantee] closure insurance.

* * * * *

(b) The Department prescribes and furnishes the forms which shall be used for bond instruments.

* * * * *

§ 264a.156. Special terms and conditions for collateral bonds and bonds pledging [corporate guarantee for] closure insurance.

* * * * *

(e) [Bonds pledging a corporate guarantee for closure shall be subject to the requirements of 40 CFR 264.143(f) (relating to financial test and corporate guarantee for closure) and 40 CFR 264.145(f) (relating to financial assurance for post-closure care). Instead of the provisions of 40 CFR 264.143(f)(10)(i) (relating to financial assurance for closure) and 40 CFR 264.145(f)(11)(i), the procedures of § 264a.168 (relating to bond forfeiture), apply to bond forfeiture.] Bonds pledging closure insurance shall be subject to the requirements of 40 CFR 264.143(e) (relating to financial assurance for closure).

§ 264a.157. Phased deposits of collateral.

(a) An owner or operator may post a collateral bond in phased deposits for a new hazardous waste storage, treatment or disposal facility that will be continuously operated or used for at least 10 years from the date of

issuance of the permit or permit amendment, according to all of the following requirements:

* * * * *

§ 264a.168. Bond forfeiture.

* * * * *

(b) If the Department determines that bond forfeiture is appropriate, the Department will do the following:

* * * * *

(4) Deposit all money collected from defaulted bonds into the Solid Waste Abatement Fund. Use moneys received from the forfeiture of bonds, and interest accrued, first to accomplish final closure of, and to take steps necessary and proper to remedy and prevent adverse environmental effects from, the facility upon which liability was charged on the bonds. Excess moneys may be used for other purposes consistent with the Solid Waste Abatement Fund and the act.

* * * * *

Subchapter J. TANK SYSTEMS

§ 264a.195. [Inspections] (Reserved).

[In addition to the requirements incorporated by reference, the tank or tank system shall be inspected every 72 hours when not operating, if waste remains in the tank or tank system components.]

CHAPTER 265a. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Subchapter E. MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete the text of §§ 265a.71, 265a.80 and 265a.81, which appears in 25 Pa. Code pages 265a-6, 265a-8 and 265a-9, serial pages (294524) and (254970) to (254971).)

§ 265a.71. (Reserved).

§ 265a.80. (Reserved).

§ 265a.81. (Reserved).

§ 265a.83. Administration fees during closure.

[(a) Within 90 days after receiving the final volume of hazardous waste, or 90 days after approval of the closure plan, whichever is later, the owner or operator shall treat, remove from the site or dispose of onsite all hazardous waste in accordance with the approved closure plan. The Department may approve in writing a longer period if the owner or operator demonstrates one of the following:

(1) The activities required to comply with this subsection will, of necessity, take longer than 90 days to complete, and the owner or operator will continue to take all measures necessary to ensure safety to human health and the environment.

(2) The facility has additional capacity under its permit, someone other than the present owner or operator will obtain a permit to recommence operation of the site, closure would be incompatible with continued operation of the site, and the owner or operator will continue to take all measures necessary to ensure safety to human health and the environment.

(b) The owner or operator shall complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes or 180 days after approval of the closure plan, whichever is later. The Department may in writing approve a longer closure period if the owner or operator demonstrates the following:

(1) The closure activities will, of necessity, take him longer than 180 days to complete, and the owner or operator will continue to take measures necessary to ensure safety to human health and the environment.

(2) The facility has additional capacity under its permit, someone other than the owner or operator will obtain a permit to recommence operation of the site, closure would be incompatible with continued operation of the site and the owner or operator will continue to take all measures necessary to ensure safety to human health and the environment.

(c) The demonstrations referred to in subsections (a) and (b) shall be made as follows:

(1) The demonstrations in subsection (a) shall be made at least 30 days prior to the expiration of the 90-day period in subsection (b).

(2) The demonstrations in subsection (b) shall be made at least 30 days prior to the expiration of the 180-day period in subsection (b).

(d)] A nonrefundable administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" shall be forwarded to the Department within 30 days after receiving the final volumes of waste, and on or before January 20th of each succeeding year until the requirements of § 264a.115 (relating to certification of closure) are met. The fee shall be:

* * * * *

Subchapter G. CLOSURE AND POSTCLOSURE

§ 265a.115. Certification of closure.

(a) The owner or operator shall satisfy § 265a.166 (relating to closure and postclosure certification) instead of the reference to 40 CFR 265.143(h) (relating to final assurance for closure).

(b) Within 90 days after receiving the final volume of hazardous waste, or 90 days after approval of the closure plan, whichever is later, the owner or operator shall treat, remove from the site or dispose of onsite all hazardous waste in accordance with the approved closure plan. The Department may approve in writing a longer period if the owner or operator demonstrates one of the following:

(1) The activities required to comply with this subsection will, of necessity, take longer than 90 days to complete, and the owner or operator will continue to take all measures necessary to ensure safety to human health and the environment.

(2) The facility has additional capacity under its permit, someone other than the present owner or operator will obtain a permit to recommence operation of the site, closure would be incompatible with continued operation of the site, and the owner or operator will continue to take all measures necessary to ensure safety to human health and the environment.

(c) The owner or operator shall complete closure activities in accordance with the approved closure plan and within 180 days after receiving the final volume of wastes or 180 days after approval of the closure plan, whichever is later. The Department may in writing approve a longer closure period if the owner or operator demonstrates the following:

(1) The closure activities will, of necessity, take longer than 180 days to complete, and the owner or operator will continue to take measures necessary to ensure safety to human health and the environment.

(2) The facility has additional capacity under its permit, someone other than the owner or operator will obtain a permit to recommence operation of the site, closure would be incompatible with continued operation of the site and the owner or operator will continue to take all measures necessary to ensure safety to human health and the environment.

(d) The demonstrations referred to in subsections (b) and (c) shall be made as follows:

(1) The demonstrations in subsection (b) shall be made at least 30 days prior to the expiration of the 90-day period in subsection (c).

(2) The demonstrations in subsection (c) shall be made at least 30 days prior to the expiration of the 180-day period in subsection (b).

Subchapter H. FINANCIAL REQUIREMENTS

§ 265a.143. Financial assurance for closure.

40 CFR 265.143 (relating to financial assurance for closure) is not incorporated by reference except for 40 CFR 265.143 [(e)] (d) as referenced in § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging [corporate guarantee for] closure insurance).

§ 265a.145. Financial assurance for postclosure care.

40 CFR 265.145 (relating to financial assurance for post-closure care) is not incorporated by reference except for 40 CFR 265.145 [(e)] (d) as referenced in § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging [corporate guarantee for] closure insurance).

§ 265a.153. Requirement to file a bond.

* * * * *

(b) The Department will not issue a new, revised, amended, modified or renewed permit for the storage, treatment or disposal of hazardous waste unless the applicant files with the Department a bond under this subchapter, payable to the Department, on a form prepared and provided by [or approved by] the Department, and the bond is approved by the Department.

* * * * *

§ 265a.154. Form, terms and conditions of bond.

* * * * *

(b) The Department prescribes and furnishes the forms, which shall be used for bond instruments.

* * * * *

§ 265a.156. Special terms and conditions for collateral bonds and bonds pledging [corporate guarantee for] closure insurance.

* * * * *

(e) [Bonds pledging a corporate guarantee for closure shall be subject to the requirements of 40 CFR 265.143(e) (relating to financial test and corporate guarantee for closure) and 40 CFR 265.145(e) (relating to financial assurance for post-closure care) except for the provision of 40 CFR 265.143(e)(10)(i) (relating to financial assurance for closure) as specified in § 264a.143(a) (relating to financial assurance for closure). This is replaced by the procedures of § 265a.168 (relating to bond forfeiture).] Bonds pledging closure insurance shall be subject to the requirements of 40 CFR 265.143 (d) (relating to financial assurance for closure).

§ 265a.157. [Phased deposits of collateral] (Reserved).

[(a) A permit applicant, or an owner or operator may post a collateral bond in phased deposits for a hazardous waste storage, treatment or disposal facility that will be continuously operated or used for at least 10 years from the date of issuance of the permit or permit amendment, according to all of the following requirements:

(1) The owner or operator submits a collateral bond form to the Department.

(2) The owner or operator deposits \$10,000 or 25%, whichever is greater, of the total amount of bond determined in this chapter in approved collateral with the Department.

(3) The owner or operator submits a schedule agreeing to deposit 10% of the remaining amount of bond, in approved collateral in each of the next 10 years.

(b) The permit applicant or owner or operator deposits the full amount of bond required for the hazardous waste storage, treatment or disposal facility within 30 days of receipt of a written demand by the Department to accelerate deposit of the bond. The Department makes the demand when one of the following occurs:

(1) The owner or operator fails to make a deposit of bond amount when required by the schedule for the deposits.

(2) The owner or operator violates the requirements of the act, this article, the terms and conditions of the permit or orders of the Department and has failed to correct the violations within the time required for the correction.

(c) Interest earned by collateral on deposit accumulates and becomes part of the bond amount until the owner or operator completes deposit of the requisite bond amount in accordance with the schedule of deposit. Interest so accumulated may not offset or diminish the amount required to be deposited in each of the succeeding years set forth in the schedule of deposit, except that in the last year in which a deposit is due, the amount to be deposited is adjusted by applying the total accumulated interest to the amount to be deposited as established by the schedule of deposit.]

§ 265a.163. Failure to maintain adequate bond.

If an owner or operator fails to post additional bond within 60 days after receipt of a request by the Department for additional bond amounts under § 265a.162 (relating to bond amount adjustments), [or fails to make timely deposits of bond in accordance with the schedule submitted under § 265a.157 (relating to phased deposits of collateral),] the Department will issue a notice of violation to the owner or operator, and if the owner or operator fails to deposit the required bond amount within 15 days of the notice, the Department will issue a cessation order for all of the hazardous waste storage, treatment and disposal facilities operated by the owner or operator and take additional actions that may be appropriate, including suspending or revoking permits.

§ 265a.168. Bond forfeiture.

* * * * *

(b) If the Department determines that bond forfeiture is appropriate, the Department will do the following:

* * * * *

(4) [Deposit all money collected from defaulted bonds into the Solid Waste Abatement Fund.] Use moneys received from the forfeiture of bonds, and interest accrued, first to accomplish final closure of, and to take steps necessary and proper to remedy and prevent adverse environmental effects from the facility upon which liability was charged on the bonds. Excess moneys may be used for other purposes consistent with the Solid Waste Abatement Fund and the act.

* * * * *

Subchapter J. TANK SYSTEMS

§ 265a.195. [Inspections] (Reserved).

[In addition to the requirements incorporated by reference, the tank or tank system shall be inspected every 72 hours when not operating, if waste remains in the tank or tank system components.]

CHAPTER 266a. MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Subchapter F. RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

§ 266a.70. Applicability and requirements.

In addition to the requirements incorporated by reference:

* * * * *

(2) An owner or operator of facilities that treat recyclable materials to make the materials suitable for reclamation of economically significant amounts of the precious metals identified in 40 CFR Part 266, Subpart F is subject to § 261a.6(c) (relating to requirements for recyclable materials) unless the owner or operator is eligible for a permit by rule for the treatment under § 270a.60(b) [(6)] (5) (relating to permits by rule).

CHAPTER 266b. UNIVERSAL WASTE MANAGEMENT

Subchapter A. GENERAL

§ 266b.1. Incorporation by reference and scope.

(a) Except as expressly provided in this chapter, 40 CFR Part 273 (relating to standards for universal waste management) is incorporated by reference.

(b) [In addition to the requirements incorporated by reference in 40 CFR 273.1(a) (relating to scope), mercury-containing devices as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under this chapter.

(c) In addition to the requirements incorporated by reference in 40 CFR 273.4 (relating to applicability—mercury thermostats), mercury-containing devices as defined in § 266b.3 are included as wastes subject to the standards specified for thermostats in this chapter.

(d) In addition to the requirements incorporated by reference in 40 CFR 273.6 (relating to definitions), mercury-containing devices as defined in § 266b.3 are included as wastes listed in the definition of “universal waste.”]

In addition to the requirements incorporated by reference in 40 CFR 273.1 (relating to scope), oil-based finishes as defined in § 266b.3 (relating to definitions) are included as waste listed in the definition of “universal waste.”

(c) In addition to the requirements incorporated by reference in 40 CFR 273.1, photographic solutions as defined in § 266b.3 are included as waste listed in the definition of “universal waste.”

§ 266b.2. [Applicability—mercury-containing devices] (Reserved).

[(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing mercury-containing devices as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following mercury-containing devices:

(1) Mercury-containing devices that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when mercury-containing devices become wastes.

(2) Mercury-containing devices that are not hazardous waste. A mercury-containing device is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) A used mercury-containing device becomes a waste on the date it is discarded or sent for reclamation.

(d) An unused mercury-containing device becomes a waste on the date the handler discards it.]

§ 266b.3. Definitions.

In addition to the definitions incorporated by reference in 40 CFR [273.6] 273.9 (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[*Mercury-containing device*—A product or component of a product (excluding batteries) which contains elemental mercury that is necessary for operation of the device.]

Oil-based finishes—

(i) Any paint or other finish that may exhibit, or is known to exhibit, a hazardous waste characteristic, or which contains a listed hazardous waste, and is in original packaging, or otherwise appropriately contained and clearly labeled.

(ii) Examples of oil-based finishes include, but are not limited to, oil-based paints, lacquers, stains and aerosol paint cans.

Photographic solutions—Silver-bearing waste streams resulting from photographic processing solutions or rinse water.

§ 266b.4. Applicability—oil-based finishes.

(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing oil-based finishes as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following oil-based finishes:

(1) Oil-based finishes that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when oil-based finishes become wastes.

(2) Oil-based finishes that are not hazardous waste. An oil-based finish is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) Used oil-based finishes become a waste on the date they are discarded or sent for reclamation.

(d) Unused oil-based finishes become a waste on the date the handler discards them.

§ 266b.5. Applicability—photographic solutions.

(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing photographic solutions as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following photographic solutions:

(1) Photographic solutions that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when photographic solutions become wastes.

(2) Photographic solutions that are not hazardous waste. A photographic solution is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) Used photographic solutions become a waste on the date they are discarded or sent for reclamation.

(d) Unused photographic solutions become a waste on the date the handler discards it.

Subchapter B. SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

§ 266b.11. Waste management for universal waste [mercury-containing devices] oil-based finishes.

[In addition to the requirements incorporated by reference in 40 CFR 273.13 (relating to waste management), the following apply:

(1) A small quantity handler of universal waste shall contain any universal waste mercury-containing device that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the mercury-containing device and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing devices if the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules.

(ii) Removes ampules only over or in a containment device (for example, a tray or pan sufficient to collect and contain mercury released from an ampule in case of breakage).

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34 (relating to accumulation time).

(iv) Immediately transfers mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health administration exposure levels for mercury found in 29 CFR Part 1910, Subpart Z (relating to toxic and hazardous substances).

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.

(vii) Stores removed ampules in closed, nonleaking containers that are in good condition.

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling and transportation.

(3) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing devices shall determine whether the following exhibit a characteristic of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste):

(i) Mercury or clean-up residues resulting from spills or leaks.

(ii) Other solid waste generated as a result of the removal of mercury-containing ampules (for example, remaining mercury device units).

(4) If the mercury, residue or other solid waste exhibits a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of Chapters 261a—265a. The handler is considered the generator of the mercury, residues or other waste and is subject to Chapter 262a (relating to standards applicable to generators of hazardous waste).

(5) If the mercury, residue or other solid waste is not hazardous, the handler shall manage the waste in compliance with the applicable municipal or residual waste regulations found in Articles VIII and IX (relating to municipal waste management; and residual waste management).]

A small quantity handler of universal waste oil-based finishes shall manage oil-based finishes, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste oil-based finishes shall contain oil-based finishes that show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the oil-based finish and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may not process oil-based finishes (including opening, blending, filtering, and the like).

§ 266b.12. [Labeling/marketing] Waste management for universal waste photographic solutions.

[In addition to the requirements incorporated by reference in 40 CFR 273.14 (relating to labeling/marketing), a small quantity handler of universal waste shall label each mercury-containing device, or a container in which the device is contained, with one of the following phrases: “universal waste mercury-containing device(s),” or “waste mercury-containing device(s)” or “used mercury-containing device(s).”]

A small quantity handler of universal waste photographic solutions shall manage waste photographic solutions, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste photographic solutions shall manage the photographic solutions in a lidded container. The container must be closed, structurally sound, compatible with the photographic solutions, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may not process photographic solutions (for example, including, but not limited to, opening, blending, filtering, and the like.).

§ 266b.29. Labeling/markings.

In addition to the requirements incorporated by reference in 40 CFR 273.14 (relating to labeling/markings), a small quantity handler of universal waste shall label:

(1) Each container of universal waste oil-based finish, or the container in which universal waste oil-based finishes are contained, with "universal waste oil-based finish" or "waste oil-based finish."

(2) Each container of universal waste photographic solutions, or the container in which universal waste photographic solutions are contained, with "universal waste photographic solutions" or "waste photographic solutions."

Subchapter C. LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

§ 266b.31. Waste management for universal waste [mercury-containing devices] oil-based finishes.

[In addition to the requirements incorporated by reference at 40 CFR 273.33 (relating to waste management), the following apply:

(1) A large quantity handler of universal waste shall contain any universal waste mercury-containing device that shows evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container shall be closed, structurally sound, compatible with the contents of the mercury-containing device and lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing devices if the handler:

(i) Removes the ampules in a manner designed to prevent breakage of the ampules.

(ii) Removes ampules only over or in a containment device (for example, a tray or pan sufficient to collect and contain mercury released from an ampule in case of breakage).

(iii) Ensures that a mercury clean-up system is readily available to immediately transfer mercury resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34 (relating to accumulation time).

(iv) Immediately transfers mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.

(v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable occupational safety and health administration exposure levels for mercury found in 29 CFR Part 1910, Subpart Z (relating to toxic and hazardous substances).

(vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers.

(vii) Stores removed ampules in closed, nonleaking containers that are in good condition.

(viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling and transportation.

(3) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing devices shall determine whether the following exhibit a characteristic of hazardous waste identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste):

(i) Mercury or clean-up residues resulting from spills or leaks.

(ii) Other solid waste generated as a result of the removal of mercury-containing ampules (for example, remaining mercury device units).

(4) If the mercury, residue or other solid waste, exhibits a characteristic of hazardous waste, it shall be managed in compliance with applicable requirements of Chapters 261a–265a and Chapter 266a, Subchapters C and F–H. The handler is considered the generator of the mercury, residue or other waste and is subject to Chapter 262a (relating to standards applicable to generators of hazardous waste).

(5) If the mercury, residues or other solid waste is not hazardous, the handler shall manage the waste in compliance with the applicable municipal or residual waste regulations found in Articles VIII and IX (relating to municipal waste management; and residual waste management).]

A large quantity handler of universal waste oil-based finishes shall manage oil-based finishes, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste oil-based finishes shall contain oil-based finishes that show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the oil-based finish, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may not process oil-based finishes (for example including, but not limited to, opening, blending, filtering, and the like).

§ 266b.32. [Labeling/markings] Waste management for universal waste photographic solutions.

[In addition to the requirements incorporated by reference in 40 CFR 273.34 (relating to labeling/markings), a large quantity handler of universal waste shall label each mercury-containing device, or a container in which the device is contained, with one of the following phrases: "universal waste mercury-containing device(s)," or "waste mercury-containing device(s)" or "used mercury-containing device(s)."]

A large quantity handler of universal waste photographic solutions shall manage waste photographic solutions, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste photographic solutions shall manage the photographic solutions in a lidded container. The container must be closed, structurally sound, compatible with the photographic solutions, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may not process photographic solutions (for example including, but not limited to, opening, blending, filtering, and the like).

§ 266b.39. Labeling/marketing.

In addition to the requirements incorporated by reference in 40 CFR 273.34 (relating to labeling/marketing), a large quantity handler of universal waste shall label:

(1) Each container of universal waste oil-based finish, or the container in which universal waste oil-based finishes are contained, with "universal waste oil-based finish" or "waste oil-based finish."

(2) Each container of universal waste photographic solutions, or the container in which universal waste photographic solutions are contained, with "universal waste photographic solutions" or "waste photographic solutions."

(Editor's Note: The following chapter is new. It has been printed in regular type to enhance readability.)

CHAPTER 267a. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT

Subchap.

- A. GENERAL
E. MANIFEST SYSTEM, RECORDKEEPING, REPORTING, AND NOTIFYING
H. FINANCIAL REQUIREMENTS

Subchapter A. GENERAL

Sec.

267a.1. Incorporation by reference, purpose, scope and applicability.

§ 267a.1. Incorporation by reference, purpose, scope and applicability.

40 CFR Part 267 (relating to standards for owners and operators of hazardous waste facilities operating under a standardized permit) is incorporated by reference.

Subchapter E. MANIFEST SYSTEM, RECORDKEEPING, REPORTING, AND NOTIFYING

Sec.

267a.71. Use of the manifest system.
267a.75. Reporting requirements.

§ 267a.71. Use of the manifest system.

Relative to the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 267.71(d) (relating to use of the manifest system).

§ 267a.75. Reporting requirements.

Relative to the requirements incorporated by reference, the owner or operator shall submit to the Department its biennial report on EPA Form 8700-13B.

Subchapter H. FINANCIAL REQUIREMENTS

Sec.

267a.143. Financial assurance for closure.
267a.148. Incapacity of owners or operators, guarantors, or financial institutions.
267a.150. State assumption of responsibility.
267a.151. Wording of the instruments.

§ 267a.143. Financial assurance for closure.

40 CFR 267.143(f) and (g) (relating to financial assurance for closure) are not incorporated by reference. Additionally, all references to those subsections or use of the financial test or the guarantee are not incorporated by reference.

§ 267a.148. Incapacity of owners or operators, guarantors, or financial institutions.

Regarding the requirements incorporated by reference, the reference to 40 CFR 267.143(g) (relating to financial assurance for closure) in 40 CFR 267.148(a) (relating to incapacity of owners or operators, guarantors, or financial institutions) is not incorporated by reference.

§ 267a.150. State assumption of responsibility.

40 CFR 267.150 (relating to state assumption of responsibility) is not incorporated by reference.

§ 267a.151. Wording of the instruments.

40 CFR 267.151(a) (relating to wording of the instruments) is not incorporated by reference.

CHAPTER 269a. SITING

Subchapter A. SITING HAZARDOUS WASTE TREATMENT AND DISPOSAL FACILITIES

PHASE II CRITERIA

§ 269a.50. Environmental assessment considerations.

* * * * *

(b) If the Department determines that there is a significant impact on natural, scenic, historic or aesthetic values of the environment, the Department will consult with the applicant to examine ways to reduce the environmental incursion to a minimum. If, after consideration of mitigation measures, the Department finds that significant environmental harm will occur, the Department will evaluate the social and economic benefits of the proposed facility to determine whether the harm outweighs the benefits. The evaluation of environmental harm shall include, at a minimum, a consideration of the impact of the proposed facility on the 15 types of environmental resources described in this subsection. There may be additional potentially affected natural, scenic, historic or aesthetic values which the Department is constitutionally obligated to protect that will be considered for proposed facilities in some locations. In those instances, the Department will identify additional potential impacts for the applicant. The following criteria may not be construed as an attempt to limit or restrict the responsibilities of a Commonwealth agency under PA. CONST. ART. I, § 27.

* * * * *

(5) If the facility is located within 1 mile of a National Natural Landmark designated by the United States National Park Service; or a natural area or wild area designated by [the EQB] a State or Federal agency,

the applicant shall provide information and analyses to allow the Department to assess the extent to which the proposed facility may create adverse environmental, visual or traffic impacts on the National Landmark, natural area or wild area.

* * * * *

CHAPTER 270a. HAZARDOUS WASTE PERMIT PROGRAM

Subchapter A. GENERAL INFORMATION

§ 270a.2. Definitions.

(a) The definitions for "disposal," "person," "standardized permit" and "storage" are not incorporated by reference.

* * * * *

(c) The term "standardized permit" means a permit issued under Subchapter I (relating to procedures for standardized permit) and 40 CFR Part 270, Subpart J (relating to RCRA standardized permits for storage and treatment units) authorizing the facility owner or operator to manage hazardous waste. The standardized permit may have two parts: A uniform portion issued in all cases and a supplemental portion issued at the Department's discretion.

§ 270a.6. References.

Regarding the requirements incorporated by reference, the term "Federal Register" retains its meaning and is not replaced by the term "Pennsylvania Bulletin" when used in 40 CFR [270a.6] 270.6 (relating to references).

Subchapter D. CHANGES TO PERMITS

§ 270a.41. Procedures for modification, termination or revocation and reissuance of permits.

Instead of the procedures required in 40 CFR Part 124 (relating to procedures for decisionmaking), permits are modified, terminated or revoked and reissued in accordance with the following:

* * * * *

(3) If the Department tentatively decides to modify, terminate or revoke and reissue a permit, in accordance with the incorporated provisions of 40 CFR 270.41, 270.42(c) or 270.43, the Department prepares a draft permit under § 270a.10(c) (7)–(10) (relating to general application requirements) incorporating the proposed changes. The Department may request additional information from the permittee and may require the permittee to submit an updated permit application. In the case of revoked and reissued permits, **other than under 40 CFR 270.41(b)(3)**, the Department requires the submission of a new application. **In the case of revoked and reissued permits under 40 CFR 270.41(b)(3), the permittee shall comply with the appropriate requirements in Subchapter I (relating to procedures for standardized permit).** The permittee shall submit additional information or an updated or new application under a request by the Department within the time specified by the Department.

* * * * *

§ 270a.42. Permit modification at the request of the permittee.

* * * * *

(c) Applicants seeking a Class 3 permit modification shall also comply with § 270a.83 (relating to preapplica-

tion public meeting and notice). **Instead of the public notice and public meeting time frames contained in the introductory paragraph of 40 CFR 270.42(c)(2) and (4) (relating to permit modification at the request of the permittee), applicants seeking a Class 3 permit modification shall comply with the time frames under § 270a.83(b) and (d).**

Subchapter E. EXPIRATION AND CONTINUATION OF PERMITS

§ 270a.51. Continuation of existing permits.

* * * * *

(e) The conditions of an expired standardized permit continue in force until the effective date of a new permit if the following conditions are met:

(1) The permittee has submitted a timely and complete Notice of Intent under 40 CFR 124.202(b) (relating to how do I as a facility owner or operator apply for a standardized permit?) requesting coverage under a RCRA standardized permit.

(2) The Department, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(f) When the Department notifies a permittee that the permittee is not eligible for a standardized permit (see 40 CFR 124.206 (relating to in what situations may I require a facility owner or operator to apply for an individual permit?)), the conditions of the expired permit will continue if the permittee submits a timely and complete application for a new permit within 60 days after the notification.

Subchapter F. SPECIAL FORMS OF PERMITS

§ 270a.60. Permits-by-rule.

(a) Relative to the requirements incorporated by reference, the following are substituted for the introductory paragraph in 40 CFR 270.60 (relating to permits by rule):

(1) In addition to other provisions of this chapter, the activities listed in this section are deemed to have a hazardous waste management permit if the owner or operator gives prior notification to the Department on a form provided by the Department and the conditions listed are met. **[Existing permit-by-rule facilities shall comply with the notification requirements by December 8, 2003.]**

* * * * *

(b) In addition to the requirements incorporated by reference, the following requirements apply:

* * * * *

(2) A generator that treats its own hazardous waste in containers, tanks or containment buildings is deemed to have a permit-by-rule, if the owner or operator complies with the following requirements:

* * * * *

(vi) **Treatment activities involving thermal treatment are not eligible to operate under this permit-by-rule.**

* * * * *

Subchapter H. PUBLIC NOTICE AND HEARINGS

§ 270a.83. Preapplication public meeting and notice.

(a) *Applicability.*

* * * * *

(3) For the purposes of this section, a "significant change" is a change that would qualify as a [**Class 2 or**] Class 3 permit modification under 40 CFR 270.42 (relating to permit modification at the request of the permittee) and § 270a.42 (relating to permit modification at the request of the permittee).

(4) **This section also applies to hazardous waste management facilities for which facility owners or operators are seeking coverage under a RCRA standardized permit (see 40 CFR Part 270, Subpart J (relating to RCRA standardized permits for storage and treatment units)), including renewal of a standardized permit for the units, when the renewal is proposing a significant change in facility operations, as defined at 40 CFR 124.211(c) (relating to what types of changes may I make to my standardized permit?).**

(5) This section does not apply to Class 1 or Class 2 permit modifications under 40 CFR 270.42 and § 270a.42 or to applications that are submitted for the sole purpose of conducting postclosure activities or postclosure activities and corrective action at a facility.

(b) Prior to the submission of a Part B RCRA permit application for a facility, **or to the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR Part 270, Subpart J)**, the applicant shall hold at least one meeting with the public to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

(c) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under subsection (b), and copies of any written comments or materials submitted at the meeting, to the Department as a part of the Part B application, under 40 CFR 270.14(b) (relating to contents of Part B: general requirements), **or with the written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR Part 270, Subpart J).**

* * * * *

(Editor's Note: The following subchapter is new. It has been printed in regular type to enhance readability.)

Subchapter I. PROCEDURES FOR STANDARDIZED PERMIT

- Sec.
- 270a.201. Incorporation by reference, scope and applicability.
- 270a.202. Applying for a standardized permit.
- 270a.203. Switching from an individual RCRA permit to a standardized permit.
- 270a.204. Procedures for preparing a draft standardized permit.
- 270a.205. Procedures for preparing a final standardized permit.
- 270a.206. Requirement to apply for an individual permit.
- 270a.207. Requirements for standardized permit public notices.
- 270a.208. Opportunities for public comments and hearings on draft standardized permit decisions.
- 270a.209. Response to comments.
- 270a.210. Procedures to appeal a final standardized permit.
- 270a.212. Making routine changes.
- 270a.214. Making significant changes.

§ 270a.201. Incorporation by reference, scope and applicability.

(a) Except as expressly provided in this subchapter, 40 CFR Part 124, Subpart G (relating to procedures for RCRA standardized permit) is incorporated by reference.

(b) The reference to § 124.2 in the introductory paragraph to 40 CFR 124.200 (relating to what is a RCRA standardized permit?) is replaced with § 270a.2(c) (relating to definitions).

§ 270a.202. Applying for a standardized permit.

Relative to the requirements incorporated by reference, the reference to 40 CFR 124.31 (relating to pre-application public meeting and notice) is replaced with § 270a.83 (relating to preapplication public meeting and notice).

§ 270a.203. Switching from an individual RCRA permit to a standardized permit.

Relative to the requirements incorporated by reference, the reference to 40 CFR 124.5 (relating to modification, revocation and reissuance, or termination of permits) is replaced with § 270a.41 (relating to procedures for modification, termination or revocation and reissuance of permits), and the reference to 40 CFR 124.204 (relating to what must I do as the Director of the regulatory agency to prepare a draft standardized permit?) is replaced with § 270a.204 (relating to procedures for preparing a draft standardized permit).

§ 270a.204. Procedures for preparing a draft standardized permit.

40 CFR 124.204 (relating to what must I do as the director of the regulatory agency to prepare a draft standardized permit?) is not incorporated by reference. Draft standardized permits are prepared in accordance with the following:

(1) The Department will review the Notice of Intent and supporting information submitted by the facility owner or operator.

(2) The Department will determine whether the facility is or is not eligible to operate under the standardized permit.

(i) If the facility is eligible for the standardized permit, the Department may propose terms to include in a supplemental portion. If the Department determines that these terms and conditions are necessary to protect human health and the environment and cannot be imposed, coverage under the standardized permit will be denied.

(ii) If the facility is not eligible for the standardized permit, the Department will tentatively deny coverage under the standardized permit. Cause for ineligibility may include the following:

(A) Failure of the owner or operator to submit all the information required under 40 CFR 270.275 (relating to what information must I submit to the permitting agency to support my standardized permit application?).

(B) Information submitted that is required under 40 CFR 270.275 is determined to be inadequate.

(C) The facility does not meet the eligibility requirements (activities are outside the scope of the standardized permit).

(D) A demonstrated history of significant noncompliance with applicable requirements.

(E) Permit conditions cannot ensure protection of human health and the environment.

(3) The Department will prepare a draft permit decision within 120 days after receiving the Notice of Intent and supporting documents from a facility owner or operator. The tentative determination under this section to

deny or grant coverage under the standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. The Department may notify the permit applicant and take up to an additional 30 days to prepare a draft permit decision if determined necessary to complete review of documents submitted with the Notice of Intent.

(4) The Department's draft permit decision will be accompanied by a statement of basis or fact sheet as provided for in § 270a.10(c)(10)—(12) (relating to general application requirements and permit issuance procedures).

§ 270a.205. Procedures for preparing a final standardized permit.

40 CFR 124.205 (relating to what must I do as the director of the regulatory agency to prepare a final standardized permit?) is not incorporated by reference. Final standardized permits are prepared in accordance with the following: The Department will consider all comments received during the public comment period under § 270a.208 (relating to opportunities for public comments and hearings on draft standardized permit decisions) in making a final permit decision.

§ 270a.206. Requirement to apply for an individual permit.

40 CFR 124.206 (relating to in what situations may I require a facility owner or operator to apply for an individual permit?) is not incorporated by reference.

(1) The Department may determine that a facility is not eligible for the standardized permit based on the following:

(i) The facility does not meet the criteria in 40 CFR 124.201 (relating to who is eligible for a standardized permit?).

(ii) The facility has a demonstrated history of significant noncompliance with regulations or permit conditions.

(iii) The facility has a demonstrated history of submitting incomplete or deficient permit application information.

(iv) The facility has submitted incomplete or inadequate materials with the Notice of Intent.

(2) If the Department determines that a facility is not eligible for the standardized permit, the Department will inform the facility owner or operator that it shall apply for an individual permit.

(3) The Department may require a facility that has a standardized permit to apply for and obtain an individual permit. An interested person may petition the Department to take action under this paragraph. Cases when the Department may require an individual permit include the following:

(i) The facility is not in compliance with the terms and conditions of the standardized permit.

(ii) Circumstances have changed since the time the facility owner or operator applied for the standardized permit, so that the facility's hazardous waste management practices are no longer appropriately controlled under the standardized permit.

(4) If the Department requires a facility authorized by a standardized permit to apply for an individual permit, the Department will notify the facility owner or operator in writing that an individual permit application is required. The Department will include in this notice a brief statement of the reasons for the decision, a statement

setting a deadline for the owner or operator to file the application, and a statement that, on the effective date of the individual permit, the facility's standardized permit automatically terminates. The Department may grant additional time to file an application for an individual permit upon request from the facility owner or operator.

(5) When the Department issues an individual permit to an owner or operator otherwise subject to a standardized permit, the standardized permit for the facility will automatically cease to apply on the effective date of the individual permit.

§ 270a.207. Requirements for standardized permit public notices.

40 CFR 124.207 (relating to what are the requirements for public notices?) is not incorporated by reference.

(1) The Department will provide public notice of a draft standardized permit decision and an opportunity for the public to submit comments and request a hearing on the decision. The Department will provide the public notice to:

(i) The applicant.

(ii) Another agency that the Department knows has issued or is required to issue a RCRA, underground injection control, prevention of significant deterioration (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Protection, Research, and Sanctuaries Act of 1972, the act of October 23, 1972 (Pub. L. No. 92-532, 86 Stat. 52) for the same facility or activity, including the EPA.

(iii) Federal or State agencies with jurisdiction over fish, shellfish and wildlife resources or coastal zone management plans, the Advisory Council on Historic Preservation, State historic preservation officers, and other appropriate government authorities, including any affected states.

(iv) Each person on a mailing list developed by the Department, which includes a person who submits to the Department a request in writing to be included on the list, a person solicited for area lists from participants in past permit proceedings in that area, and a member of the public notified of the opportunity to be put on the mailing list through periodic publication in the public press and in regional and State-funded newsletters, environmental bulletins or State law journals. The Department may update the mailing list periodically by requesting written indication of continued interest from those listed. The Department may delete from the list the name of a person who fails to respond to the request.

(v) Units of local government having jurisdiction over the area where the facility is located or proposed to be located.

(vi) State agencies having authority under State statute with respect to the construction or operation of the facility.

(2) The Department will issue the public notice according to the following methods:

(i) Publication of a notice in the *Pennsylvania Bulletin* and in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

(ii) In a manner constituting legal notice to the public under State statute.

(iii) Other methods reasonably calculated to give actual notice of the action in question to a person potentially

affected by it, including press releases or any other forum or medium to elicit public participation.

(3) The Department will include the following information in the public notice:

(i) The name and telephone number of the contact person at the facility.

(ii) The name and telephone number of the Department office, and a mailing address to which people may direct comments, information, opinions or inquiries.

(iii) An address to which people may write to be put on the facility mailing list.

(iv) The location where people may view and make copies of the draft standardized permit and the Notice of Intent and supporting documents.

(v) A brief description of the facility and proposed operations, including the address or a map of the facility location on the front page of the notice.

(vi) The date that the facility owner or operator submitted the Notice of Intent and supporting documents.

(4) At the same time the public notice under this section is issued, the Department will place the draft standardized permit (including both the uniform portion and the supplemental portion, if any), the Notice of Intent and supporting documents, and the statement of basis or fact sheet in a location accessible to the public in the vicinity of the facility or at a Department office in the vicinity of the facility.

§ 270a.208. Opportunities for public comments and hearings on draft standardized permit decisions.

40 CFR 124.208 (relating to what are the opportunities for public comments and hearings on draft permit decisions?) is not incorporated by reference.

(1) The public notice that the Department issues under § 270a.207 (related to requirements for standardized permit public notices) will allow at least a 45-day public comment period for people to submit written comments on the draft standardized permit decision. The public comment period will automatically be extended to the close of a public hearing under this section. The hearing officer may also extend the public comment period by so stating at the hearing.

(2) During the public comment period, any interested person may submit written comments on the draft standardized permit and may request a public hearing. Requests for public hearings must be submitted in writing to the Department and state the nature of the issues proposed to be raised during the hearing.

(3) The Department will hold a public hearing if a written notice of opposition to a standardized permit and a request for a hearing is received within the public comment period under paragraph (1). The Department may also hold a public hearing at its discretion, whenever, for instance, a hearing may clarify one or more issues involved in the standardized permit decision.

(4) Whenever possible, the Department will schedule a hearing under this section at a location convenient to the nearest population center to the facility. The Department will give public notice of the hearing at least 30 days before the date of the hearing.

(5) The Department will give public notice of the hearing according to the methods in § 270a.207(a) and (b). A person may submit oral or written statements and data concerning the draft standardized permit before, during or after the public hearing, as long as the

Department receives the statements and data during the public comment period. The Department may set reasonable time limits upon the time allowed for oral statements and may require the submission of statements in writing. The Department will make a tape recording or written transcript of the hearing available to the public.

(6) Comments submitted in accordance with this section on the draft standardized permit decision may include the facility's eligibility for the standardized permit, the proposed supplemental conditions, if any, and the need for additional supplemental conditions.

§ 270a.209. Response to comments.

40 CFR 124.209 (relating to what are the requirements for responding to comments?) is not incorporated by reference.

(1) At the time the Department issues a final standardized permit, it will also respond to comments received during the public comment period on the draft standardized permit. The Department's responses will:

(i) Specify which additional conditions, if any, were changed in the final permit and the reasons for the change.

(ii) Briefly describe and respond to all significant comments on the facility's ability to meet the terms and conditions of the standardized permit, and on any additional conditions necessary to protect human health and the environment.

(2) The Department may request additional information from the facility owner or operator or inspect the facility if it determines that additional information is necessary to adequately respond to significant comments or to make decisions regarding the terms and conditions of the standardized permit.

(3) The Department will make its response to public comments available to the public.

§ 270a.210. Procedures to appeal a final standardized permit.

40 CFR 124.210 (relating to may I, as an interested party in the permit process, appeal a final standardized permit?) is not incorporated by reference. The final standardized permit will contain information regarding the procedures to follow to appeal the Department's final permit decision, including the decision that the facility is eligible for the standardized permit. The terms and conditions of the uniform portion of the standardized permit are not subject to appeal.

§ 270a.212. Making routine changes.

Regarding the requirements incorporated by reference, the reference to 40 CFR 124.10(c)(1)(ix) and (x) (relating to public notice of permit actions and public comment period) is replaced with § 270a.207(a) (relating to requirements for standardized permit public notices).

§ 270a.214. Making significant changes.

Regarding the requirements incorporated by reference, the reference to 40 CFR 124.31(d) (relating to pre-application public meeting and notice) is replaced with § 270a.83(d) (relating to preapplication public meeting and notice).

[Pa.B. Doc. No. 07-1235. Filed for public inspection July 13, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Emerald Ash Borer

Recitals

A. The Plant Pest Act (act) (3 P.S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

B. The powers granted the Department under section 21 of the act (3 P.S. § 258.21) include the power to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. This insect was first detected in the United States in summer, 2002, in Michigan.

D. It is suspected that EAB was accidentally introduced into the United States years earlier on solid wood packing material used for crating imported goods. EAB has since spread to other states, including Illinois, Indiana, Ohio, Maryland and Ontario, Canada.

E. EAB has killed 20—25 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB clearly is a threat to this Commonwealth's forest and horticultural resources.

F. EAB can be transported long distances through human activity, including the movement of ash trees and ash firewood.

G. EAB was recently detected in Mahoning County, OH, within 4 miles of the Pennsylvania's western border.

H. Surveys conducted by United States Department of Agriculture (USDA) staff in western Pennsylvania have revealed the presence of EAB in southern Butler County, near the Allegheny County line.

Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated into this Order by reference, the Department hereby orders the following:

1. *Imposition of Quarantine.* A quarantine is hereby established with respect to Allegheny, Beaver, Butler and Lawrence Counties (collectively, the "quarantined area"), effective immediately.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

- a. The Emerald Ash Borer in any living stage of development;
- b. Ash trees of any size;
- c. Ash limbs, branches, stumps and roots;
- d. Any cut, nonconiferous (hardwood) firewood;

e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

f. Ash logs and lumber with either the bark or the outer 1 inch of sapwood, or both, attached;

g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and

h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only 1 or more of the following circumstances:

a. If, under Paragraph No. 4 of this Order, the Department grants a limited permit or has a compliance agreement allowing for the movement, and a copy of that document accompanies the article when it leaves the quarantined area.

b. If the article is moved by USDA or the Department for experimental or scientific purposes.

c. If the article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

i. The points of origin and destination are indicated on a waybill accompanying the article; and

ii. The article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

iii. The article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by the Department as not posing a risk of infestation by EAB; and

iv. The article has not been combined or commingled with other articles so as to lose its individual identity.

4. *Obtaining a Limited Permit or Compliance Agreement from the Department for Intrastate Movement of Articles.* The Department will issue a limited permit or enter into a compliance agreement authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied if all of the following are accurate:

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the Plant Pest Act in order to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department—issued limited permit or compliance agreement securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the limited permit or compliance agreement, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the limited permit or compliance agreement authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

6. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth.

7. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following address or telephone number: Department of Agriculture, Bureau of Plant Industry, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

8. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

9. *Cooperation with other agencies.* The Department will consult with USDA, other state agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect EAB in order to slow the spread or eradicate this pest.

10. *Effective Date.* This quarantine is effective as of June 27, 2007, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-1236. Filed for public inspection July 13, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions 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 July 3, 2007.

BANKING INSTITUTIONS

Charter Application

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-29-2007	Right Bank Philadelphia Philadelphia County <i>Corresponding Agent</i> David F. Scranton, Esq. Stradley Ronon Stevens & Young, LLP Great Valley Corporate Center 30 Valley Stream Parkway Malvern, PA 19355-1481	Philadelphia	Filed

Interim Charter Application

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-27-2007	Abington Interim Savings Bank Jenkintown Montgomery County Interim bank formed in conjunction with the reorganization of Abington Savings Bank from a mutual holding company structure to a stock holding Company structure (see the following).	Jenkintown	Effective

Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-27-2007	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Effective

Abington Savings Bank (the Bank), which was organized in a mutual holding company structure, including a mid-tier bank holding company, Abington Community Bancorp, Inc. (the Mid-Tier), under Abington Mutual Holding Company (the MHC), has reorganized by converting the MHC and the Mid-Tier to Federal charters and creating a thrift holding company and an interim bank (the Interim) and thereafter merging the Mid-tier, the MHC and the Interim into the Bank. The resulting structure is a stock Federal thrift holding company, Abington Bancorp, Inc., which owns all of the shares of the Bank.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-1237. Filed for public inspection July 13, 2007, 9:00 a.m.]

**DEPARTMENT OF
CONSERVATION AND
NATURAL RESOURCES**

Conservation and Natural Resources Advisory Council

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will hold a meeting on Wednesday, July 25, 2007, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-1238. Filed for public inspection July 13, 2007, 9:00 a.m.]

The Board consists of one member from each of the following nine recreational trail user organizations: hiking; cross-country skiing; off-highway motorcycling; snowmobiling; horseback riding; all-terrain vehicle driving; bicycling; four-wheel driving; and water trails. One member also represents physically challenged individuals.

The Board's main responsibilities include advising the Department on the use of Federal trails funding in this Commonwealth, reviewing and ranking trail project applications and presenting an annual report to the Secretary of the Department on the accomplishments of the preceding Federal fiscal year, including recommendations for changes.

Nominations for the three new appointees are to be made from individuals representing the following trail user organizations: four-wheel driving; horseback riding; and cross-country skiing.

Nominations must be submitted to the Department by August 24, 2007. The Secretary of the Department will make the appointments. Appointees will serve for 3 consecutive years.

To obtain a nomination form, contact the Pennsylvania Recreational Trails Program, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-2316, vtierney@state.pa.us.

For more information about the Department, visit the Pennsylvania homepage at www.state.pa.us, or visit the Department directly at www.dcnr.state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Jay Schreiber at (717) 787-2316 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-1239. Filed for public inspection July 13, 2007, 9:00 a.m.]

Recruit Applicants for Trails Board

The Department of Conservation and Natural Resources (Department) is accepting nominations through August 24, 2007, for three new appointments to the Pennsylvania Recreational Trails Advisory Board (Board). The Board was created on October 29, 1992, in accordance with the provisions of the Transportation Equity Act for the 21st Century and as amended under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

DEPARTMENT OF EDUCATION

Application of Bryn Mawr College for Approval of Amendment and Restatement of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Bryn Mawr College for a Certificate of Authority approving the amendment and restatement of the Articles of Incorporation in their entirety.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with

the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist, 333 Market Street, Harrisburg, PA 17126-0333 (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate, contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 07-1240. Filed for public inspection July 13, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051161	Southco, Inc. 210 North Briton Lake Road Concordville, PA 19331	Delaware County Concord Township	UNT of Chester Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0031071	St. Pius X Seminary 1000 Seminary Road Dalton, PA 18414-9547	West Abington Township Lackawanna County	Wet Weather Channel to Ackerly Creek TSF 4G	Y

Draft permit includes Chesapeake Bay Strategy nutrient monitoring (Phase V system).

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060976	Moyer's Campground 309 Moyers Grove Road Wapwallopen, PA 18660	Hollenback Township Luzerne County	Balliet Run Creek 5B Watershed CWF	Y

Draft permit includes Chesapeake Bay Strategy monitoring (Phase V system).

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032131	Department of Conservation and Natural Resources Bureau of State Parks Locust Lake State Park P. O. Box 1467 Harrisburg, PA 17120	Schuylkill County Ryan Township	Locust Creek 3A	Y
PA0034070 Renewal	Glencrest Realty 6000 Glencrest Road Slatington, PA 18080	Washington Township Lehigh County	UNT to Coplay 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0110850 (Sew)	Meda Nipple Convalescent Home R. R. 1 Box 109 Thompsontown, PA 17094	Juniata County Delaware Township	UNT to Cocolamus Creek 12-B	Y
PA0081329 (Sew)	South Londonderry Township Municipal Authority P. O. Box 3 Campbelltown, PA 17010-0003	Lebanon County South Londonderry Township	Little Conewago Creek 7-G	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085669 (Sew)	Centerport Borough Municipal Authority 110 Callowhill Road P. O. Box 248 Centerport, PA 19516	Berks County Centre Township	Irish Creek 3-B	Y
PA0029297 (Sew)	South Mountain Restoration Center 10058 South Mountain Road South Mountain, PA 17261-0999	Franklin County Quincy Township	Rocky Mountain Creek 13-C	Y
PA0032964 (Sew)	Department of Conservation and Natural Resources Cowans Gap State Park 6235 Aughwick Road Fort Loudon, PA 17224	Fulton County Todd Township	South Branch Little Aughwick Creek 13-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0046418	Middleboro Sewage Treatment Plant West Road McKean, PA 16426	Middleboro Borough Erie County	Elk Creek 15-EC	Y
PA0102555	Rocco A. Defranco 1593 Silver Creek Road Johnsonburg, PA 15845	Jones Township Elk County	Silver Creek 17-A	Y
PA0238741	Don W. Neff 111 Beach Road Chicora, PA 16026	Concord Township Butler County	UNT to Connoquenessing Creek 20-C	Y
PA0238791	Rae Kent Gardner P. O. Box 43 Warren, PA 16365	Conewango Township Warren County	UNT to Morse Run 16-B	Y
PA0006378	Wheatland Tube Company Division of John Maneely Company P. O. Box 608 One Council Avenue Wheatland, PA 16161	Sharon City Mercer County	Shenango River 20-A	N

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

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

PA0045021, Industrial Waste, SIC 3479, **Material Sciences Corporation**, 120 Enterprise Avenue, Morrisville, PA 19037-3797. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: Material Sciences Corporation conducts coil coating operations to steel, galvanized and metal coils. From the coating and rinsing operation wastewater is generated and afforded treatment prior to discharge.

The receiving stream, Biles Creeks, is in the State Water Plan Watershed 2E and is classified WWF and MF. The nearest downstream public water supply intake for Bristol Borough Water Treatment Plant is located on Delaware River and is 17.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0334 mgd. The following limits reflect a revised set of limits published at 37 Pa.B. 676 (February 10, 2007).

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Total Dissolved Solids	2,500	5,000	6,250
Oil and Grease	15		30
Chromium, Total	0.39	0.97	0.97
Chromium, Hex	0.02	0.04	0.05
Zinc, Total	1.37	3.13	3.42

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature			110° F
pH (Standard Units)	6.0 (Minimum)		9.0
Cyanide, Total	0.28	0.67	0.70
Cyanide, Free	Monitor	Monitor	Monitor
Iron, Total	1.2	2.37	2.50
Iron, Dissolved	0.72	1.43	1.80
Aluminum, Total	0.82	1.98	2.05
Copper, Total	0.887	1.63	2.21
Residual Chlorine, Total	0.5		1.2
PCBs Total	Monitor		

The proposed effluent limits for Outfall 003 are based on stormwater runoff from parking lot and access road east of the facility:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Suspended Solids	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report

In addition to the effluent limits, the permit contains the following major other requirements:

1. Abandon IWWTP.
2. Public Nuisance.
3. Small Stream Discharge.
4. Applicable BAT/BCT.
5. Approved Chemical Additives.
6. Requirements to Submit Chemical Additives Information.
7. Approved Test Methods.
8. Change in Ownership.
9. Proper Sludge Disposal.
10. Watershed TMDL/WLA.
11. Instantaneous Maximum Limitation.
12. Stormwater Requirements.
13. PCB Requirement.

PA0025437, Sewage, SIC 4952, **North Coventry Municipal Authority**, 1485 East Schuylkill Road, P. O. Box 800, Pottstown, PA 19464. This proposed facility is located in North Coventry Township, **Chester County**.

Description of Proposed Activity: The permittee requests an increase in wastewater flow from 1.5 mgd to 2.01 mgd at the treatment plant.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3D—Manatawny and is classified for: WWF. The nearest downstream public water supply intake for Citizens Utility Home Water Company is located on the Schuylkill River and is 6.25 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N				
(5-1 to 10-31)	10.0			20.0
(11-1 to 4-30)	20.0			40.0
Total Residual Chlorine	0.5			1.6
Fecal Coliform	200 colonies/100 ml as Geometric Mean			1,000*
Dissolved Oxygen	Monitor and Report			
pH	Within limits of 6.0 to 9.0 Standard Units at all times			

*Shall not exceed in more than 10% of samples.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.01 mgd after completion of expansion of the treatment plant.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	40		50
Total Suspended Solids	30	45		60
Ammonia as N				
(5-1 to 10-31)	10.0			20.0
(11-1 to 4-30)	20.0			40.0
Total Residual Chlorine	0.5			1.2
Fecal Coliform	200 colonies/100 ml as Geometric Mean			1,000*
Dissolved Oxygen	5.0			
pH	Within limits of 6.0 to 9.0 Standard Units at all times			
Phosphorus	2.0			4.0

*Shall not exceed in more than 10% of samples.

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

The EPA waiver is not in effect.

PA0036978, Sewage, SIC 4952, **Telford Borough Authority**, 122 Penn Avenue, P. O. Box 209, Telford, PA 18969-0209. The Telford Borough Authority Sewage Treatment Plant is located at 109 Telford Pike in Franconia Township, **Montgomery County**.

As a result of a completed Water Effect Ratio (WER) study performed by Telford Borough Authority, the water quality criteria for copper found in Chapter 16 of the Commonwealth's environmental protection regulations has been revised as allowed in 25 Pa. Code § 93.8. The approved WER is 5.27 for dissolved Copper and 5.52 for Total Recoverable Copper.

The revised copper criterion hardness-based equations for the wastewater discharge from the Telford Borough Sewage Treatment Plant to Indian Creek are as follows:

Criteria Continuous Concentration (CCC): $WER \times 0.960 \times \text{Exp}(0.8545 \times \ln[H] - 1.702)$

Criteria Maximum Concentration (CMC): $WER \times 0.960 \times \text{Exp}(0.9422 \times \ln[H] - 1.700)$

Using these new equations and the weighted mean hardness [H] of 172 mg/l as CaCO₃, the site-specific recalculated copper, dissolved, criterion values are:

CCC = 75 µg/L

CMC = 118 µg/L

The recalculated copper, dissolved, criterion values translate to a copper, total, average monthly limitation of 78 ug/l and an instantaneous maximum limit of 122 µg/l, subject to submission and approval of an NPDES permit amendment.

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

PA0062065, Sewage, **USF Holland**, 10990 Roe Avenue, Overland Park, KS 66211. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Balliet Run, is in the State Water Plan Watershed No. 5B and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Authority is located on the Susquehanna River over 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.005 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0		50.0
Total Suspended Solids	30.0		60.0
NH ₃ -N			
(5-1 to 10-31)	14.0		28.0
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.		
Total Residual Chlorine	1.2		2.8
Ammonia Nitrogen	Monitor and Report		
Kjeldahl Nitrogen	Monitor and Report		
Nitrite-Nitrate as N	Monitor and Report		
Total Nitrogen	Monitor and Report		
Total Phosphorus	Monitor and Report		

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

1. Chesapeake Bay Nutrient Requirements.

PA0041742, Sewage, **Nazareth Borough Municipal Authority**, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Activity: Renewal of existing NPDES Permit.

The receiving stream, Schoeneck Creek, is in the State Water Plan Watershed No. 1F. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River is over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.6 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	23	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Dissolved Oxygen	A minimum of 6.0 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.		
Total Residual Chlorine	0.5		1.2
Whole Effluent Toxicity	1.80 Chronic Toxicity Units (TUc)		

In addition to the effluent limits, the permit contains the following major special conditions: Whole Effluent Toxicity Testing Requirements.

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

Application No. PA0065161, Dale Stoltzfus (Dale Stoltzfus Farm), 166 Rock Road, Pine Grove, PA 17963.

Dale Stoltzfus has submitted an application for a CAFO National Pollutant Discharge Elimination System (NPDES) permit on January 26, 2007, for a proposed agricultural operation known as the Dale Stoltzfus Farm, located on Farm View Road in Washington Township, **Schuylkill County**. The CAFO would be situated near a UNT of Lower Little Swatara Creek, which is classified as a CWF. The nearest downstream public surface water supply is the Lebanon Municipal Authority intake on Swatara Creek. The farm is not expected to impact the water supply.

The operation would include 37,600 finishing ducks in two 45' by 450' animal housing units. Manure generated by the ducks will be collected in an HDPE-lined manure storage impoundment located adjacent to the barns, with an approximate storage capacity of 1.1 million gallons with 12 inches of freeboard. The impoundment is expected to provide at least 14 months of manure storage capacity. The Nutrient Management Plan indicates that there are approximately 56 acres under the control of the farm for manure application. The majority of manure will be exported offsite to neighboring farms for land application.

The Department of Environmental Protection (Department) has conducted a preliminary review of the application and has deemed the application administratively complete. The Department has made a tentative determination to issue the NPDES permit. The draft permit proposes BMPs for manure management, erosion and sediment pollution control and manure storage. The State Conservation Commission, through the Schuylkill County Conservation District, approved the Nutrient Management Plan for this proposed agricultural operation on October 4, 2006.

The permit application, draft permit and Nutrient Management Plan are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review these documents and related files by calling Jennifer Troutman at (717) 705-4732 between 8 a.m. and 4 p.m. Monday through Friday.

Persons wishing to comment on the draft permit or the Nutrient Management Plan are invited to submit written comments to the Southcentral Regional Office within 30 days from the date of this public notice. Written comments should be sent to Sean Furjanic, Watershed Management Program, DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Comments received within this 30-day public comment period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

The Department has also scheduled a public hearing to receive testimony and comments on the proposed CAFO NPDES permit. The hearing will be held on August 15, 2007, beginning at 6 p.m. at the Department's Pottsville District Office, 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.

Individuals intending to testify at the hearing should register by August 10, 2007, by calling John Repetz at (717) 705-4904. If no person registers to testify by August 10, 2007, the hearing will not be held. Persons interested in finding out if anyone has registered to testify, and if the hearing will be held, may contact John Repetz.

Each individual will have up to 10 minutes for their presentation. To ensure that all speakers have a fair and equal opportunity to present their testimony, relinquishing of time will be prohibited. Further details relating to the procedures to be followed at the hearing will be outlined at the beginning of the proceedings.

Following the 30-day comment period and public hearing, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

PABIG6101, Beneficial Use of Biosolids, **Pitt Mining, Inc.**, 423 Weiss Road, Shelocta, PA 15774. This application is for issuance of a Beneficial Use of Biosolids Land Application Individual Generator Permit for the Pitt Mining West Lebanon Biosolids Facility in Young Township, **Indiana County**.

It is proposed to receive sewage sludge from various sewage treatment plants and treat the sewage sludge to produce a biosolids lime material for land application. The biosolids will be used to adjust soil pH the same as agricultural limestone. The biosolids are proposed to meet 25 Pa. Code § 271.911 requirements for exceptional quality except the end use will not be able to meet the agronomic rate requirements.

The treatment process is a pasteurization process to maintain the temperature of the sewage sludge at 158° F or 70° C for 30 minutes. Treatment will be in a retention chamber.

The Department of Environmental Protection intends to issue a permit to the Pitt Mining West Lebanon Biosolids Facility. The following are the quality requirements and monitoring frequency the biosolids prepared under the permit must meet to be land applied. In addition is how application rates will be determined.

There are other special conditions that are in the draft permit.

Biosolids Quality Requirements:

1. The concentration of each pollutant in the biosolids shall not exceed the following concentrations;

Pollutant Concentrations

<i>Pollutant</i>	<i>Monthly average concentrations (milligrams per kilogram)¹</i>
Arsenic	41
Cadmium	39
Copper	1,500
Lead	300
Mercury	17
Nickel	420
PCBs	4
Selenium	100
Zinc	2,800

¹Dry Weight basis.

<i>Pollutant</i>	<i>Monthly average concentrations^g (milligrams per kilogram)¹</i>
Molybdenum	75

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

PA0000914, Industrial Waste, SIC 8731, **United States Department of Energy, Pittsburgh Naval Reactors Office**, 814 Pittsburgh-McKeesport Road, West Mifflin, PA 15122-0109. This application is for renewal of an NPDES permit to discharge treated process water from Bettis Atomic Power Laboratory in West Mifflin, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, "NorthEast Stream"—002 and 007; Thompson Run—006; "Bull Run"—001—005, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Western Pennsylvania Water Company, located at Pittsburgh, 9 miles below the discharge point.

Outfall 001: existing discharge, design flow 0.0308 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			25	50	
Oil and Grease			15		30
Copper			Monitor and Report		
1st month—36th month			0.028		0.007
37th month—expiration					
Dichlorobromomethane			Monitor and Report		
1st month—36th month			0.0049		0.012
37th month—expiration					
Zinc			Monitor and Report		
1st month—36th month			0.172		0.425
37th month—expiration					110° F
Temperature			Monitor and Report		
Chloroform			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 002: existing discharge, design flow 0.0110 mgd

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			25	50	
Oil and Grease			15		30
Aluminum			Monitor and Report		
Iron			Monitor and Report		
Temperature					110° F
pH	not less than 6.0 nor greater than 9.0				

Outfalls 003, 005 and 006: existing discharge, design flow NA.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids			Monitor and Report		
Aluminum			Monitor and Report		
Iron			Monitor and Report		

Outfall 007: existing discharge, design flow of 0.036 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30		75
Tetrachloroethylene			Monitor and Report		
1st month—36th month			0.0022		0.0055
37th month—expiration			0.0012		0.003
Trichloroethylene			Monitor and Report		
1st month—36th month			0.005		0.0125
37th month—expiration			0.004		0.01
1,2-trans-Dichloroethylene			0.005		0.0125
Dissolved Iron					7
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0002054, Industrial Waste, SIC 4911, **Reliant Energy**, 121 Champion Way, Canonsburg, PA 15317-5817.

This application is for renewal of an NPDES permit to discharge treated process water, sewage, stormwater and untreated cooling water and stormwater runoff from Seward Generating Station in East Wheatfield Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, Conemaugh River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at Freeport, over 50 miles downstream from the discharge point.

Outfall 001: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Debris collected on the intake trash racks shall not be returned to the waterway.					

Other Conditions:

Outfall 002: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	0.0015				
CBOD ₅			25	50	
Suspended Solids			30	60	
Total Residual Chlorine			1.4	3.3	
Fecal Coliform					
(5-1 to 9-30)			200/100 ml		
(10-1 to 4-30)			2,000/100 ml		
pH	not less than 6.0 nor greater than 9.0				

Outfall 003: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Total Suspended Solids			30	100	
Oil and Grease			15	20	30
Free Available Chlorine			0.2	0.5	
Temperature					110° F
Zinc			0.8		1.6
Nickel			0.45		0.9
Iron, Total			Monitor and Report		
Iron, Dissolved			Monitor and Report		
Manganese			Monitor and Report		
Aluminum			Monitor and Report		
Cobalt			0.27		0.53
pH	not less than 6.0 nor greater than 9.0				

Outfall 004 and 005: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Iron			3.5		7.0
Manganese			2.0		4.0
Aluminum			5.0		10.0
TSS			35		70
pH	not less than 6.0 nor greater than 9.0				

Outfall 007, 013, 021 and 022: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
This discharge shall consist solely of uncontaminated stormwater runoff.					

The EPA waiver is not in effect.

PA0040312-A1, Industrial Waste, SIC 3341, **Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301. This application is for amendment of an NPDES permit to discharge treated contaminated groundwater and stormwater runoff from the Washington Remediation Site in Canton Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is West View Municipal Authority, located at 210 Perry Highway, Pittsburgh, PA 15229, approximately 45 miles below the discharge point.

Internal Outfall 101, existing discharge.

Groundwater from the Department of Transportation collection system has been added as a waste stream contributing to the Contact Water Treatment Plant which discharges through Internal Outfall 101.

Other Conditions: A Part C Condition has been added to the permit incorporating the approved March 2007 Erosion and Sedimentation Control Plan Amendment into the permit by reference.

The EPA waiver is in effect.

PA0090964, Industrial Waste, SIC 1200, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This application is for issuance of an NPDES permit to discharge treated coal pile stormwater in Center Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT of Cherry Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is EME Homer City Power Station, located on Two Lick Creek, 2 miles below the discharge point.

Outfall 001: Existing discharge, average flow 0.051 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Iron					
Interim			3.0	6.0	7.0
Final			2.2	4.4	5.5
Manganese					
Interim			2.0	4.0	5.0
Final			1.5	3.0	3.8
Aluminum			Monitor and Report		
Zinc					
Interim			Monitor and Report		
Final			0.11		0.220.28
Total Suspended Solids			35	70	90
Alkalinity greater than acidity			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Outfall 001: Existing discharge, Limits apply only to discharges that occur within 24 hours of a storm event less than or equal to the 10-year, 24-hour storm event.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Iron					7.0
Settleable Solids (ml/l)					0.5
Alkalinity greater than acidity			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Outfall 001: Existing discharge, Limits apply only to discharges that occur within 24 hours of a storm event greater than the 10-year, 24-hour storm event.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Alkalinity greater than acidity					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Internal Outfall 101: New discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Iron			3.0	6.0	7.0
Manganese			2.0	4.0	5.0
Aluminum				Monitor and Report	
Total Suspended Solids			35	70	90
Alkalinity greater than acidity				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Internal Outfall 101: New discharge, Limits apply only to discharges that occur within 24 hours of a storm event less than or equal to the 10-year, 24-hour storm event.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Iron					7.0
Settleable Solids (ml/l)					0.5
Alkalinity greater than acidity				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Internal Outfall 101: New discharge, Limits apply only to discharges that occur within 24 hours of a storm event greater than the 10-year, 24-hour storm event.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Alkalinity greater than acidity					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 Standard Units				

Outfall 002: Existing discharge, Limits apply only to discharges that occur within 24 hours of a storm event greater than the 100-year, 24-hour storm event.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Alkalinity greater than acidity					Monitor and Report
pH	not less than 6.0 nor greater than 9.0 Standard Units				

The EPA waiver is in effect.

PA0253391, Industrial Waste, SIC 5015, **Danser's Auto Repair & Salvage**, 1655 Route 130, Greensburg, PA 15601. This application is for issuance of an NPDES permit to discharge stormwater from an auto salvage yard in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Westmoreland County Municipal Authority—McKeesport located over 25 miles downstream on the Youghiogheny River.

Outfall 001: existing discharge.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
Oil and Grease					
Suspended Solids			15		30
CBOD ₅			Monitor and Report		
Chemical Oxygen Demand			Monitor and Report		
TKN			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Phosphorus			Monitor and Report		
Iron			Monitor and Report		
pH	Not less than 6.0 nor greater than 9.0				

Other Conditions: Special Conditions included for stormwater runoff, solids disposal, floating solids.

The EPA waiver is in effect.

PA0218146, Industrial Waste, SIC 4922, **Texas Eastern Transmission Corporation**, 5400 Westheimer Court, Houston, TX 77056-5310. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Armagh Compressor Station in West Wheatfield Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to East Branch of Richards Run, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at Freeport, 86.2 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0013 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Polychlorinated Biphenyl (PCB) Compounds			6.3×10^{-5}	1.24×10^{-4}	
Oil and Grease			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Other Conditions: Part C conditions concerning sludge disposal, floating materials, chemical additives and reporting requirements for effluent limits below detection level.

The EPA waiver is in effect.

PAS116105, Industrial Waste, SIC 3545, **Kennametal, Inc.**, 200 Chestnut Ridge Road, Latrobe, PA 15650. This application is for renewal of an NPDES permit to discharge stormwater from the Chestnut Ridge Facility in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Miller Run, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority, located at 707 South Pike Road, Sarver, PA 16055, 59.67 miles below the discharge point.

Outfalls 001: existing discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids			Monitor and Report		
Cobalt			Monitor and Report		
Nitrate and Nitrite Nitrogen			Monitor and Report		

The EPA waiver is in effect.

Outfalls 002: existing discharge of stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Cobalt			Monitor and Report		
Nitrate and Nitrite Nitrogen			Monitor and Report		

1. Meet the following Class A, pathogen reduction requirements in accordance with 25 Pa. Code § 271.932(a)(7);

Class A—Alternative 5

(i) Either the density of fecal coliform in the sewage sludge shall be less than 1,000 most probable number per gram of total solids (dry weight basis), or the density of salmonella. sp. bacteria in the sewage sludge shall be less than three most probable number per 4 grams of total solids (dry weight basis) at the time the sewage sludge is used; at the time the sewage sludge is prepared for sale, give away or other distribution, in a bag or other container for application to the land; or at the time the sewage sludge material derived from sewage sludge is prepared to meet the requirements in 25 § 271.911(b)(1) or (3).

(ii) Sewage sludge that is used shall be treated by the processes to further reduce pathogens, pasteurization, in accordance with 25 Pa. Code § 271.932(a)(7)(ii) Appendix A pasteurization as follows:

Pasteurization—The temperature of the sewage sludge is maintained at 158° F (or 70° C) or higher for 30 minutes or longer.

2. Meet vector attraction reduction Option 6 in accordance with 25 Pa. Code § 271.933(b)(6) as follows:

Option 6—The pH of the sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for two hours and then at 11.5 or higher of an additional 22 hours.

Frequency of Monitoring

<i>Amount of biosolids¹ dry tons (dry metric tons) per 365 day period</i>	<i>Frequency²</i>
Greater than zero but less than 319 (290)	Once per year
Equal to or greater than 319 (290) but less than 1,650 (1,500)	Once per quarter (four times per year)
Equal to or greater than 1,650 (1,500) but less than 16,500 (15,000)	Once per 60 days (six times per year)
Equal to or greater than 16,500 (15,000)	Once per month (12 times per year)

¹Either the amount of biosolids land applied or the amount of biosolids generated to be land applied for beneficial use or the amount of biosolids received by a person who prepares biosolids for land application.

²Frequency is based on a 365-day period.

Application Rate:

Biosolids prepared in accordance with this permit is a lime material for use in soil pH adjustment. Application rates shall be determined as follows:

% moisture must be subtracted from CCE if greater than 10%.

$$\frac{\text{Soil test limestone recommendation lb/acre} = \text{lb/acre Celtic Blend}}{\text{CCE Celtic Blend} - \% \text{ moisture}}$$

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. 4807405, Hickory Hills Mobile Home Community, 121 Hickory Hills Drive, Bath, PA 18014. This proposed facility is located in Moore Township, **Northampton County**.

Description of Proposed Action/Activity: This project consists of an addition of a flow equalization tank, replacement of two existing sand filters with tertiary treatment effluent filter system and replacement of existing chlorine contact tanks with new ultraviolet disinfection system to service Hickory Hills Mobile Home Community.

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

WQM Permit No. 3606403 07-1, Sewerage, Lancaster City Area Sewer Authority, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Replacement of approximately 140 feet of interceptor sewer connected to the Eden Road Pump Station.

WQM Permit No. 3807403, Sewerage, Lancaster Family YMCA, 572 North Queen Street, Lancaster, PA 17603. This proposed facility is located in Cornwall Borough, **Lebanon County**.

Description of Proposed Action/Activity: Seeking approval to construct a WWTF to accommodate expansion of the Camp Shand facility.

WQM Permit No. WQG01210703, Sewerage, Fish and Boat Commission, Bureau of Engineering and Development, 450 Robinson Lane, Bellefonte, PA 16823-9616. This proposed facility is located in Penn Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval to construct a domestic wastewater treatment system classified as an "Accessible Sand Filter System."

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS105310R	Norfolk Southern Railroad Company 1200 Peachtree Street Building Box 7-12 Atlanta, GA 30309	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAI011507031	Thompson-Penn Township, LP 1301 Lancaster Avenue Berwyn, PA 19312	Chester	Penn Township	East Branch Big Elk Creek HQ-TSF-MF

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

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025207002	Suburban Wastewater Co. HC 6 Box 6040 Hawley, PA 18428	Pike	Lackawaxen Township	West Falls Creek HQ-CWF-MF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507005	Franconia Mennonite Camp Assoc. R. R. 1 Box 605 Canadensis, PA 18325-9749	Monroe	Barrett Township	Spruce Mountain Run HQ-CWF Middle Branch Brodhead Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032207001	Claude H. Weiss 160 Florence Drive Harrisburg, PA 17112	Dauphin	Middle Paxton Township	Clark Creek HQ-CWF
PAI032207002	Doggy Paradise, LLC Violet Lindemuth and Sustan Lemon 840 Peters Mountain Road Dauphin, PA 17018	Dauphin	Middle Paxton Township	Clark Creek HQ-CWF

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

Cameron County Conservation District: 20 East Fifth Street, Room 105, Emporium, PA 15834 (814) 486-2244, Ext. 5.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI2041207002	Kevin R. Kline Department of Transportation 1924 Daisy Street Ext. P. O. Box 342 Clearfield, PA 16830	Cameron	Borough of Driftwood	Driftwood Branch of Sinnemahoning Creek TSF
PAI101407003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Centre County	Curtin Township	UNT to Hayes Run EV to Beech Creek 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. 0907511, Public Water Supply.

Applicant	Upper Makefield Township
Township	Upper Makefield Township
County	Bucks
Responsible Official	Joseph Czajkowski 1076 Eagle Road Newtown, PA 18940
Type of Facility	PWS
Consulting Engineer	Van Cleef Engineering Associates 551 Main Street Bethlehem, PA 18018
Application Received Date	June 28, 2007
Description of Action	A water system serving Gray Tract Subdivision.

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

Permit No. 0107508, Public Water Supply.

Applicant	Chesapeake Estates Mobile Home Park
Municipality	Mt. Pleasant Township
County	Adams
Responsible Official	Chesapeake Estates Mobile Home Park, Manager 585 Martin Road Gettysburg, PA 17325
Type of Facility	Public Water Supply
Consulting Engineer	Janet R. McNally, P. E. William F. Hill & Assoc., Inc. 207 Baltimore Street Gettysburg, PA 17325
Application Received:	June 8, 2007
Description of Action	Construction of a new storage tank and booster pump station.

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

Permit No. 4107502—Construction, Public Water Supply.

Applicant	Collomsville Mutual Waterworks Association
Township or Borough	Limestone Township
County	Lycoming
Responsible Official	Dale Winter, Trustee/System Operator Collomsville Mutual Waterworks Association 342 Wells Road Williamsport, PA 17701
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Britt Bassett, P. E. Bassett Engineering 1440 Broad Street Montoursville, PA 17754
Permit Application Date	June 27, 2007
Description of Action	Addition of the new water supply well to the existing water treatment facility. Approximately 2,500 feet of 2" pipe will be placed from the new well to the existing building.

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

Permit No. 0407505, Public Water Supply.

Applicant	The Borough of Ambridge Water Authority P. O. Box 257 600 Eleventh Street Ambridge, PA 15003
Township or Borough	Economy Borough

Responsible Official Jack Firich, Vice Chairperson
The Borough of Ambridge Water Authority
P. O. Box 257
600 Eleventh Street
Ambridge, PA 15003

Type of Facility Water treatment plant

Consulting Engineer NIRA Consulting Engineers, Inc.
950 Fifth Avenue
Coraopolis, PA 15108

Application Received Date June 28, 2007

Description of Action Construction of the Conway Wallrose Road standpipe, pumping station and two pressure regulating vaults.

Application Received Date June 18, 2007

Description of Action 11,000 feet of transmission main and a 750,000 gallon water storage tank to serve SCI Cresson.

Application No. 6507506MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
SW Corner US Route 30
West and South Greengate Roads
Greensburg, PA 15601

Township or Borough East Huntingdon Township

Responsible Official Donald Ruscitti, Chairperson
Municipal Authority of Westmoreland County
SW Corner US Route 30
West and South Greengate Roads
Greensburg, PA 15601

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

Application No. 4307501, Public Water Supply.

Applicant **Sharpsville Borough Water Company**

Township or Borough Sharpsville Borough
Mercer County

Responsible Official Michael G. Wilson, Borough Manager

Consulting Engineer Mark V. Glenn, P. E.
President
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602-4475

Application Received Date June 26, 2007

Description of Action Construction of new microfiltration membrane water treatment facility and appurtenances.

Type of Facility Water transmission main

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date June 18, 2007

Description of Action Construction approximately 5,855 lineal feet of 48-inch diameter transmission main.

Application No. 1107501MA, Minor Amendment.

Applicant **Nanty Glo Water Authority**
1015 First Street
Nanty Glo, PA 15943

Township or Borough City of Nanty Glo

Responsible Official Linda A. Long
Nanty Glo Water Authority
1015 First Street
Nanty Glo, PA 15943

Type of Facility Water storage tank

Consulting Engineer US Engineering, LCC
75 Jardin Circle
Highland, IL 62249

Application Received Date June 12, 2007

Description of Action Renovation and repairs to the 100,000 gallon Revloc 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. 1107502MA, Minor Amendment.

Applicant **Cresson Township Municipal Authority**
717 Portage Road
Cresson, PA 16630

Township or Borough Cresson Township

Responsible Official Veronica Harkins, Chairperson
Cresson Township Municipal Authority
717 Portage Road
Cresson, PA 16630

Type of Facility Water storage tank

Consulting Engineer Hegemann and Wray Consulting Engineers
429 Park Avenue
Cresson, PA 16630

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.

WA4-1009, Water Allocations, **Borough of Monaca**, 928 Pennsylvania Avenue, Monaca, PA 15061, **Beaver County**. The applicant is requesting the right to with-

draw a combined total of 2,000,000 gallons of water per day, from their five river wells.

WA4-1009A, Water Allocations, **Borough of Monaca**, 928 Pennsylvania Avenue, Monaca, PA 15061, **Beaver County**. The applicant is requesting the right to purchase 250,000 gallons of water per day, on an emergency basis from Center Township Water Authority.

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 alter-

native 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.

US Steel Fairless Works Lot 5, Fairless Hill, **Bucks County**. Jeffery Smith, Langan Engineering and Env. Svc., Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayer, United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganics and chlorinated solvents. The subject property is currently vacant.

Wyeth Lab, Borough of West Chester, **Chester County**. Daniel Sheehan, Malcolm Pirnie, Inc., 824 Market Street, Suite 820, Wilmington, DE 19801 on behalf of Robert H. Taggart, Wyeth, 5 Giralda Farms, Madison, NJ 07940 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of chlorinated solvents. The proposed future of the site will include a mix of commercial and residential development.

Exelon Power Southwark Generation Station, City of Philadelphia, **Philadelphia County**. Douglas Kier, URS Corp., 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Michael Flueher, Delaware Avenue Enterprises, 101 South King Street, Gloucester City, NJ 08030 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of diesel fuel and No. 2 fuel oil. The future use of site is anticipated to remain unchanged.

Handy & Harmon Tube, East Norriton Township, **Montgomery County**. Scott Alderfer, Penn Env. and Remediation, Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of Ellen Harmon, Handy & Harman Specialty Tube Co., 555 Theodore Fremd Avenue, Rye, NY 10580 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of chlorinated solvents. The intended future use of the site is commercial.

Smith Prop, Bensalem Township, **Bucks County**. Jason Free, PT Consultants, Inc. 1200 North Delsea Drive, Suite 2, Westville, NJ 08093 on behalf of Mike Smith, The GST Group, 291 Bristol Pike, Bensalem, PA 19020 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of No. 2 fuel oil. The future use of the property will continue to be commercial office space.

Cloud Landfill, Lower Oxford Township, **Chester County**. Douglas Schott, Brickhouse Env., 515 South Franklin Street, West Chester, PA 19382 on behalf of Francis Cloud, 461 South Street, Oxford, PA 19363 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with chlorinated solvents. The future use of the plans include developing the site into a mushroom compost production facility.

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

Diane Mastroddi Property, Ross Township, **Monroe County**. Christopher Sassaman, Environmental Management Associates, Inc., 209 Winding Way, Morrisville, PA 19067 has submitted a Notice of Intent to Remediate (on behalf of his client, Diane Mastroddi, 3389 Route 9, Cold Spring, NY 10516), concerning the remediation of soils

found to have been impacted by waste automotive oil and lubricating oil as a result of a leakage from several 55-gallon drums. The applicant proposes to remediate the site to meet the Statewide Health Standard for soils. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate was published in the *Pocono Record* on June 4, 2007.

Nancy Espee Residence, Apolacon Township, **Susquehanna County**. Jim Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted an NIR (on behalf of his client, Nancy Espee, R. R. 1, Box 1243, Little Meadows, PA 18830), concerning the remediation of soils found to have been impacted with No. 2 Fuel Oil as a result of a pipe line failure with an aboveground fuel oil tank. The applicant proposes to remediate the site to meet the Statewide Health Standard for soils. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Former Domestic Linens/HACC Midtown Site, City of Harrisburg, **Dauphin County**. BL Companies, 213 Market Street, Harrisburg, PA 17101, on behalf of City of Harrisburg, Department of Building and Housing Development, 10 North 2nd Street, Harrisburg, PA 17101-1677, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs and SVOCs. The property was a dry cleaning facility and intended future use is a nonresidential educational facility. The applicant is seeking to remediate to both the Statewide Health and Site-Specific Standards.

Woodland Retirement Center, Cromwell Township, **Huntingdon County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Presbyterian Homes in the Presbytery of Huntingdon, 1217 Slate Hill Road, Camp Hill, PA 17011, submitted a Notice of Intent to Remediate site soils, groundwater and surface water contaminated with No. 2 fuel oil from a removed underground storage tank. The property is and will remain a retirement home. The applicant is seeking to remediate to the Site-Specific Standard.

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

Crete Carriers Danville I-80 Truck Accident, Valley Township, **Montour County**, Northridge Group Incorporated, 1172 Ridge Road, Northumberland, PA 17857 on behalf of Crete Carriers, 132 South 13th Street, Suite 200, Lincoln, NE 68508 has submitted a Notice of Intent to Remediate soil and surface water contaminated with diesel fuel along I-80 at MP222W. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will continue to be a right-of-way area along Interstate 80.

MUNICIPAL WASTE GENERAL PERMITS

Application 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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 WMGM003. American Ash Recycling Corporation of Pennsylvania, 1072 Roosevelt Avenue, York, PA 17402. General Permit Number WMGM003 authorizes processing of municipal incinerator ash using Westinghouse's patented "WES-Phix" process and beneficial use of the processed ash as a construction material, an ingredient in manufactured products, a bulking agent for sludges and liquid wastes, and as embankment material. The application for renewal of General Permit Number WMGM003 was accepted as administratively complete by Central Office on June 28, 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 of Environmental Protection through the Pennsylvania 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 (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.

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

Permit Application No. 101690. Veolia ES Solid Waste of PA, Inc., 6330 Route 219, Brockway, PA 15824, Paint Township, **Clarion County**. The application for the new facility, the Clarion County Transfer Station, was submitted to the Department of Environmental Protection (Department) on April 6, 2007. The application was subject to the Local Municipality Involvement Process in which a meeting was held on June 4, 2007. The application was found to be administratively complete by the Northwest Regional Office on June 20, 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 Relay Service, (800) 654-5984.

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.

39-309-068: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for modification of the quarry impactor air cleaning device and for installation of air cleaning devices for four raw feed belts in Whitehall Township, **Lehigh County**.

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

01-05017E: Quebec World Fairfield, Inc. (100 North Miller Street, Fairfield, PA 17320) for construction of a 4-unit double web heatset offset lithographic printing press at their Fairfield Plant in Fairfield Borough, **Adams County**.

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

59-00005G: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for construction of a 2,370 horsepower natural gas-fired reciprocating internal combustion compressor engine and a 6,164 horsepower natural gas-fired turbine at the Sabinsville Compressor Station in Clymer Township, **Tioga County**.

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

10-349C: Recmix of PA, Inc. (359 North Pike Road, Sarver, PA 16055) for installation of a fertilizer drying system and blending station to produce a specialized fertilizer, in the Township of Winfield, **Butler County**.

24-016E: Keystone Powdered Metal, (251 State Street, Saint Marys, PA 15857) for installation of an electric induction furnace at their St. Marys Plant, in the City of St. Marys, **Elk County**.

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.

23-0024D: Hanson Aggregates Pennsylvania, Inc. (523 West Forge Road, Glen Mills, PA 19342) for modifications of a crushing plant in Middletown and Thornbury Townships, **Delaware County**. This facility is a non-Title V facility. The following is a summary of potential annual emissions from the proposed facility, along with an adjacent Hot Mix Asphalt plant owned by Hanson Aggregates Pennsylvania, Inc.:

VOCs	< 24.9 tons
PM	< 99.9 tons
SOx	< 34.0 tons
CO	< 10.0 tons
NOx	< 24.9 tons
HAPs	< 3.0 tons

Modifications being made to the crushing plant are as follows:

1. Revising the lbs/hr emission limit for dust collectors designated 1SC BAGHOUSE and 4TC BAGHOUSE, to make hourly emissions more equivalent with the allowable PM grain loading of 0.02 grain per dry standard cubic feet (gr/dscf);

2. Replacing an old tertiary crusher with a new one, increasing hourly production from 860 tons per hour (tph) to 990 tph, and;

3. Implementing a throughput restriction of 7,500,000 tons per 12-month rolling period.

The Plan Approval will be subject to New Source Performance Standards. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

48-313-103: Elementis Pigments, Inc. (1525 Wood Avenue, Easton, PA 18042) for modification of the Easy Dispersing production operation by adding additional

classifying equipment to separate fines product from coarse iron oxide at their facility in the City of Easton, **Northampton County**. The manufacturing facility is a Title V facility. PM emissions from the modification will be controlled through the use of fabric collectors and will be less than 0.02 gr/dscf, resulting in an annual PM emissions increase of 2.58 tpy. The plan approval will include all appropriate monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

48-306-012: Northampton Generating Co., LP (1 Horwith Drive, Northampton, PA 18067) for utilization of tire-derived fuel (TDF) in the existing circulating fluidized bed boiler at the Northampton Generating Plant in Northampton Borough, **Northampton County**. The facility currently has a Title V Operating Permit No. 48-00021. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. 48-306-012 is for the utilization of TDF to be fired as a supplemental fuel in the circulating fluidized bed (CFB) boiler. The emissions from the CFB boiler when fired by TDF will not exceed the following emission limits (unchanged from the current Title V operating permit) listed:

Pollutant	Lbs/Hour
Total VOCs	5.74
SO ₂	147.8
	(24-hr Average)
NOx	115.0
	(24-hr Average)
CO	172.0
	(4-hr Average)
Particulates	10.1

In addition to the emission limits listed in the table previous, the Plan Approval will contain the following emission limits for the CFB boiler when fired by TDF: arsenic—0.000743 lbs/hr; cadmium—0.0106 lbs/hr; hexavalent chromium—0.00265 lbs/hr; lead—0.0027 lbs/hr; nickel—0.00875 lbs/hr and zinc—0.0606 lbs/hr.

The Plan Approval will contain additional recordkeeping, testing and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The company will be required to continue to operate and maintain a Continuous Emission Monitoring System, which is certified by the Department of Environmental Protection, for opacity, SO₂, NOx and CO. In addition, the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs and particulates due to the CFB boiler being fired by TDF.

48-309-128: Todd Heller, Inc. (799 Smith Lane, Northampton, PA 18067) for continued operation of two glass bead furnaces at their facility in Northampton Borough, **Northampton County**. The facility is a non-Title V facility and has submitted the State-only Operating Permit Application No. 48-00088 currently under review by the Department of Environmental Protection. The particulate emissions from each furnace will not exceed the standard of 0.04 grain/dscf. The plan approval will include emissions restrictions, monitoring, work practices and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

36-02004A: Masterfoods USA—Division of Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022) to receive comments on the proposed Reasonably Available Control Technology Plan and amendment to the State Implementation Plan (SIP) for the Masterfoods USA manufacturing facility in Elizabethtown Borough, **Lancaster 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 plant. The Department of Environmental Protection will hold one public hearing on Monday, August 13, 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) 705-4702. Written comments may be submitted to the Southcentral Regional Office until August 24, 2007.

36-05142B: Masterfoods USA—Division of Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022) for modification of the winnowing system as well as the addition of two conveying systems and a central vacuum system, each controlled by a dust collector in Elizabethtown Borough, **Lancaster County**. This project is proposed to result in 10.22 tons of PM emissions per year and less than 1 ton of VOC per year. The plant is a major facility and subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V Operating Permit requirements). The plan approval contains work practice standards and recordkeeping requirements designed to keep the facility operating within all applicable air quality regulations.

67-03142A: DCP Midstream, LP (370 17th Street, Suite 2500, Denver, CO 80202) for construction of a new propane terminal in West Manchester Township, **York County**. Estimated potential facility-wide atmospheric VOC emissions are less than 21 tpy. This is a non-Title V (State-only) facility. Standard recordkeeping and operating restrictions will be included 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.

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

The facility in which the proposed thermal fluid heater will be located is a major (Title V) facility for which a Title V operating permit (#08-00002) has been issued.

The proposed thermal fluid heater will be equipped with a low NOx burner. The air contaminant emissions from the heater are not expected to exceed 2.1 tons of NOx, 8.3 tons of CO, .50 ton of PM/PM10, .36 ton of VOCs, .12 ton of HAPs and .04 ton of SOx per year.

The Department of Environmental Protection's (Department) review of the information submitted by E.I. duPont de Nemours & Co., Inc. indicates that the proposed thermal fluid heater will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including

the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12 and Subpart Dc of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c. Based on this finding, the Department proposes to issue plan approval for the construction of the proposed thermal fluid heater. Additionally, if the Department determines that the thermal fluid heater is operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following its construction, the Department intends to incorporate the plan approval conditions into Title V Operating Permit 08-00002 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

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 requirements:

1. The thermal fluid heater shall be fired on natural gas only.
2. The concentration of NO₂, in the effluent gases of the thermal fluid heater shall not exceed 30 parts per million, by volume, dry basis, corrected to 3% oxygen, and the concentration of CO shall not exceed 200 parts per million, by volume, dry basis, corrected to 3% oxygen.
3. The visible air contaminant emissions from the thermal fluid heater shall not equal or exceed 10% opacity.
4. The thermal fluid heater shall be equipped with instrumentation to monitor and record the amount of natural gas fired in the heater. Records of the natural gas usage shall be maintained and made available to the Department upon request.
5. Within 180 days of commencement of operation, the permittee shall test the thermal fluid heater with a portable analyzer to determine the NO_x and CO emission rates.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting the application must schedule an appointment in advance.

Persons wishing to protest the issuance of plan approval or provide the Department with additional information which they believe should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or information in writing to the Department at the address listed.

Protests or comments must be received by the Department within 30 days of the last date of publication of this notice to be considered. Each protest or comment should include the name, address and telephone number of the person submitting the protest or comment and a concise statement explaining the relevancy of the protest or comment being presented to the Department.

A public hearing may be held if the Department, in its discretion, decides that a hearing is warranted based on the information received. All persons protesting the issuance of plan approval, 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 in the Towanda area or by letter or telephone if the Department feels that telephone notification is sufficient.

Written comments, protests or requests for a public hearing should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program,

Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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

AMS 05227: EMI—PA, Inc. (2700 Penrose Ferry Road, Philadelphia, PA) for installation of a portable material shredder that includes a 700 hp diesel fired Caterpillar engine in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 5.01 tons for NO_x, 2.35 tons of CO and 3.79 tpy of PM for the facility. The plan approval will contain operating 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.

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

48-00009: Victaulic Co. (4901 Kesslerville Road, Easton, PA 18042) for operation of a foundry and equipment such as a melting furnace, sand handling, core preparation, pouring and casting operations and various other foundry operations in Forks Township, **Northampton County**. The facility's major source of emissions is PM and VOC emissions. This action is a renewal of the Title V Operating Permit.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00206: Merck & Co., Inc. (1180 Church Road, Lansdale, PA) for operation of a pharmaceutical preparation facility in Lansdale Borough, **Montgomery County**. Major sources include two natural gas fired emergency generators. The permit is for a non-Title V (State-only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00086: Bakery Feeds (97 Westbrook Drive, Honey Brook, PA 19344) for an animal feed processing facility just west of Honey Brook Township, **Chester County**. The renewal permit is for a non-Title V (State-only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

39-00049: ACME Cryogenics Inc.—Allentown Plant (2801 Mitchell Avenue, Allentown, PA 18105) for copper/brass dipping and brazing operations at a chemical preparations plant in the City of Bethlehem, **North-**

ampton County. The facility has potential to emit PM, VOCs, HAPs, NO_x, SO_x and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

39-00087: ACME Cryogenics, Inc.—Allentown Plant (2801 Mitchell Avenue, Allentown, PA 18105) for a spray drying facility in the City of Bethlehem, **Northampton County.** The facility's main sources include two spray paint booths and one shot blast booth. The facility has potential to emit PM, VOCs, HAPs, NO_x, SO_x and CO below the major emission thresholds. The proposed State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

06-05001: Adelphi Kitchens, Inc. (P. O. Box 10, Robesonia, PA 19551) for operation of their wood kitchen cabinet manufacturing facility in Heidelberg Township, **Berks County.** This permit is a renewal of the previous State-only operating permit.

36-05046: Columbia Gas Transmission Corp.—Marietta Compressor Station (1700 MacCorkle Avenue SE, P. O. Box 1273, Charleston, WV 25325-1273) for renewal of the Title V Operating Permit issued in January 2003, in East Donegal Township, **Lancaster County.** The facility's major sources of emissions include three natural gas fired gas turbines, which primarily emit NO_x.

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

42-00151: Werzalit of America, Inc., Bradford (40 Holley Avenue, Bradford, PA 16701-1809) for operation of a furniture and fixtures manufacturing facility in **McKean County** and City of Bradford. The facility's major emission sources include wood and wood product fired boiler, cleaver brooks boiler, wood chipping/drying process, dry chip sieve, blending/pressing (architectural cladding), finishing (architectural cladding), automatic paint spray system, boiler feed storage bin, boiler feed process and a degreaser unit.

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

N06-006: Riverside Specialty Chemicals (3001 East Castor Avenue, Philadelphia, PA 19134) for operation of a chemical manufacturing facility in the City of Philadelphia, **Philadelphia County.** The facility's air emission sources include two mixing tanks with mixers and an air scrubber.

The operating permit will be issued under the 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 above 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

PUBLIC HEARINGS

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

36-02004A: Masterfoods USA—Division of Mars, Inc. (295 Brown Street, Elizabethtown, PA 17022) to receive comments on the proposed Reasonably Available Control Technology Plan and amendment to the State Implementation Plan (SIP) for the Masterfoods USA manufacturing facility located in Elizabethtown Borough, **Lancaster 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 plant. The Department of Environmental Protection will hold one public hearing on Monday, August 13, 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) 705-4702. Written comments may be submitted to the Southcentral Regional Office until August 24, 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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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 Number 56841328 and NPDES Permit No. PA0033677, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Mine 78 in Paint Township, **Somerset County** and Adams and Richland Townships, **Cambria County** and related NPDES permit. No additional discharges. Application received June 1, 2007.

Permit Number 56951301 and NPDES Permit No. PA0214850, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Agustus Mine in Shade and Stonycreek Townships, **Somerset County** and related NPDES permit to add acreage and a sedimentation pond. Surface Acres Proposed 19.1, Underground Acres Proposed 756.0, Subsidence Control Plan Acres Proposed 745.5. Receiving stream: UNT to Coal Run, classified for the following use: CWF. Application received April 16, 2007.

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

11070203 and NPDES No. PA0262463. Ridge Energy Company, Inc., (265 Swamp Road, Clymer, PA 15728), commencement, operation and restoration of a bituminous surface refuse reprocessing mine in Barr Township, **Cambria County**, affecting 35.0 acres. Receiving streams: Moss Creek and UNT to Moss Creek classified for the following use: CWF. The application includes

a request for a variance on the 100' barrier of Moss Creek, a request for a variance on the 100' barrier of UNT to Moss Creek No. 1 and a request for a variance on the 100' barrier of T-541. There are no potable water supply intakes within 10 miles downstream. Application received June 22, 2007.

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

37870102 and NPDES Permit No. PA0107948. The Ambrosia Coal and Construction Co. (P. O. Box 422, Edinburg, PA 16116-9801). Renewal of an existing bituminous surface strip and clay removal operation in North Beaver Township, **Lawrence County** affecting 46.0 acres. Receiving streams: UNT to Beaver River, classified for the following use: WWF; UNT to Edwards Run, classified for the following use: Unclassified. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 21, 2007.

10-06-02 and NPDES Permit No. PA0258369. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Proposal to enter into a Government Financed Reclamation Construction Contract on a 134 acre site in Allegheny Township, **Butler County**. The proposal offers total reclamation of 110 acres, which includes 66 acres of abandoned mine lands as well as 36.5 acres of coal removal incidental and necessary to the reclamation activities. This proposal also includes the beneficial use of coal ash and plans to reconstruct approximately 11,300 feet of 34 UNTs to the North Branch Bear Creek. Receiving streams: UNT to North Branch Bear Creek to North Branch Bear Creek, classified for the following use: CWF. There are no potable surface water intakes within 10 miles downstream. Application received June 14, 2007.

33020101 and NPDES Permit No. PA0242047. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 85.5 acres. Receiving streams: UNT to Mahoning Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received June 29, 2007.

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

17850143 and NPDES No. PA0596663. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), revision of an existing bituminous surface mine to change land use in Lawrence Township, **Clearfield County**, affecting 27.0 acres. Receiving streams: Wall Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 19, 2007.

17813084 and NPDES No. PA0609994. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), revision of an existing bituminous surface mine to change land use in Lawrence Township, **Clearfield County**,

affecting 41.0 acres. Receiving streams: Wall Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 19, 2007.

Coal Applications Withdrawn

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

56070104 and NPDES No. PA0262382. Future Industries, Inc., P.O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface auger mine in Summit and Brothersvalley Townships, **Somerset County**, affecting 328.4 acres. Receiving streams: Piney Run, Buffalo Creek, Casselman River classified for the following uses: CWF; WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 22, 2007. Permit withdrawn June 21, 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>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended Solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

*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.

29920301 and NPDES Permit No. PA0599549. H. B. Mellott Estate, Inc., (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267), renewal of NPDES Permit, Ayr Township, **Fulton County**. Receiving streams: Esther Run and UNT to Esther Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 22, 2007.

4273SM2 and NPDES No. PA0212547. H. B. Mellott Estate, Inc., (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267), revision of an existing noncoal surface mine to revise erosion and sedimentation controls, revise the mining plan and add 5.42 acres to the SMP area in Thompson Township, **Fulton County**, affecting 62.42 acres. Receiving stream: Tonoloway Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 22, 2007.

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

09050302T. Waste Management of Pennsylvania, Inc., (448 Lincoln Highway, Fairless Hills, PA 19030),

transfer of an existing quarry operation from Waste Management Disposal Services of Pennsylvania, Inc. in Falls Township, **Bucks County** affecting 264.0 acres, receiving stream: none. Application received June 22, 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 Flood Plain 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

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

E67-824: Harry Becker and Claude Rohrbaugh, 3963 and 3967 Little John Drive, York, PA 17408-8985, North Codorus Township, **York County,** ACOE Baltimore District.

To construct and maintain a 6-inch sanitary sewer lateral crossing in a UNT to Codorus Creek (CWF) at a point just west of Route 616 (West York, PA Quadrangle N: 5.2 inches; W: 6.0 inches, Latitude: 39° 54' 13"; Longitude: 76° 47' 34") in North Codorus Township, York County.

E21-398: Hampden Township Sewer Authority, 230 South Sporting Hill Road, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County,** ACOE Baltimore District.

To remove the existing pump station and then to construct and maintain a 25-foot long by 20-foot wide new pump station building and associated improvements in order to improve the condition located along the left bank's floodplain of Conodoguinet Creek (Harrisburg, West, PA Quadrangle N: 0.75 inch; W: 13.3 inches, Latitude: 40° 15' 07"; Longitude: 76° 58' 01") in Hampden Township, Cumberland County.

E07-416: Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Logan Township, **Blair County,** ACOE Baltimore District.

To realign and widen approximately 5,100 feet of SR 1021 (Park Avenue), Section PAI between SR 0036 (Logan Boulevard) and SR 1009 (Frankstown Road) involving the following activities associated with Brush Run (WWF) and UNT to Brush Run (WWF), all in Logan Township, Blair County:

1. To remove an existing single span reinforced concrete slab bridge having a total span of 25.0 feet, a width of 43.0 feet and a minimum underclearance of 4.0 feet (Hollidaysburg, PA Quadrangle N: 16.50 inches; W: 2.82 inches, Latitude: 40° 27' 57.0"; Longitude: 78° 23' 43.0") carrying Pine Street over Brush Run.

2. To construct and maintain a single span prestressed concrete spread box beam bridge having a total span of 85.7 feet, a width of 94.5 feet and a minimum underclear-

ance of 6.3 feet (Hollidaysburg, PA Quadrangle N: 16.6 inches; W: 2.9 inches, Latitude: 40° 27' 59.6"; Longitude: 78° 23' 43.9") carrying SR 1021, Section PAI over Brush Run at a location approximately 260 feet upstream of the Pine Street crossing of Brush Run.

3. To relocate and maintain a UNT to Brush Run in a 300-foot long channel and to construct and maintain two minor road crossings of the UNT with one 48-inch by 50-foot long RCP and one 42-inch by 74-foot long RCP (Hollidaysburg, PA Quadrangle N: 16.7 inches; W: 2.8 inches, Latitude: 40° 28' 0.1"; Longitude: 78° 23' 41.9") resulting in 338 feet of perennial stream impact.

4. To remove approximately 556 linear feet of existing pipe in a UNT to Brush Run, and replace and maintain it with one 21-inch by 74-foot long CMP and one 36-inch by 918-foot long CMP (Hollidaysburg, PA Quadrangle N: 16.9 inches; W: 2.5 inches, Latitude: 40° 28' 4.9"; Longitude: 78° 23' 33.9").

5. To relocate and maintain a UNT to Brush Run in an 18-inch by 26-foot long RCP connecting to a proposed stormwater sewer (Hollidaysburg, PA Quadrangle N: 16.9 inches; W: 2.5 inches, Latitude: 40° 28' 5.5"; Longitude: 78° 23' 33.3") resulting in 148 feet of perennial stream impact.

6. To relocate and maintain a UNT to Brush Run in a 140-foot long channel, and to enclose and maintain 368 linear feet of it in an 18-inch by 31-foot long RCP, a 24-inch by 173-foot long RCP, a 33-inch by 55-foot long RCP, a 36-inch by 29-foot long RCP, and a 36-inch by 80-foot long RCP (Hollidaysburg, PA Quadrangle N: 17.1 inches; W: 2.4 inches, Latitude: 40° 28' 8.4"; Longitude: 78° 23' 32.6") resulting in 249 feet of perennial stream impact.

7. To relocate and maintain two UNT's to Brush Run in a 780-foot long channel and a 34-inch by 53-inch 228-foot long elliptical RCP (Hollidaysburg, PA Quadrangle N: 18.0 inches; W: 2.6 inches, Latitude: 40° 28' 27"; Longitude: 78° 23' 36.3" and Hollidaysburg, PA Quadrangle N: 18.3 inches; W: 2.6 inches, Latitude: 40° 28' 33.2"; Longitude: 78° 23' 37.2") resulting in 222 feet of perennial stream impact.

8. To remove a 30-inch by 644-foot long and a 30-inch by 65-foot long enclosure on a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.0 inches; W: 2.6 inches, Latitude: 40° 28' 27"; Longitude: 78° 23' 36.3").

9. To remove a 24-inch by 51-foot long and a 36-inch by 222-foot long enclosure on a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.3 inches; W: 2.6 inches, Latitude: 40° 28' 33.2"; Longitude: 78° 23' 37.2").

10. To remove an existing 24-inch by 97-foot long CMP and to construct and maintain 30-inch by 194-foot long RCP within a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.5 inches; W: 2.6 inches, Latitude: 40° 28' 36"; Longitude: 78° 23' 36.6") resulting in 117 feet of perennial stream impact.

11. To relocate and maintain a UNT to Brush Run in a 202-foot long channel (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.5 inches, Latitude: 40° 28' 38.2"; Longitude: 78° 23' 35") resulting in 179 feet of perennial stream impact.

12. To extend and maintain an existing 54-inch RCP within a UNT to Brush Run by 63 lineal feet for a total length of 185 feet (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.5 inches, Latitude: 40° 28' 38.8"; Longitude: 78° 23' 33.8").

13. To relocate and maintain a UNT to Brush Run in a 306-foot long channel and a 48-inch by 56-foot long RCP (Hollidaysburg, PA Quadrangle N: 18.7 inches; W: 2.4 inches, Latitude: 40° 28' 40.3"; Longitude: 78° 23' 32.8") resulting in 405 feet of perennial stream impact.

14. To construct and maintain an 18-inch by 46-foot long CMP within a UNT to Brush Run (Hollidaysburg, PA Quadrangle N: 18.8 inches; W: 2.5 inches, Latitude: 40° 28' 42.7"; Longitude: 78° 23' 33.8").

15. To permanently impact two wetland areas: 0.02 acre of exceptional value PEM (Hollidaysburg, PA Quadrangle N: 18.6 inches; W: 2.5 inches, Latitude: 40° 28' 38.9"; Longitude: 78° 23' 33.4") and 0.34 acre of exceptional value PSS (Hollidaysburg, PA Quadrangle N: 18.5 inches; W: 2.6 inches, Latitude: 40° 28' 36.6"; Longitude: 78° 23' 35.8").

The permittee is required to replace 0.36 acre of wetlands. The wetlands will be replaced at the Mowry Advanced Wetland Compensation Site (Frankstown, PA Quadrangle Latitude: 40° 26' 56.4"; Longitude: 78° 20' 21.1").

E21-389: Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, Lower Mifflin, Upper Mifflin, Upper Frankford and West Pennsboro Townships, **Cumberland County**, ACOE Baltimore District.

The project consists of total reconstruction of the Pennsylvania Turnpike from milepost 211 to milepost 215 involving the following activities in Lower Mifflin, Upper Mifflin, Upper Frankford, and West Pennsboro Townships, Cumberland County. The project will result in 3,073 linear feet of perennial stream impact and 0.63 acre permanent wetland impact. The permittee is required to replace a minimum of 0.63 acre wetland.

<i>Activity</i>	<i>Impact Detail with Location</i>	<i>Resource</i>
1. Culvert	To extend and maintain a 30-inch by 60-foot long RCP by 25 feet and scour protection for a cumulative impact of 125 feet (Newville, PA Quad. N: 11.96"; W: 9.68", 40° 11' 27" N; 77° 26' 40" W).	UNT to Conodoguinet Creek WWF
2. Wetland fill	48 SF (0.001 ac) permanent fill (Newville, PA Quad. N: 12.19"; W: 9.01", 40° 11' 31" N; 77° 26' 18" W).	PEM Wetland
3. Stream enclosure	To extend and maintain a 75-foot long RCP with an additional 36-inch × 50-foot long RCP for a cumulative impact of 125 feet (Newville, PA Quad. N: 12.15"; W: 8.98", 40° 11' 31" N; 77° 26' 18" W).	UNT to Conodoguinet Creek CWF
4. Stream enclosure	To extend and maintain a 125-foot long RCP with an 18-inch by 30-foot long RCP and scour protection for a cumulative impact of 165 feet (Newville, PA Quad. N: 12.15"; W: 8.98, 40° 11' 31" N; 77° 26' 18" W).	UNT to Conodoguinet Creek CWF
5. Stream enclosure	To extend and maintain an 8-foot by 7-foot by 120-foot concrete arch culvert with a precast concrete culvert extension of 80 feet to the north of Asper Road and between Asper and the Turnpike and 40 feet to the south of the Turnpike, with scour protection for a cumulative impact of 250 feet (Newville, PA Quad. N: 12.24"; W: 8.40", 40° 11' 32" N; 77° 26' 06" W).	UNT to Conodoguinet Creek WWF
6. Wetland fill	2,004 SF (0.05 ac) permanent fill (Newville, PA Quad. N: 12.34"; W: 8.48" N 40° 11' 33" N; 77° 26' 07" W).	PEM Wetland
7. Wetland fill	1,315 SF (0.03 ac) permanent fill (Newville, PA Quad. N: 12.24"; W: 8.34", 40° 11' 32" N; 77° 26' 04" W).	PEM Wetland
8. Stream enclosure	To extend and maintain a 36-inch by 125-foot long RCP with an additional 20 feet and scour protection for a cumulative impact of 155 feet (Newville, PA Quad. N: 12.33"; W: 7.77", 40° 11' 34" N; 77° 25' 51" W).	UNT to Conodoguinet Creek WWF
9. Stream enclosure	To extend and maintain a 36-inch by 120-foot long RCP with an additional 6 feet and scour protection for a cumulative impact of 141 feet (Newville, PA Quad. N: 12.44"; W: 7.44", 40° 11' 37" N; 77° 25' 42" W).	UNT to Conodoguinet Creek WWF
10. Wetland fill	555 SF (0.01 ac) permanent fill (Newville, PA Quad. N: 12.65", W: 6.90"; 40° 11' 40"N, 77° 25' 28"W).	PEM Wetland
11. Channel change	To relocate 70 linear feet of perennial stream channel due to roadway widening (Newville, PA Quad. N: 12.59", W: 6.86", 40° 11' 39" N, 77° 25' 27" W).	Back Creek WWF
12. Stream enclosure	To extend and maintain a 30-foot by 15-foot by 172-foot long concrete arch culvert with an additional 35 feet and scour protection for a cumulative impact of 242 feet (Newville, PA Quad. N: 12.59"; W: 6.86", 40° 11' 39" N; 77° 25' 27" W).	Back Creek WWF
13. Fill	To remove a pipe and permanently fill 75 feet of a mill race adjacent to Doubling Gap Creek for roadway widening (Newville, PA Quad. N: 12.80"; W: 5.89", 40° 11' 43" N; 77° 25' 06" W).	Doubling Gap Creek WWF

<i>Activity</i>	<i>Impact Detail with Location</i>	<i>Resource</i>
14. Wetland fill	1,528 SF (0.04 ac) permanent fill (Newville, PA Quad. N: 12.76"; W: 5.88", 40° 11' 42" N; 77° 25' 04" W).	PEM Wetland
15. Wetland fill	1,415 SF (0.03 ac) permanent fill (Newville, PA Quad. N: 12.76"; W: 5.83"; 40° 11' 42" N, 77° 25' 00" W).	PEM Wetland
16. Wetland fill	1,014 SF (0.02 ac) permanent fill (Newville, PA Quad. N: 12.89"; W: 5.88", 40° 11' 46" N; 77° 25' 02" W).	PEM Wetland
17. Stream enclosure	To extend and maintain a 42-foot by 17-foot by 135-foot long concrete arch twin cell culvert with an additional 35 feet and scour protection for a cumulative impact of 205 feet (Newville, PA Quad. N: 12.83"; W: 5.73", 40° 11' 44" N; 77° 24' 58" W).	Doubling Gap Creek WWF
18. Wetland fill	150 SF (0.003 ac) permanent fill (Newville, PA Quad. N: 12.87"; W: 5.33", 40° 11' 46" N; 77° 24' 42" W).	PFO Wetland
19. Wetland fill	4,623 SF (0.11 ac) permanent fill (Newville, PA Quad. N: 13.19"; W: 4.14", 40° 11' 52" N; 77° 24' 16" W).	PEM Wetland
20. Stream enclosure	To remove a 10-foot by 7-foot by 100-foot long concrete arch culvert and replace and maintain it with a 10-foot by 7-foot by 192-foot long box culvert and scour protection for a cumulative impact of 242 feet (Newville, PA Quad. N: 13.20"; W: 3.93", 40° 11' 52" N; 77° 24' 12" W).	UNT to Conodoguinet Creek WWF
21. Stream enclosure	To extend and maintain a 36-inch by 170-foot long RCP with an additional 25 feet and scour protection for a cumulative impact of 205 feet (Newville, PA Quad. N: 13.52"; W: 2.73", 40° 11' 54" N; 77° 23' 52" W).	UNT to Conodoguinet Creek WWF
22. Wetland fill	1,917 SF (0.04 ac) permanent fill (Newville, PA Quad. N: 13.77"; W: 3.24", 40° 11' 55" N; 77° 23' 53" W).	PEM Wetland
23. Wetland fill	20 SF (0.001 ac) permanent fill (Newville, PA Quad. N: 13.44"; W: 2.76", 40° 11' 56" N; 77° 23' 42" W).	PEM Wetland
24. Stream enclosure	To extend and maintain a 54-inch by 154-foot long CMP with an additional 30 feet upstream and 27 feet downstream and scour protection for a cumulative impact of 221 feet (Newville, PA Quad. N: 13.47"; W: 2.32", 40° 11' 57" N; 77° 23' 41" W).	UNT to Conodoguinet Creek (WWF)
25. Stream enclosure	To remove a 48-inch by 160-foot long CMP and replace and maintain it with a 48-inch by 200-foot long CMP with scour protection for a cumulative impact of 257 feet (Newville, PA Quad. N: 13.60"; W: 2.33", 40° 12' 02" N; 77° 23' 11" W).	UNT to Conodoguinet Creek (WWF)
26. Wetland fill	930 SF (0.02 ac) permanent fill (Newville, PA Quad. N: 13.60"; W: 2.30", 40° 12' 01" N; 77° 23' 11" W).	PEM Wetland
27. Stream enclosure	To extend and maintain a 36-inch by 150-foot long PCP with an additional 30 feet and scour protection for a cumulative impact of 190 feet (Newville, PA Quad. N: 13.74"; W: 1.62", 40° 12' 02" N; 77° 23' 11" W).	UNT to Conodoguinet Creek (WWF)
28. Wetland fill	490 SF (0.01 ac) permanent fill (Plainville, PA Quad. N: 14.23"; W: 16.77", 40° 12' 12" N; 77° 22' 15" W).	PEM Wetland
29. Wetland fill	10 SF (0.001 ac) permanent fill (Plainville, PA Quad. N: 14.23"; W: 16.73", 40° 12' 12" N; 77° 22' 14" W).	PEM Wetland
30. Wetland fill	340 SF (0.01 ac) permanent fill (Plainville, PA Quad. N: 14.17"; W: 16.67", 40° 12' 10" N; 77° 22' 12" W).	PEM Wetland
31. Stream enclosure	To extend and maintain a 24-foot wide by 10-foot high concrete arch culvert 135-feet long with an additional 35 feet and scour protection for a cumulative impact of 205 feet (Plainville, PA Quad. N: 14.20"; W: 16.70", 40° 12' 11" N; 77° 22' 14" W).	Rock Run (WWF)
32. Wetland fill	3,975 SF (0.09 ac) permanent fill (Plainville, PA Quad. N: 14.16"; W: 15.70", 40° 12' 12" N; 77° 21' 48" W).	PEM Wetland
33. Wetland fill	130 SF (0.03 ac) permanent fill (Plainville, PA Quad. N: 14.29"; W: 15.70", 40° 12' 13" N; 77° 21' 50" W).	PEM Wetland

<i>Activity</i>	<i>Impact Detail with Location</i>	<i>Resource</i>
34. Bridge	To remove an existing 3-span steel girder bridge having a clear span of 198.0 feet, a width of 84 feet, and an underclearance of 17.7-feet and to construct and maintain a two span steel girder bridge, having a clear span of 238.5-feet, a width of 120 feet and an underclearance of 16.7-feet, utilizing a temporary causeway and cofferdams resulting in a cumulative impact of 200 feet (Plainville, PA Quad. N: 14.26"; W: 15.60", 40° 12' 12" N; 77° 21' 44" W).	Conodoguinet Creek (WWF)
35. Wetland fill	1,560 SF (0.04 ac) permanent fill (Plainville, PA Quad. N: 14.23"; W: 15.52", 40° 12' 12" N; 77° 21' 42" W).	PEM Wetland
36. Wetland fill	3,945 SF (0.09 ac) permanent fill (Plainville, PA Quad. N: 14.28"; W: 15.52", 40° 12' 13" N; 77° 21' 42" W).	PEM Wetland

E06-626: Arrowhead Industrial Park, Robert G. Ciccone, P. O. Box 86, Bath, PA 18014-0086, Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To operate and maintain the following existing impacts: (A) approximately 952.0-linear feet of fill in the existing stream channel, (B) a 423.0-foot long, 36.0-inch HDPE pipe stream enclosure, (C) a 672.0-foot long grass relocated channel connected to the previously mentioned 36.0-inch HDPE pipe (B) and (D) a 128.0-foot long 38.0-inch by 60.0-inch elliptical RCP culvert located under Delaware Avenue all in a UNT to Mill Creek (TSF). The applicant also proposes the following impacts: (E) the construction and maintenance of a 163.0-foot long, 18.0-inch HDPE culvert pipe stream enclosure in a UNT to Mill Creek (TSF) at Delaware Avenue, and (F) the relocation and maintenance of 113.0 feet of a UNT to Mill Creek (TSF) for roadway widening, located along Long Lane (Topton, PA Quadrangle N: 9 inches; W: 15 inches, Latitude: 40° 32' 12.2"; Longitude: 75° 44' 8.4") in Maxatawny Township, Berks County.

E36-825: Borough of Millersville, Edward J. Arnold, 10 Colonial Avenue, Millersville PA 17557, Millersville Borough, **Lancaster County**, ACOE Baltimore District.

To remove an existing 36.0-inch by 46.0-inch CMP encased in a 10.0-foot long by 6.0-foot wide concrete outfall structure with a 10.0-foot long by 4.0-foot wide concrete wingwall and to construct and maintain a 48.0-inch HDPE pipe encased in two 12.6-foot long by 5.0-foot wide rock filled gabion basket structures with a 9.0-foot long by 5.0-foot wide rock filled gabion basket wingwall, and an outlet channel consisting of four 17-foot long by 5-foot wide by 1.0-foot thick rock filled gabion baskets as a storm sewer outlet into Bordner Run (WWF) (Lancaster, PA Quadrangle N: 0.75 inch; W: 13.5 inches, Latitude: 40° 00' 12"; Longitude 76° 20' 56") in Millersville Borough, Lancaster County.

E21-380: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To construct and maintain a concrete bridge with a clear span of 80.5 feet, a width of 30.5 feet, and a minimum underclearance of 1.5 feet across Trout Run (CWF) and associated improvements on Cockleys Drive to provide emergency access to Cockleys Drive at a location approximately 600 feet downstream of the US 15 crossing of Trout Run (Mechanicsburg, PA Quadrangle N: 5.65 inches, W: 0.7 inch; Latitude: 40° 9' 23"; Longitude: 77° 0' 17") in Upper Allen Township, Cumberland County. The project will also impact 0.12 acre of exceptional value PEM wetland. The applicant is required to replace a

minimum of 0.12 acre of wetland, and has agreed to provide 0.23 acre of wetland replacement.

E34-119: Mifflintown Municipal Authority, Route 333 West, P. O. Box 36, Mifflintown, PA 17059, Milford Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a twin 10.0-inch diameter by 435.0-foot long raw water intake and a 60.0-foot by 60.0-foot raw water pump station in and along the right bank of Juniata River (WWF) (Mifflintown, PA Quadrangle N: 18.4 inches; W: 7.6 inches, Latitude: 40° 36' 06"; Longitude: 77° 25' 45"), a 12.0-inch by 15.0-foot long water line crossing with concrete casing in a UNT to Juniata River (CWF) (Mifflintown, PA Quadrangle N: 13.8 inches; W: 3.3 inches, Latitude: 40° 34' 36"; Longitude: 77° 23' 55"), and a 8.0-inch by 20.0-foot long water line crossing with a concrete casing in Schweyer Run (CWF) (Mexico, PA Quadrangle N: 15.36 inches; W: 16.6 inches, Latitude: 40° 35' 04"; Longitude: 77° 22' 10") in Milford Township, Juniata County.

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

E12-166. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 2001 Section A05, Laurel Draft Bridge Replacement Project over Laurel Draft, Gibson Township, **Cameron County**, ACOE Susquehanna River Basin District (Driftwood, PA Quadrangle N: 5.25 inches; W: 2.12 inches).

To remove an existing timber deck bridge and construct, operate and maintain a single cell precast concrete box culvert at a skew of 50° to carry SR 2001 over Laurel Draft. The box culvert will have a clear span of 20-feet along the centerline, a clear span of 26.11' normal to the channel, and a minimum underclearance of 7-feet.

This project proposes to have a minimal impact on Laurel Draft, which is designated a HQ-CWF. This project does not propose to impact any jurisdictional wetlands.

E14-502. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 0144 at Segment 0384 Offset 0438, Parallel Ditch Channel Cleaning Project. Boggs Township, **Centre County**, ACOE Susquehanna River Basin District (Bellefonte, PA Quadrangle N: 12.0 inches; W: 6.75 inches).

To remove accumulated debris, sediment and dense vegetation along a UNT to Bald Eagle Creek in order to alleviate flooding that affects adjacent private property owners in Boggs Township, Centre County. The proposed work will include excavating the channel in order to

reestablish the original cross section and profile as constructed as part of the original four-lane highway construction. This project will allow positive flow within the channel and reduce the likelihood of over bank flow and adjacent property flooding. The project will involve approximately 250 linear feet of channel length within the legal Department of Transportation right-of-way. This project proposes minimal impact to the UNT to Bald Eagle Creek (CWF) and Bald Eagle Creek (WWF), and does not propose to impact any jurisdictional wetlands.

E41-576. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 1005 Section 011 Bridge Replacement Project in Plunketts Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Barbours, PA Quadrangle N: 7.95 inches; W: 7.40 inches).

To remove an existing concrete encased steel I-beam bridge and replace with a 48-inch by 39-inch P/S concrete box-beam bridge on a skew of 50.25° which carries SR 1005 over Plunketts Creek (HQ-CWF). This project is located approximately 4 miles from the intersection of SR 0087 and SR 1005 in Plunketts Creek Township, Lycoming County.

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

E02-1565. Department of Transportation, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017. To construct 90 feet of stream relocation in Bethel Park Borough, **Allegheny County**, Pittsburgh ACOE District (Bridgeville, PA Quadrangle N: 10.0 inches; W: 8.1 inches, Latitude: 40° 18' 17"; Longitude 80° 3' 30"). The applicant proposes to construct and maintain 90 ft. of stream relocation within 150 ft. of rock stream bank stabilization in Piney Fork (TSF). This project is intended to stabilize slope failure and stream bank erosion in conjunction with minor road improvements of SR 3004, Clifton Road. The project is located approximately 6.5 miles southwest of Pittsburgh.

E11-329. Lamont Crocco, 1167 Franklin Street, Johnstown, PA 15905-4309. To construct a restaurant/bar over Cheney Run (WWF) in the City of Johnstown, **Cambria County**, Pittsburgh ACOE District (Johnstown, PA Quadrangle N: 9.67 inches; W: 6.54 inches, Latitude: 40° 18' 11.61"; Longitude: 78° 55' 18.91"). The applicant proposes to construct and maintain a 39' by 84' restaurant and bar spanning an existing concrete channel over Cheney Run (WWF) in the City of Johnstown. The total channel impact is approximately 39'.

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

E42-328. Foster Township, 1185 East Main Street, Bradford, PA 16701. South Kendall Avenue Sewerline, in Foster Township, **McKean County**, ACOE Pittsburgh District (Derrick City, PA Quadrangle N: 4.8 inches; W: 5.6 inches).

The applicant proposes to construct and maintain a sewerline extension to an area of the township with a high rate of malfunctioning onlot systems from Lafferty Hollow Road to the Village of Rew and north on SR 646 having a total length of 7.5 miles and involving the following: 1) to construct and maintain 7 open cut sewerline crossings of Kendall Creek and 68 open cut crossing of tributaries to Kendall Creek; and 2) to construct and maintain 44 open cut sewerline crossings of wetlands impacting approximately 5.6 acres of PFO exceptional value wetlands, 0.17 acre of other PFO

wetlands, and 3.0 acres of other PSS wetlands. Kendall Creek is a perennial stream classified as WWF. Forty-three of the stream crossings are within the wild trout section of Kendall Creek and tributaries to Kendall Creek.

E42-332. Atlas Resources, Inc., 101 McQuiston Drive, Jackson Center, PA 16133. Willow Creek Gas Pipeline Crossing, in Corydon Township, **McKean County**, ACOE Pittsburgh District (Stickney, PA Quadrangle N: 41° 57' 35.9"; W: 78° 47' 54").

To install by directional boring and maintain a 4-inch diameter plastic natural gas pipeline across Willow Creek (HQ-CWF, Wild Trout) and adjoining Exceptional Value wetland following an existing gravel roadway extending south from SR 346 approximately 4.8 miles east of SR 321.

E62-414. Warren General Hospital, Two Crescent Park West, Warren, PA 16365. Pine Grove Center Development Phase II, in Pine Grove Township, **Warren County**, ACOE Pittsburgh District (Russell, PA Quadrangle N: 14.73 inches; W: 1.66 inches).

The applicant proposes to construct an assisted living center, 14 residences and an office complex approximately 0.7 mile SW of the intersection of SR 62 and SR 1016 in Pine Grove Township, Warren County (Russell, PA Quadrangle N: 14.73 inches; W: 1.66 inches) involving: 1) to fill 0.28 acre of PEM wetland; 2) to construct and maintain 0.28 acre of PEM wetlands; 3) to construct and maintain two culvert crossings of tributaries to Conewango Creek with drainage areas of less than 100 acres having lengths of approximately 80 feet and 40 feet respectively; and 4) to construct channel changes to tributaries to Conewango Creek with drainage areas of less than 100 acres approximately for a length of approximately 350 feet. The tributaries to Conewango Creek are intermittent streams classified as CWF. The project proposes to directly impact approximately 470 linear feet of watercourse (drainage area < 100 acres) and 0.28 acre of PEM wetlands.

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

EA22-014. Londonderry Township, 783 South Geyers Church Road, Middletown, PA 17057, Londonderry Township, **Dauphin County**, ACOE Baltimore District.

To restore and maintain 280 linear feet of a UNT to the Susquehanna River (WWF) flowing through Sunset Park by redefining the eroded channel, creating a low flow channel, stabilizing slopes, planting a riparian buffer with native vegetation, repairing the energy dissipater and to construct and maintain a trash rack on a flared endwall on an existing 42-inch culvert located in Londonderry Township, Dauphin County (Middletown, PA Quadrangle 40° 10' 15" N; 76° 42' 58" W).

EA05-007. Ernest Fuller, Broad Top Township, SX8A-D2 AMD Discharge Remediation Growing Greener Project, 187 Municipal Road, P. O. Box 57, Defiance, PA 16633, **Bedford County**, ACOE Baltimore District.

To remediate an existing abandoned mine drainage discharge (SX8A-D2) adjacent to Brewster Hollow Run (WWF). Site location: at a point just north of Coaldale on Township Road 596 (Saxton, PA Quadrangle N: 11 inches; W: 11.5 inches, Latitude: 40° 11' 08" N; Longitude: 78° 12' 27" W) in Broad Top Township, Bedford County. To create a passive treatment system to provide additional detention and filtration for the net alkaline, iron-stained water from the abandoned mine discharge to. The Appli-

cant proposes 0.13 acre of wetland impacts and anticipates reduction in pollutant loading by 75%.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D64-018EA. Noel Corpuel, 12 Allevard Street, Lido Beach, NY 11561-5005 Buckingham Township, **Wayne County**, ACOE Philadelphia District.

Project proposes to breach and remove Lower Twin Lake Dam across a tributary to Kinneyville Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The project will restore approximately 650 linear feet of stream channel. The dam is located approximately 1,900 feet northeast of the intersection of SR 247 and Como Road (SR 4033) (Lake Como, PA Quadrangle Latitude: 41° 51' 16"; Longitude: 75° 20' 2").

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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060020	Milford Senior Care & Rehabilitation Center 264 Routes 6 and 209 Milford, PA 18337	Pike County Westfall Township	Delaware River 01D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0031127	Borough of Northampton 1401 Laubach Avenue Northampton, PA 18067-0070	Northampton County Northampton Borough	Hackendaqua Creek CWF 2C	N
PA0061336 (Minor Industrial Waste)	PA American Water Company Nesbitt WTP R. R. 2 Box 195 Aston Mountain Road Pittston, PA 18640-9502	Luzerne County Pittston Township	Trout Creek 5A	Y
PA0064157 (Minor Sewage)	New Ringgold Borough P. O. Box 180 New Ringgold, PA 17960	Schuylkill County New Ringgold Borough	Little Schuylkill River 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205222-A1 Industrial Waste	IPSCO Koppel Tubulars Corporation P. O. Box 750 Beaver Falls, PA 15010	Beaver County Koppel Borough	Beaver River and UNT to Beaver River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0005045	Seneca Generating Station 1211 Kinzua Road Warren, PA 16365-5501	Mead Township Warren County	Allegheny River 16-B	Y

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

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

NPDES Permit No. PA0053899, Industrial Waste, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 37,000 gpd of contact cooling tower blowdown from Outfall 003. In addition, stormwater will be discharge from Outfalls 001 and 002 into Biles Creek (NCCW through Outfall 003) and to a UNT to Delaware Estuary Zone 2 (Stormwater through Outfalls 001 and 002) in Watershed 2E.

NPDES Permit No. PA00151365, Sewage, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in East Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated filter backwash water and sedimentation basin water from the facility known as Ingrams Mill WTP in to the East Branch Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0036374, Sewage, **Upper Uwchlan Township Municipal Authority**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Eaglepointe Wastewater Treatment Plant into a UNT to Marsh Creek in Watershed 3H.

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

NPDES Permit No. PA0060372, Sewage, **Factoryville Borough and Clinton Township Joint Municipal Sewer Authority**, 163 College Avenue, P. O. Box 277, Factoryville, PA 18419. This proposed facility is located in Clinton Township, **Wyoming County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

NPDES Permit No. PA0248240, Amendment No. 1, Sewage, **Zemir and Hasiba Alic**, 687 Hamilton Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Approval for transfer of permit with continued discharge to Conodoguinet Creek in Watershed 7-B.

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

Description of Proposed Action/Activity: Authorization to discharge to Wertz Run in Watershed 7-B.

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. 4507403, Sewerage, **Smithfield Sewer Authority**, R. R. 5, Box 5229, East Stroudsburg, PA 18301. This proposed facility is located in Smithfield Township and East Stroudsburg Borough, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction and operation of a sanitary sewer force main along East Brown Street, and associated modifications to the Routes 447/209 pump station.

WQM Permit No. 4807404, Sewerage, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018-6025. This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for the collection system and pump station for LVIP VII Easton Road III.

WQM Permit No. 3506401, Sewerage, **Moscow Sewer Authority**, P. O. Box 525, Moscow, PA 18444-0525. This proposed facility is located in Moscow Borough, **Lackawanna County**.

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

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

WQM Permit No. WQG01210702, Sewage, **Richard E. Miller**, 190 Hoy Road, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

WQM Permit No. WQG02070601, Sewage, **Frankstown Township Supervisors**, 1775 Frankstown Road, Hollidaysburg, PA 16648. This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of construction of conventional gravity collection system, related appurtenances and a pumping station off Lock Mt. Road in Frankstown area of the township to serve 121 EDUs. Wastewater will be conveyed through the existing collection system of Frankstown Township to the Hollidaysburg Borough's treatment plant.

WQM Permit No. 2807405, Sewage, **Greene Township Municipal Authority**, 4182 Sunset Pike, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of an extension to the existing Greene Township Municipal Authority sanitary sewer collection system to serve the Woodland Hills Development including two pump stations and 8-inch diameter PVC gravity sewers.

WQM Permit No. WQG02670701, Sewage, **East Prospect Borough Authority**, P. O. Box 334, East Prospect, PA 17317. This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Fields at East Prospect Pump Station.

WQM Permit No. WQG0210702, Sewage, **Borough of Wormleysburg**, 20 Market Street, Wormleysburg, PA 17043. This proposed facility is located in Wormleysburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a 2-inch diameter force main serving the 14-unit Woods at Waterford.

WQM Permit No. WQG02210703, Sewage, **West Pennsboro Township Municipal Authority**, 2150 Newville Road, Carlisle, PA 17013. This proposed facility is located in West Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Application for the construction/operation of the Red Oak Estates Pumping Station.

WQM Permit No. 2106405, Sewage, **Zemir and Hasiba Alic**, 687 Hamilton Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. 2107402, Sewage, **Thomas North Stewart**, 1301 Enola Road, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of a residential small flow treatment facility using a septic tank, Ecoflo, STB-650 peat filter and chlorine tablet disinfection.

WQM Permit No. 3691410, Amendment 07-1, Industrial Waste, **Turkey Hill Dairy, Inc.**, 2601 River Road, Conestoga, PA 17516-9630. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Amendment approval for the hydraulic rerating of the industrial wastewater facilities from 0.075 to 0.094 mgd.

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

WQM Permit No. 0296403-A1, Sewerage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This existing facility is located in Ohio Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the addition of macerator at Verland Pump Station.

WQM Permit No. 0473406-A1, Sewerage, **New Sewickley Township Municipal Authority**, 233 Miller Road, Rochester, PA 15074. This existing facility is located in new Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for pump upgrade.

WQM Permit No. 5607401, Sewerage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905. This proposed facility is located in Conemaugh Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of central pump station and gravity collection sewer.

WQM Permit No. 6374406-A6, Sewerage, **The Canonsburg-Houston Joint Authority**, 68 East Pike Street, Canonsburg, PA 15317. This existing facility is located in Canonsburg Borough, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the replacement/upgrade of Brush Run and Chartiers Creek Interceptor Sewers.

WQM Permit No. 6506406, Sewerage, **Penn Township Sewage Authority**, 1032 Nike Site Road, Irwin, PA 15642. This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of 401 feet of 15-inch and 2,778 feet of 18-inch diameter gravity sewer to serve the Penn Crossing Development that will extend to the existing Harrison City sewer trunk line.

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

WQM Permit No. 2406401, Sewerage, **Johnsonburg Municipal Authority**, 520A Market Street, Johnsonburg, PA 15845. This proposed facility is located in Johnsonburg Borough, **Elk County**.

Description of Proposed Action/Activity: This project is for an upgrade to the Johnson's Run Pump Station and facilities relocation

WQM Permit No. WQG018537, Sewage, **Jennifer Wilson**, 3120 Norcross Road, Erie, PA 16510-4214. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

WQM Permit No. WQG018539, Sewage, **Terry L. Rea**, 9510 Mohawk Road, Girard, PA 16417. This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

WQM Permit No. WQG018549, Sewage, **John Rusch**, 308 Bish Road, Chicora, PA 16025-3408. This proposed facility is located in Oakland Township, **Butler County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

WQM Permit No. WQG018556, Sewage, **Richard A. and Tracy L. Swihart**, 9868 Agnew Road, Linesville, PA 16424. This proposed facility is located in Summit Township, **Crawford County**.

Description of Proposed Action/Activity: A single-residence sewage treatment plant.

WQM Permit No. WQG018555, Sewage, **Taylor Misplay**, 4492 Mount Troy Road, Pittsburgh, PA 15214. This proposed facility is located in Jackson Township, **Butler 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**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906036	Dwayne Gross 40 McCann Drive Ottsville, PA 18942	Bucks	Nockamixon Township	Rapp Creek EV
PAI011506076A-1	Black Granite Village, LP 3441 St. Peters Road P. O. Box 428 St. Peters, PA 19470	Chester	Warwick Township	French Creek EV
PAI011507019	YMCA of Brandywine Valley 295 Hurley Road Coatesville, PA 19320	Chester	West Brandywine Township	West Branch Brandywine Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024506019	Samuel Stoltzfus 85 Bald Hill Road Millville, PA 17848	Monroe	Tunkhannock Township	Tobyhanna Creek HQ-CWF
PAI025206005	Community Self Storage 486 Routes 6 and 209 Milford, PA 18337	Pike	Milford Township	Saw Kill Creek EV
PAI025406003	MAG of Luzerne County Partnership Valley Park, Suite 5 Sugarloaf, PA 18249	Schuylkill	Rush Township	Nesquehoning Creek HQ-CWF
PAI024806024	Ashley Dev. Corp. 559 Main Street Suite 300 Bethlehem, PA 18018	Northampton	Lower Nazareth and Upper Nazareth Townships	Monocacy Creek East Branch HQ-CWF Shoeneck Creek WWF
PAI023906016	Joel W. Koehler 266 Kristin Lane Allentown, PA 18104	Lehigh	South Whitehall Township	Little Lehigh Creek HQ-CWF
PAI024806013	Thomas C. Armstrong 14 McFadden Road Palmer, PA 18045	Northampton	Palmer Township	Shoeneck Creek WWF Bushkill Creek HQ-CWF
PAI023507001	Moscow Sewer Authority P. O. Box 525 Moscow, PA 18444	Lackawanna	Moscow Borough	Roaring Brook HQ-CWF
PAI024806019	Bob Cahill 60 West Broad Street Bethlehem, PA 18018	Northampton	Forks Township	Tributary to Bushkill Creek HQ-CWF
PAS10Q071R(2)	Cedar Fair, LP 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Crest HQ-CWF

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

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056306003	Hawthorne Partners, Inc. 102 West Pike Street Suite 200 Houston, PA 15342	Washington	South Strabane Township	Little Chartiers Creek HQ-WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063306001(1)	SR 28, Section 507 Hazen 3R Department of Transportation 2550 Oakland Avenue Indiana, PA 15701-0429	Jefferson	Warsaw and Pine Creek Townships	Little Mill Creek 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 & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Britain Township Bucks County	PAG2000906102-1	National Shrine of Our Lady of Czestochowa 654 Ferry Road P. O. Box 2049 Doylestown, PA 18901	UNT Lake Galena WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000907013	Falls Township 188 Lincoln Highway Suite 100 Fairless Hills, PA 19030	UNT Martin's Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Township Bucks County	PAG2000907009	Linden Road Estate Corporation 209 Leedon Street Jenkentown, PA 19046	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bristol Township Bucks County	PAG2000907034	Blo-Pham, Inc. 2091 Hartel Street Levittown, PA 19057	UNT Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000906136	Summit Square Associates, LP P. O. Box 270 Newtown, PA 18940	UNT Lake Luxembourg CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000905014	C&M Home Builders, Inc. 2421 Bristol Road Warrington, PA 18976	UNT North Branch Pine Run Creek WWF-TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Township Bucks County	PAG2000906059	Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Tributary Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG2001507019	Frank Mariani P. O. Box 563 Unionville, PA 19375	West Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsbury Township Chester County	PAG2001507026	John Gilmartin/Marcie Mikita 820 Fairville Road Chadds Ford, PA 19317	Craigs Mill Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Marlborough Township Chester County	PAG2001507016	Gerald B. Auman, Jr. Kenneth J. Barnsley 525 West Main Street Kennett Square, PA 19348	West Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Norriton Township Montgomery County	PAG2004605169-1	DeVal Property Associates 910 Germantown Pike Plymouth Meeting, PA 19462	Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004606171	WRD Holdings 131 East Church Road King of Prussia, PA 19406	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth Township Montgomery County	PAG2004607063	Ridgebutler, LLC 111 Presidential Boulevard Suite 209 Bala Cynwyd, PA 19004	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004607047	R. Dratch Construction 1600 Norristown Road P. O. Box 340 Maple Glen, PA 19002	Park Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106061	Omnivest 115 Pheasant Run Suite 114 Newtown, PA 18940	Schuylkill River CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107023	City of Philadelphia Department of Recreation 1515 Arch Street 10th Floor Philadelphia, PA 19102	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Moosic Borough Lackawanna County	PAG2003507006	Scott Williams 700 Rocky Glen Road Moosic, PA 18641	Lackawanna River CWF	Lackawanna County Cons. Dist. (570) 281-9495

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hazle Township Luzerne County	PAG2004007011	United States Cold Storage, LLC 100 Dobbs Lane Suite 102 Cherry Hill, NJ 08034	Stony Creek CWF	Luzerne County Cons. Dist. (570) 674-7991
West Hazleton Borough and Sugarloaf Township Luzerne County	PAG2004007008	Dr. Alex Giannini American Hotel Dev. Partnership, LLC 8620 South Tamiami Trail Suite N-P Sarasota, FL 34238	Little Nescopeck Creek CWF Black Creek CWF	Luzerne County Cons. Dist. (570) 674-7991
Swoyersville Borough Luzerne County	PAG2004007009	Pat Healey Healey Dev. Co., Inc. 123 Spruce Street Mountaintop, PA 18707	Susquehanna River WWF	Luzerne County Cons. Dist. (570) 674-7991
Roseto Borough Northampton County	PAG2004807004	Joel Ronco 133 Front Street Roseto, PA 18013	Martins Creek TSF-MF	Northampton County Cons. Dist. (610) 746-1971
Jim Thorpe, Lehigh and Weissport Boroughs Franklin, Mahoning and Lower Towamensing Townships Carbon County	PAG2001307003	H. Scott Everett D & L National Heritage Corridor 2750 Hugh Moore Park Road Easton, PA 18042	Lehigh River TSF	Carbon County Cons. Dist. (610) 377-4894
West Hempfield Township Lancaster County	PAG2003607036	Creek, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Strickler Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
West Lampeter Township Lancaster County	PAG2003607035	Willow Valley Associates, Inc. 200 Willow Valley Square Lancaster, PA 17602	UNT to Big Spring Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
East Donegal Township Mount Joy Borough Lancaster County	PAG2003607033	FLM Development Co. 805 Estelle Drive Suite 214 Mount Joy, PA 17552	Donegal Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Rapho Township Lancaster County	PAG2003607029	Hospice of Lancaster County P. O. Box 4125 Lancaster, PA 17604-4125	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
Elizabethtown Borough Lancaster County	PAG2003607021	Gary Kroot Masterfoods USA 295 South Brown Street Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361
East Lampeter Township Lancaster County	PAG2003607013	John Alfano Dart Container Corporation 500 Hogsback Road Mason, MI 48854	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Oley and Rockland Townships Berks County	PAG2000606091	Michael G. Balash 155 Mill Road Fleetwood, PA 19522	Furnace Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Cumru Township Berks County	PAG2000607005	Mark Naylor Governor Mifflin School District 10 South Waverly Street Shillington, PA 19607	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Maidencreek Township Berks County	PAG2000606067	Angelo Corrado Corrado Development, LLC c/o Angelo Corrado 965 Park Road Blandon, PA 19510-9458	Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Upper Leacock Township Lancaster County	PAG2003607034	Weiland-Davco Corporation 4162 English Oak Drive Lansing, MI 48911	UNT to Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Rapho Township Lancaster County	PAG2003606103	Loss Investors c/o Stuart Loss 630 Delp Road Lancaster, PA 17601	Chickies Creek Little Chickies Creek WWF-TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Fairview Township York County	PAG2006706098	Bruce Panczner Paradise Property, LLC 1470 Clayton Road West Chester, PA 19382	Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006707032	Jan Cromer Penn Township Volunteer Emergency Services, Inc. 20 Wayne Road Hanover, PA 17331	Plum Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Valley Borough Adams County	PAG2000107013	Thomas Seltzer Pristine Homes P. O. Box 17 Fairfield, PA 17320	Toms Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Mt. Joy Township Adams County	PAR100044R	Richard Klein The Links at Gettysburg, LLC 601 Mason Dixon Road Gettysburg, PA 17325	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tyrone Township Adams County	PAG2000107012	William Vander Lyn Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310	UNT Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Freedom Township Adams County	PAR100134R	Bert Waybright Mason Dixon Farms, Inc. 1800 Mason Dixon Road Gettysburg, PA 17325	Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Gettysburg Borough Adams County	PAG2000107018	John Krichten, Managing Partner Times Square II, Inc. 18 Carlisle Street Suite 300 Gettysburg, PA 17325	Stevens Run Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAG2000107002	Fred Kammerer The Great Conewago Presbyterian Church 174 Red Bridge Road Gettysburg, PA 17325	Beaverdam Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
York Township York County	PAG2006707030	Larry Bortner 160 Crossway Drive York, PA 17402	UNT to Lake Redman (Codorus Creek East Branch) CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Middletown Borough Lower Swatara Township Dauphin County	PAG2002207042	Susquehanna Area Regional Airport Authority HIA One Terminal Drive Middletown, PA 17057	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002206006(1)	Robert Mumma Dauphin Development Co. 840 Market Street Lemoyne, PA 17043	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Manchester Township York County	PAG2006707014	Jeff Rutt Fox Clearing, LLC 214 Willow Valley Lakes Drive Willow Street, PA 17548	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
South Londonderry Township Lebanon County	PAG2003807007	Don Lechtleitner Springbrook Farms, Inc. 1840 Fishburn Road Hershey, PA 17033	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Jackson Township Lebanon County	PAG2003807005	S. Gerald Musser 1310 Mt. Pleasant Road Lebanon, PA 17042	Tulpehocken Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Union Township Lebanon County	PAG20038030283	Anthony Fitzgibbons J.R.C.S. Ltd. 279 North Zinns Mill Road Lebanon, PA 17042	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Upper Frankford Township Cumberland County	PAG2002107018	David Fertig 656 Grahams Road Newville, PA 17241	Bloser Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Borough of Wormleysburg Cumberland County	PAG2002106023	Classic Communities Corporation The Woods at Waterword 2151 Linglestown Road Suite 300 Harrisburg, PA 17110	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
South Middleton and Dickinson Townships Borough of Carlisle Cumberland County	PAG2002106054	Department of Transportation Interstate 81 Exit 44 Improvements 2140 Herr Street Harrisburg, PA 17103	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Borough of Carlisle Cumberland County	PAG2002107015	AMB Property Corp. One Meadowlands Plaza Suite 100 East Rutherford, NJ 07073	Alexander Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Caernarvon Township Berks County	PAG2000607030	Vernon K. Beiler 2019 Valley Road Morgantown, PA 19543	East Branch Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Cumru Township Berks County	PAG2000606102	Terry Hafer Brandywine Realty Trust 2675 Morgantown Road Reading, PA 19607	Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
West Reading Borough Berks County	PAG2000606050(1)	John M. Thorsen Advanced Building Systems, Inc. 2300-B North 5th Street Highway Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PAR10C425R(1)	Troy Tranquillo Caron Treatment Centers 144 North Galen Hall Road Wernersville, PA 19565-9320	Spring Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Earl Township Lancaster County	PAG2003607041	RichaRoad W. Good 707 West Main Street New Holland, PA 17557	UNT Groff Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Manheim Township Lancaster County	PAG2003607040	Tell Properties 235 North Duke Street Lancaster, PA 17602	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Northumberland County Delaware Township	PAG2004907006	Watsonstown Brick Company State Route 405 Watsonstown, PA 17777	West Branch Susquehanna River WWF	Northumberland County Conservation District R. R. 3, Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Union County Gregg Township	PAG2006006017	Stephen Hall Union County Industrial Development Corp. 155 North 15th Street Lewisburg, PA 17837	UNT to West Branch Susquehanna River and West Branch Susquehanna River WWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Hartley Township	PAG2006007001	John H. Hoover John Hoover Poultry Operation 854 Weikert Road Milmont, PA 17845	UNT to Whitethorn Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Union County Buffalo Township	PAG2006007002	Daryl L. Beiler Beiler Agricultural Facility 7249 Furnace Road Mifflinburg, PA 17844	Beaver Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Fayette County German Township	PAG2002607012	Mark McCall Armstrong Dev. Properties Inc. 2100 Wharton Street Suite 700 Pittsburgh, PA 15203	Browns Run WWF	Fayette County CD (724) 438-4497
Somerset County Conemaugh Township	PAG2005606017	Laurel View Village 2000 Cambridge Drive Davidsville, PA 15928	UNT to Stonycreek River CWF	Somerset County CD (814) 445-4652
Somerset County Shade Township	PAG2005607007	Somerset Rural Electric Cooperative, Inc. 223 Industrial Park Road P. O. Box 270 Somerset, PA 15501	Miller Run CWF	Somerset County CD (814) 445-4652
Washington County North Strabane Township	PAG2006307031	Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	Chartiers Creek WWF	Washington County CD (724) 228-6774
Erie County Girard Township	PAG2002507011	Department of Transportation Engineering District 1-0 255 Elm Street Oil City, PA 16301	UNT to Elk Creek CWF, MF	Erie Conservation District (814) 825-6403
Lawrence County North Beaver Township	PAG2003707002	Lynn VanTassel 4324 Hillsville Road Pulaski, PA 16143	Hickory Run TSF	Lawrence Conservation District (724) 652-4512

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mercer County Coolspring and Fairview Townships	PAG2004307003	ARC of Mercer County Foundation 850 North Hermitage Road Hermitage, PA 16148	Coolspring Creek Tributary TSF	Mercer Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bell Acres Borough Allegheny County	PAR606122	Wagner Auto Recycling 181 Cedar Ridge Drive Monaca, PA 15061	Big Sewickley Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Monroeville Borough Allegheny County	PAR236133	PPG Industries 440 College Park Drive Monroeville, PA 15146-1553	Thompson Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Millcreek Township Erie County	PAR808361	YRC Worldwide Enterprise Services, Inc. for Roadway Express, Inc. 1077 Gorge Boulevard Akron, OH 44310	Unnamed stormwater tributaries to Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR808339	YRC Worldwide Enterprise Services, Inc. for Yellow Transportation, Inc. 1077 Gorge Boulevard Akron, OH 44309	Municipal stormwater sewers to McDaniel Run, Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR708325	Lake Erie Biofuels, LLC 1540 East Lake Road Erie, PA 16511-1032	Stormwater tributaries to Motsch Run and Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Titusville Crawford County	PAR228340 Amendment No. 1	Homerwood Hardwood Flooring 1026 Industrial Drive Titusville, PA 16354	Storm Sewer to Oil Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cecil Township Washington County	PAG046168	Art and Sheila Harding 245 Country Line Road Bridgeville, PA 15017	Swale to Coal Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mt. Pleasant Township Washington County	PAG046101	Mark L. Moyer 231 Walnut Road McDonald, PA 15057-3034	UNT to Raccoon Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hanover Township Washington County	PAG046116	Frank D. Chernuta 384 County Line Road Burgettstown, PA 15021	Tributary to Aunt Clara Fork, Clara Fork and Kings Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Lancaster Township Butler County	PAG049343	David I. Cleland 3120 Norcross Road Harmony, PA 16037	UNT to Yellow Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG049334	Jennifer Wilson 3120 Norcross Road Erie, PA 16510-4214	A drainage swale to Four Mile Creek 15-FM	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG049335	Terry L. Rea 9510 Mohawk Road Girard, PA 16417	UNT to Elk Creek 16-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048767	Kenneth R. Fugagli 4285 Knoyle Road Erie, PA 16510-4932	UNT to Four Mile Creek 15-FM	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Waterford Township Erie County	PAG048338	Howard J. and Laurie Beale 882 Hull Road Waterford, PA 16441	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Mercer County	PAG048380	Terry S. Sanner 21 Everbreeze Drive Hadley, PA 16130-2835	UNT to Little Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Mercer County	PAG048488	Howard B. Brittner 1831 North Vernon Road Fredonia, PA 16124-3215	UNT to Pine Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oakland Township Butler County	PAG049346	John Rusch 308 Bish Road Chicora, PA 16025-3408	Bear Creek 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Crawford County	PAG049353	Richard and Tracy Swihart 9868 Agnew Road Linesville, PA 16424	UNT to Conneaut Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Jackson Township Butler County	PAG049352	Taylor Misplay 4492 Mount Troy Road Pittsburgh, PA 15214	UNT to Breakneck Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Elk Creek Township Erie County	PAG048445	Kenneth D. Baker 9320 Miller Road Cranesville, PA 16410-9601	UNT to the East Branch of Conneaut Creek 15-CC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG049345	Dean E. Meyer 5362 Lunger Road Erie, PA 16510	UNT to Six Mile Creek 15-6M	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Otter Creek Township Mercer County	PAG048835	Chester M. Miller 40 Kitch Road Greenville, PA 16125-9610	UNT to Little Shenango 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dauphin County East Hanover Township	PAG053592	George H. Blouch Fule Service, Inc.—Blouch's Mini Market (Lukoil) 440 South Ninth Street Lebanon, PA 17042	Bow Creek—tributary of Swatara Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Tyrone Township	PAG053562	United Refining Company of PA—Kwik Fill S-032 11 Bradley Street Warren, PA 16365-3224	Hutchinson Run to Little Juniata River WWF to TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Menallen Township Fayette County	PAG056222	Former Carroll's Service Station P. O. Box 303 New Salem, PA 15468	UNT to Dunlap Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8 (SSN)

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Somerset Township Somerset County		Pile's Concrete Products Co., Inc. 115 Pickett Lane Friedens, PA 15541	Sechler Winter Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Derry Township Westmoreland County		Synagro 3239 Route 981 New Alexandria, PA 15670	Jellison Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-9

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Canal Township Franklin County	PAG098310	Charles Heffern, Jr. Heffern Septic Service 668 Buttermilk Road Franklin, PA 16323	Heffern Septic Service 668 Buttermilk Road Franklin, PA 16323	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

Facility Location & Municipality

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dunbar and North Union Townships Fayette County	PAG106111	Spectra Energy 890 Winter Street Suite 300 Waltham, MA 02451	UNT Redstone Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

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

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

Permit No. 3480046, Operations Permit, Public Water Supply.

Applicant	Bethlehem Authority 10 East Church Street Bethlehem, PA 18018 Lehigh Township
County	Northampton
Type of Facility	PWS
Consulting Engineer	James DeWolfe, P. E. Malcolm Pirnie 1224 North Atherton Street State College, PA 16803
Permit to Operate Issued	June 21, 2007

Permit No. 3480055, Operations Permit, Public Water Supply.

Applicant	Pennsylvania American Water Co. 800 West Hersheypark Drive Hershey, PA Hamilton Township
County	Monroe
Type of Facility	PWS
Consulting Engineer	David M. Lentowski, P. E. Pennsylvania American Water 4 Wellington Boulevard Wyomissing, PA 19610
Permit to Operate Issued	June 15, 2007

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

Permit No. 3606517, Public Water Supply.

Applicant	Pepe's Pizza
Municipality	Clay Township
County	Lancaster

Type of Facility	Installation of a nitrate treatment system using anion exchange to address elevated levels of nitrate in the source water.	Permit to Construct Issued:	June 1, 2007
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George Street York, PA 17401	Permit No. 0106512 , Public Water Supply.	
Permit to Construct Issued:	June 22, 2007	Applicant	Insite Development LLC—Eagle View MHP
Permit No. 3406501 , Public Water Supply.		Municipality	Berwick Township
Applicant	McAlisterville Area Joint Authority	County	Adams
Municipality	Fayette Township	Type of Facility	Construction of Well Nos. 3, 6 and 7 with greensand filters.
County	Juniata	Consulting Engineer	Hugh V. Archer, P. E. Mavickar Environmental Consultants 1240 North Mountain Road Harrisburg, PA 17112-1788
Type of Facility	Permit is for the construction of a membrane filtration facility to treat the sources of supply that have been declared "groundwater under the direct influence of surface water." Treatment will also include corrosion control. The Pennsylvania Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposed project. The Department hereby approves the Environmental Assessment.	Permit to Construct Issued:	June 18, 2007
Consulting Engineer	Clayton E. Bubeck, P. E. Rettew Associates, Inc. 3020 Columbia Avenue Lancaster, PA 17603	Permit No. 3607502 , Public Water Supply.	
Permit to Construct Issued:	June 21, 2007	Applicant	Terre Hill Borough
Permit No. 3606613 MA, Minor Amendment , Public Water Supply.		Municipality	East Earl Township
Applicant	Latte Luv Espresso	County	Lancaster
Municipality	Paradise Township	Type of Facility	Permit approves the addition of a treatment building for existing Well No. 6. Treatment will consist of disinfection by means of hypochlorite.
County	Lancaster	Consulting Engineer	David Bright, P. E. Spotts, Stevens & McCoy, Inc. 1047 North Park Road 300 Broad Street Reading, PA 19610-0307
Type of Facility	Construction Permit issued for the installation of nitrate removal by means of nanofiltration (reverse osmosis) to treat the source water at the facility.	Permit to Construct Issued:	June 12, 2007
Consulting Engineer	Christian H. McKee Jr., P. E. C.H. McKee & Associates 210 Main Street Landisville, PA 17538	Operations Permit issued to Mont Alto Municipal Authority , 7280040, Quincy Township, Franklin County on June 13, 2007, for the operation of facilities approved under Construction Permit No. 2803506.	
		Operations Permit issued to Birdsboro Municipal Authority , 3060010, Birdsboro Borough, Berks County on June 21, 2007, for the operation of facilities approved under Construction Permit No. 0606513.	
		Operations Permit issued to Bedford Township Municipal Authority , Bedford Borough, Bedford County on June 21, 2007, for the operation of facilities approved under Construction Permit No. 0506501 MA.	
		<i>Northcentral Region: Water Supply Management Program Manager; 208 West Third Street, Williamsport, PA 17701.</i>	
		Permit No. 4146363EP115—Operation , Public Water Supply.	
		Applicant	Culligan Store Solutions
		Township or Borough	Lewisburg Borough
		County	Union
		Responsible Official	Jeanne Cantu Culligan Store Solutions 1030 Lone Oak Road Suite 110 Eagan, MN 55121-2251 Public Water Supply—Operation
		Consulting Engineer	N/A

Permit Issued Date June 26, 2007
 Description of Action Permit-by-Rule vended water system Cabinet Serial No. 59730. Wal-Mart Supercenter No. 1644. Using PA American Water-White Deer as source.

The Pennsylvania State University (Public Water Supply), Centre County: The Source Water Protection (SWP) report for The Pennsylvania State University has been approved on June 26, 2007. The Pennsylvania State University personnel are to be commended for taking this proactive step to protect the source waters for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

Wellsboro Municipal Authority (Public Water Supply), Tioga County: The Source Water Protection (SWP) report for Wellsboro Municipal Authority has been approved on June 26, 2007. Wellsboro Municipal Authority is to be commended for taking this proactive step to protect the source waters for the community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

Austin Borough (Public Water Supply), Potter County: The Source Water Protection (SWP) report for Austin Borough has been approved on July 2, 2007. Austin Borough is to be commended for taking this proactive step to protect the source waters for their community. Development of the program was funded, in part, by a SWP grant from the Department (L. Richard Adams, (570) 321-6581).

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

Operations Permit issued to Jamestown Municipal Authority, PWS ID 6430043, Jamestown Borough, Mercer County. Permit Number 4301501-MA1, issued June 15, 2007, to delete the requirement for Entry Point Bromate monitoring if the salt used for Chlorine generation is certified to meet ANSI/NSF Standard 60. All other terms and conditions of operations permit Number 4301501, approved November 8, 2002, remain unchanged.

Operations Permit issued to Barkeyville Municipal Authority, PWS ID 6610036, Barkeyville Borough, Venango County. Permit Number 6102501-MA1, issued June 15, 2007, to delete the requirement for Entry Point Bromate monitoring if the salt used for Chlorine generation is certified to meet ANSI/NSF Standard 60. All other terms and conditions of operations permit Number 6102501, approved November 29, 2005, remain unchanged.

Operations Permit issued to Woodhaven Mobile Home Park, PWS ID 6250084, Greene Township, Erie County, on June 26, 2007, for the operation of completed modifications to the mobile home park's public water system, as approved under construction Permit Number 2506501, issued November 14, 2006.

Transfer of Operations Permit issued to Trustees of Conneaut Lake Park, Inc., PWS ID 6200018, Summit/Sadsbury Townships, Crawford County. Permit Number 2084504-T3, issued June 28, 2007, for the operation of the Park's public water system, to reflect present legal entity for Conneaut Lake Park.

Transfer of Operations Permit issued to Trustees of Conneaut Lake Park, Inc., PWS ID 6200018, Summit/Sadsbury Townships, Crawford County. Permit Number 2084504-T3-MA1, issued June 28, 2007, for the operation of the Park's public water system, to reflect present legal entity for Conneaut Lake Park.

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:

Borough or Township	Borough or Township Address	County
Mountville Borough	P. O. Box 447 Mountville, PA 17554	Lancaster County

Plan Description: The approved Lancaster Area Sewer Authority Regional Comprehensive 537 Plan, adopted by Mountville Borough, provides for improvements to the capacity of various pump stations and conveyances. As a borough served by the Lancaster Area Sewer Authority, the Borough of Mountville adopted the plan. The APS number is 617113. The Department of Environmental Protection'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 as appropriate.

Plan Location:

Borough or Township	Borough or Township Address	County
East Petersburg Borough	P. O. Box 176 East Petersburg, PA	Lancaster County

Plan Description: The approved Lancaster Area Sewer Authority Regional Comprehensive 537 Plan, adopted by East Petersburg Borough, provides for improvements to the capacity of various pump stations and conveyances. As a borough served by the Lancaster Area Sewer Authority, East Petersburg Borough adopted the plan. The APS number is 617112. The Department of Environmental Protection'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:

Borough or Township	Borough or Township Address	County
Manheim Township	1840 Municipal Drive Lancaster, PA 17601	Lancaster County

Plan Description: The approved Lancaster Area Sewer Authority Regional Comprehensive 537 Plan, adopted by Manheim Township, provides for extension of a gravity conveyance from the Lancaster Area Sewer Authority (LASA) Landis Valley Interceptor to the Pleasant Valley/Kissel Hill Road area, extension of a combined gravity sewer and low pressure sewer extension from the Road/Orchard Road section of the LASA Kurtz Run interceptor to the Rockrimmon Ridge/Pinetown area, and extension of gravity sewers from the Pinetown extension to the Village of Oregon. The township will also adopt and implement

an onlot management ordinance. The APS number is 617107. The Department of Environmental Protection'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 as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manor Township	950 West Fairview Drive Lancaster, PA 17601	Lancaster County

Plan Description: The approved Lancaster Area Sewer Authority Regional Comprehensive 537 Plan, adopted by Manor Township, provides for extension of a Lancaster Area Sewer Authority forcemain from the Central Manor Pump Station at Blue Rock and Gamber Roads to the west side of the Perth Hills and Letort Manor subdivisions with gravity sewers and pump stations to serve each of these neighborhoods. The township will also adopt and implement an on lot disposal system management plan. The APS number is 616909. The Department of Environmental Protection'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>
Lancaster Township	1240 Maple Avenue Lancaster, PA 17603	Lancaster County

Plan Description: The approved Lancaster Area Sewer Authority (LASA) Regional Comprehensive 537 Plan, adopted by Lancaster Township, provides for improvements to the capacity of various LASA pump stations and conveyances. As a township served by the Lancaster Area Sewer Authority, the Township of Lancaster adopted the plan. In addition, the Township of Lancaster will adopt and implement an onlot disposal system management ordinance. The APS number is 617108. The Department of Environmental Protection'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 as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hempfield Township	P. O. Box 128 Landisville, PA 17538	Lancaster County

Plan Description: The approved Lancaster Area Sewer Authority Regional Comprehensive 537 Plan, adopted by East Hempfield Township, provides for improvements to the capacity of various LASA pump stations and conveyances. As a township served by the Lancaster Area Sewer Authority, East Hempfield Township adopted the plan. In addition, the Township is adopting and implementing an onlot disposal system management ordinance. The APS number is 617111. The Department of Environmental Protection'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>
Richmond Township	P. O. Box 474 Fleetwood, PA 19522	Berks

Plan Description: The approved plan provides for the relocation of the proposed Virginville WWTP and additional information regarding the Walnuttown and Kempsville areas of the township. The Department of Environmental Protection'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: on Bermudian Church Road in Washington Township, York County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	14 Creek Road East Berlin, PA 17316	York County

Plan Description: The approved plan provides for the installation of a small flow treatment facility to serve a church and fellowship hall. The wastewater flows are estimated at 1,650 gpd and will be tributary to Bermudian Creek. The name of the project is Bermudian Church of the Brethren and the Department of Environmental Protection (Department) code No. is A3-67961-159-3s. 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, authority or owner as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under section 5 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>
Mount Joy Township	159 Merts Drive Elizabethtown, PA 17022	Lancaster County

Plan Description: The plan for Charles Zerphey for one new 1.4 acre residential building lot using onlot sewage disposal was disapproved because the hydrogeological study failed to meet the requirements of 25 Pa. Code § 71.62(c)(3). The hydrogeologist used water test results collected by the applicant which could not be certified by the hydrogeologist as to location and sampling procedure. In addition, the water samples taken were not representative of the groundwater beneath the site. The project site is located on the east side of Risser Mill Road approximately 650 feet north of Milton Grove Road. The Department of Environmental Protection planning code number is A3-36942-333-2 and the APS number is 610100.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Strasburg Township	400 Bunker Hill Road Strasburg, PA 17579	Lancaster County

Plan Description: The plan was disapproved because site suitability on lots 4—6 for onlot sewage disposal could not be established. The proposed six lot residential subdivision is called Bunker Hill Road Subdivision and consists of six residential lots with each lot to be served by individual onlot sewage systems. The Department of Environmental Protection Code number is A3-36952-199-2.

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:

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

Richmond Street Town Avenue, City of Philadelphia **Philadelphia County**. Julian M. Toneatto, Adler Associates, Inc., P. O. Box 133, Lafayette Hill, PA 19444 on behalf of Elio Colavita, Colviata Development, Co., LLC, 1121 Bethlehem Pike, Suite 60-175, Spring House, PA 19477 has submitted a Final Report concerning the remediation of site soil contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Britsch Residence, West Rockhill Township, **Bucks County**. Richard D. Trimpi, Trimpi Assoc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of JF and Deborah L. Britsch, 504 Clymer Avenue, Sellersville, PA 18960 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

ADE Assoc., LP Retail Center, City of Philadelphia, **Philadelphia County**. Daniel Lewis, Spots, Stevens & McCoy, Inc., on behalf of Benjamin Bowers, ADE Assoc., LP, 4500 Perkiomen Avenue, P. O. Box 4116, Reading, PA 19066 has submitted a Final Report concerning remediation of site soil contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Francis Freas Glass Works, Conshohocken Borough, **Montgomery County**. Douglas Marzell, Francis Freas Glass, 144—148 East 9th Avenue, Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Deibler Elementary School, East Rockhill Township, **Bucks County**. Mark Smith, Spotts, Stevens, and McCoy, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19610 on behalf of Jeff Loeffler Pennridge School District, 410 East Walnut Street, Perkasio, PA 18944 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Widner University Residence, City of Chester, **Delaware County**. Joseph Diamadi, Marshall Geoscience, Inc., 170 East First Avenue, Colledgeville, PA 19426 on behalf of Jerry Pasquariello, Widner University, 1 University Place, Chester, PA 19013 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Southco, Inc. Brandywine Facility, Concordville Township, **Delaware County**. Peter Barringer, Services Env., Inc., 375 Morgan Street, Phoenixville, PA 19460 on behalf of David Gibson, Esq., Southco, Inc., 210 North Brinton Lake Road, Concordville, PA 19331 has submitted a Final Report concerning remediation of site soil contaminated with organics. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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

Messiah College-Schoolhouse Building, Upper Allen Township, **Cumberland County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of Messiah College, 1 College Avenue, Grantham, PA 17027, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel

oil from a removed underground storage tank. The report is intended to document remediation of the site to the Statewide Health Standard.

Pennsylvania American Water Company-Former Yellow Breeches Treatment Plant, Fairview Township, **York County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837, on behalf of Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055-4475, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil from removed underground storage tanks. The report is intended to document remediation of the site to the Nonresidential Statewide Health Standard.

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

Loyal Plaza, Loyalsock Township, **Lycoming County**. Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482-0810 on behalf of Glimcher Development Corp., 150 East Gay Street, Columbus, OH 43215 has submitted a Cleanup Plan concerning remediation of site soil, groundwater and indoor air contaminated with solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Crete Carriers Danville I-80 Truck Accident, Valley Township, **Montour County**, Northridge Group, Incorporated, 1172 Ridge Road, Northumberland, PA 17857 on behalf of Crete Carriers, 132 South 13th Street, Suite 200, Lincoln, NE 68508 has submitted a Final Report concerning remediation of site soil and surface water contaminated with diesel fuel along I-80 at MP222W. 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.

Bradford Mall, Foster Township, **McKean County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Centro Watt, 580 West Germantown Pike, Plymouth Meeting, PA 19462-1305 has submitted a combined Remedial Investigation/Risk Assessment/Cleanup Plan Report concerning remediation of site soil contaminated with PCE, TCE and vinyl chloride and site groundwater contaminated with PCE, TCE, cis-1,2-DCE and vinyl chloride. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

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:

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

905 Bristol Pike, Bristol Borough, **Bucks County**. Samuel Kucia, Env., Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Robert White, Redevelopment Authority of Bucks County, One North Wilson Avenue, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 20, 2007.

Sonoco Paper Company, Downingtown Borough, **Chester County**. Craig Herr, RT Env. Svc., Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with inorganic. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on April 24, 2007.

Hoekstra Residence, East Vincent Township, **Chester County**. Thomas Schultz, Lewis Env. Group, P. O. Box 639, Royersford, PA 19468 on behalf of John Hoeskerta, 32 Sheeder Mill Road, Burchrunville, PA 19421 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final

Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on May 10, 2007.

Crebilly Farm, Westtown Township, **Chester County**. Paul Hyden, Geo-Technology Associates, Inc., 3445A Box Hill Corp. Drive, Abington, MD 21009 on behalf of David Robinson, Crebilly Farm Family Assoc., 501 West Street, Road, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil and gasoline contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 9, 2007.

Ten Tower Bridge, Conshohocken Borough, **Montgomery County**. Gerald Kirkpatrick, Env. Standards, Inc., 1140 Valley Forge, P. O. Box 810, Valley Forge, PA 19482 on behalf of Josh Rubinich, O'Neil Properties, Group, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Remedial Investigation Report, Cleanup Plan and Final Report concerning the remediation of site soil contaminated with arsenic. The Remedial Investigation Report, Cleanup Plan and Final Report was approved by the Department of Environmental Protection on June 28, 2007.

Trans Materials, West Goshen Township, **Chester County**. Christopher Ward, RT Env. Svc., Inc., Pureland Complex, Suite 306, 510 Heron Drive, P. O. Box 521, Bridgeport, NJ 08014 on behalf of Senya Isayeff, CIRR-Keystone Community Alliance-West Goshen, 550 Union Street, West Chester, PA 19382 has submitted a Background Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Background Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on June 26, 2007.

Absco Parcel B, City of Philadelphia, **Philadelphia County**. Angelo waters, Urban Engineers, Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106 on behalf of Andy Karff, Absco, Inc., 1310-28 North Second Street, Philadelphia, PA 19122 has submitted a Final Report concerning the remediation of site soil contaminated with meals and PCBs. The Final Report demonstrated attainment of the Site-Specific Standards and was approved by the Department of Environmental Protection on June 22, 2007.

Kimerton Road Commercial Property, Schuylkill Township, **Chester County**. Justin Lauterbach, RT Env. Svc., Inc., 510 Heron Drive, Suite 306, Bridgeport, NJ 08014 on behalf of John Zaharchuk, Summit Realty Advisor, LLC, 8 Devonshires Court, Blue Bell, PA 19422 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on June 18, 2007.

Four Falls Corp. Center, West Conshohocken Borough, **Montgomery County**. Thomas Petercz, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Michael Christie, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 has submitted a Final Report concerning the remediation of site soil contaminated with Nos. 4 and 5 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on June 18, 2007.

WaWa Food Mkt. 113, Ridley and Upper Darby Township, **Delaware County**. Geoffrey Kristof Leggette, Braahears & Graham, Inc., on behalf of Mattew Winters, WaWa, Inc., 260 West Baltimore Pike, WaWa, PA 19063 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with PAHs. The Final Report demonstrated attainment of the Site-Specific Standards and was approved by the Department of Environmental Protection on June 7, 2007.

Richmond Street Town Avenue, City of Philadelphia, **Philadelphia County**. Julian M. Toneatto, Adler Associates, Inc., P. O. Box 133, Lafayette Hill, PA 19444 on behalf of Elio Colavita, Colviata Development, Co., LLC, 1121 Bethlehem Pike, Suite 60-175, Spring House, PA 19477 has submitted a Final Report concerning the remediation of site soil contaminated with No. 6 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on June 26, 2007.

84 Lumber Site, East Whiteland Township, **Chester County**. Michael Christie, Penn Env. & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Chester Interchange Assoc., LP, 2701 Renaissance Boulevard, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with PAH. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on May 25, 2007.

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

Department of Defense Depot Susquehanna PA, SWMU No. 2, Fairview Township, **York County**. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Defense Logistics Agency, Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning the remediation of site soils contaminated with chlorinated solvents, PAHS, PCBs, pesticides and inorganics. The Final Report demonstrated attainment of the Nonresidential Site-Specific Standard, and was approved by the Department of Environmental Protection on June 25, 2007.

Department of Defense Depot Susquehanna PA, SWMU No. 4, Fairview Township, **York County**. Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, on behalf of Defense Logistics Agency, Defense Distribution Depot Susquehanna, PA, 2001 Mission Drive, Suite 1, New Cumberland, PA 17070-5002, submitted a Final Report concerning the remediation of site soils contaminated with chlorinated solvents, PAHS, PCBs, pesticides and inorganics. The Final Report demonstrated attainment of the nonresidential Site-Specific Standard, and was approved by the Department of Environmental Protection on June 25, 2007.

Pennsylvania Lines, LLC (PRR)—Dillerville Rail Yard, City of Lancaster, **Lancaster County**. Marshall Miller & Associates, Inc., 3013 Hartzdale Drive, Suite 1306, Camp Hill, PA 17011, on behalf of Norfolk Southern Railway Company, 110 Franklin Street SE, Box 13, Roanoke, VA 14041-0013, submitted a Final Report concerning remediation of site soils and groundwater contaminated with diesel fuel. The Final Report demonstrated attainment of the Nonresidential Site-Specific Standard, and was approved by the Department of Environmental Protection on June 29, 2007.

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

RLE Trucking, Turbot Township, **Northumberland County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of RLE Trucking, 239 North 5th Street, Lebanon, PA 17046 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel along PA Route 147, 1/4 mile south of the Interstate 80 interchange. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 25, 2007.

Rothermel Property, Monroe Township, **Snyder County**, Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 on behalf of Robert Rothermel, Country Side Village Unit 8B, Selinsgrove, PA 17870 has submitted a Final Report concerning remediation of site soil contaminated with gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 26, 2007.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued Under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003); section 1904 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

Permit No. WMGR038SW010. Tire Visions, Inc., 938 Mine Road, Northern Cambria, PA 15716. Former Greenwich Collieries Facility, 938 Mine Road, Northern Cambria, PA 15716. Permit renewal for a general permit for processing and beneficial use of waste tires, tire derived material and tire derived fuel, was issued in the Regional Office on June 28, 2007.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit returned 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 100620. BFI Waste Systems of North America, Inc., 11 Boggs Road, P. O. Box 47, Imperial, PA 15126. Imperial Landfill, 11 Boggs Road, P. O. Box 47, Imperial, PA 15126. A major permit modification for operation plan revisions and temporary daily tonnage increase to a municipal waste landfill in Findlay Township, **Allegheny County** was returned to the applicant on June 26, 2007.

Permit issued 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. 301071. MAX Environmental Technologies, Inc., 233 Max Lane, Yukon, PA 15698. Operation of a residual waste processing and disposal facility in South Huntingdon Township, **Westmoreland County**. One year permit renewal issued in the Regional Office on June 27, 2007.

POSTCLOSURE CARE OF A HAZARDOUS WASTE DISPOSAL FACILITY UNDER THE TERMS OF A CONSENT ORDER AND AGREEMENT

Consent Order and Agreement under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.

PAD003026903. Consent Order and Agreement—General Electric Company, Lancaster Facility—Upper Quarry and Lower Lagoon Areas, Pleasure Road, Lancaster, PA, **Lancaster County**. A request from General Electric Company—Lancaster Facility (GE Lancaster) to conduct Postclosure Care activities under the terms of a Consent Order and Agreement (COA) was received by the Department of Environmental Protection (Department) on June 13, 2007. A draft COA has been developed by the Department in response to this request. The COA would allow GE Lancaster to continue implementing Postclosure Care activities for the Upper Quarry and Lower Lagoon Areas, previously provided under Hazardous Waste Permit No. PAD003026903. This COA would serve as an alternate enforceable document to achieve postclosure care requirements, under 40 CFR 270.1(c)(7), incorporated by reference at 25 Pa. Code § 270a.1. The COA alternative must provide for administrative procedures required for a postclosure permit including public notice and a public comment period.

Further information on the proposed request and draft COA are available by contacting John Oren, Permitting Manager, PA DEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, (717) 705-4706. A copy of the postclosure care documents and draft COA are available for review at the Department's Southcentral Regional Office. File reviews may be scheduled by calling (717) 705-4732.

Persons wishing to comment on the proposed request and draft COA are invited to submit a statement to the Southcentral Regional Office 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 COA. Responses should include the name, address and telephone number of the writer; and a 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.

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

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD000738823. Safety Kleen Systems, Inc., 10 Eleanor Drive, New Kingstown, PA 17072, Silver Spring Township, **Cumberland County**. Permit for the storage of hazardous waste issued on July 13, 2007.

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.

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

GP14-38-03007: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) on June 26, 2007, for human or animal crematories under GP14 in Heidelberg Township, **Lebanon County**.

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.

09-0039C: BMCA Quakertown, Inc.—d/b/a GAF Materials (60 Pacific Drive, Quakertown, PA 18951) on June 22, 2007, to operate a thermal oxidizer (2.0 mmBtu/hr) in Quakertown Borough, **Bucks County**.

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

40-310-066: Barletta Materials (P. O. Box 550, Tamaqua, PA 18252) on May 24, 2007, to install a vertical impact crusher with water sprays at their facility in Nescopeck Township, **Luzerne County**.

54-322-006: Pine Grove Landfill, Inc. (193 Shultz Road, Pine Grove, PA 17963) on June 20, 2007, to expand their existing landfill (Pad 12) with flare at their facility in Pine Grove Township, **Schuylkill County**.

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.

23-0091A: Union Packaging, LLC (6250 Baltimore Avenue, Yeadon, PA 19050) on June 25, 2007, to operate a flexographic printing press in Yeadon Borough, **Delaware County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on June 25, 2007, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

46-0035D: SmithKline Beecham d/b/a GlaxoSmith-Kline (709 Swedeland Road, King of Prussia, PA 19406) on June 25, 2007, to operate an incinerator in Upper Merion Township, **Montgomery County**.

46-0243: Upper Montgomery Joint Authority (P. O. Box 6, Pennsburg, PA 18073) on June 26, 2007, to operate a thermal fluid dryer in Upper Hanover Township, **Montgomery County**.

46-0069C: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on June 29, 2007, to operate a shaker style baghouse in Whitmarsh Township, **Montgomery County**.

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

28-05038A: Blue Ridge Renewable Energy, LLC (1660 Orchard Road, Scotland, PA 17254-0399) on June 1, 2007, to install five engine/generators firing treated landfill gas in Greene Township, **Franklin County**.

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

63-00649F: Spartech Polycom (470 Johnson Road, Washington, PA 15301) on July 2, 2007, for an extension of the Plan Approval expiration date from July 6, 2007, to November 5, 2007, to install four compounding lines at Donora Plant No. 1 in Donora Borough, **Washington County**. The plan approval has been extended.

11-00516A: Fiberblade, LLC (400 Gamesa Drive, Fairless Hills, PA 19030) on July 2, 2007, to modify and extend a plan approval at their facility in Cambria Township, **Cambria County** as follows until November 1, 2007: Replace the restriction on the number of blades produced in a consecutive 12-month period with a restriction on total VOC and HAP emissions in a consecutive 12-month period. Remove conditions regarding natural gas fired hot oil heaters since the applicant has chosen to utilize electric hot oil heaters. As such 40 CFR Subpart Dc no longer applies. Reduce the frequency of daily facility-wide inspections from daily to weekly as allowed for under the conditions of PA-11-00516A with the provision that no observations by the owner/operator or by the Department of Environmental Protection of odors, fugitive emissions or visible stack emissions have occurred in the previous 6-month period. The plan approval has been extended.

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

16-132B: Clarion Boards, Inc. (1 Fiberboard Avenue, Shippensburg, PA 16245) on June 22, 2007, to modify the fiberboard plant in Paint Township, **Clarion County**.

24-123E: Onyx Greentree Landfill, LLC (635 Toby Road, Kersey, PA 15846) on June 30, 2007, to install an additional enclosed ground flare (6,000 cfm) similar in design to the existing flares in Fox Township, **Elk County**. This is a Title V facility.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.

48-00015: Lehigh Heavy Forge Corp. (275 Emery Street, Bethlehem, PA 18015) on June 4, 2007, to issue a Title V Operating Permit to operate forge furnaces and associated air cleaning devices for their forging operation in the City of Bethlehem, **Northampton County**.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

15-00046: Sunoco Pipeline L.P.—Icedale Pump Station (1824 Horseshoe Pike, Honey Brook, PA, Chester County 19344) on June 27, 2007, for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in West Brandywine Township, **Chester County**. The Icedale Pump Station is used primarily for the storage of petroleum products (such as, gasoline or No. 2 fuel oil). The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

09-00177: North Penn Polishing and Plating, Inc. (40 West Park Avenue, Sellersville, PA 18960) on June 27, 2007, for a non-Title V Facility, State-only, Natural Minor Permit in Sellersville Borough, **Bucks County**. North Penn Polishing and Plating, Inc. performs various electroplating and electro-less plating operations. The main sources of emissions at this facility result from two small boilers, a degreaser and a decorative chrome tank. The two boilers will emit NO_x, CO, PM, SO_x and VOCs. The degreaser will result in VOCs and HAPs. The decorative chrome tank will result in PM and HAPs. The facility also operates numerous other electroplating and electro-less plating tanks, which will also result in emissions of PM and HAPs. Total emissions from the facility are as follows: 3.96 tpy of NO_x, 2.21 tpy of CO, 8.43 tpy of SO_x, 0.87 tpy of PM, 3.27 tpy of VOCs and 0.09 tpy of HAPs. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within the aforementioned emission rates and all applicable air quality requirements.

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

54-00038: Hart Metals, Inc.—d/b/a Magnesium Elektron Powders PA (1415 East Broad Street, Tamaqua, PA 18252) on June 8, 2007, to issue a State-only (Natural Minor) Operating Permit to operate a metal processing operation and associated air cleaning devices at their facility in Tamaqua Borough, **Schuylkill County**.

54-00027: Titanium Wire Corp. (235 Industrial Park Road, Frackville, PA 17931) on June 27, 2007, a Facility State-only Synthetic Minor Operating Permit to operate a natural gas fired furnace in West Mahanoy Township, **Schuylkill County**.

39-00042: Chelsea Sandwich, LLC (Box 459, Shippers Road, Macungie, PA 18062) on June 27, 2007, for a Facility State-only Synthetic Minor Operating Permit to operate a Gasoline Loading Rack in Lower Macungie Township, **Lehigh County**.

58-00003: Mountain View School District (R. R. 1, Box 339-A, Kingsley, PA 18826) on June 27, 2007, for a Facility State-only Natural Minor Operating Permit to operate a boiler in Hartford Township, **Susquehanna County**.

54-00031: Good Samaritan Regional Medical Center (700 East Norwegian Street, Pottsville, PA 17901) on June 27, 2007, for a Facility State-only Natural Minor Operating Permit to operate a Boiler in Pottsville, **Schuylkill County**.

48-00056: Northampton Farm Bureau Cooperative Associates (300 Bushkill Street, P. O. Box 400, Tatamy, PA 18085) on May 9, 2007, for a Facility State-only Natural Minor Operating Permit to operate a petroleum plant in Tatamy, **Northampton County**.

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

03-00151: TJS Mining, Inc. (R. D. 1, Box 260D, Sheloch, PA 15774) on June 26, 2007, to operate their Dutch Run Coal Preparation Plant in Plumcreek Township, **Armstrong County**.

11-00434: Laurel Sand & Stone, Inc.—Chickaree Quarry (P. O. Box 556, 210 East Main Street, Ligonier, PA 15658-0556) on June 21, 2007, to operate the facility's major sources of emissions at this sandstone processing plant include material loading, crushing, screening and conveying, plant haul roads, material stockpiles and a sand classifier in Jackson Township, **Cambria County**.

56-00298: Garrett Limestone Co., Inc. (451 Stoystown Road, Somerset, PA 15501) on June 21, 2007, to operate the Romesburg Quarry to include a diesel powered electric generating engine, material unloading and loading, crushing, screening and conveying, plant haul roads, material stockpiles and transfer points at their facility located in Summit Township, **Somerset County**.

11-00090: Conemaugh Memorial Hospital (1086 Franklin Street, Johnstown PA 15905). On June 20, 2007, for a State-only Synthetic Minor Permit which includes four natural gas/oil fired boilers along with 15 emergency generators which burn both natural gas and/or No. 2 diesel fuel. The facility has taken a limitation of 3.9 million gallons of fuel oil to stay below the major sources thresholds. The emergency generators have taken a 500 hour limitation a piece. This permit is for their facility in Johnstown City, **Cambria County**.

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

61-00011: Merisol Antioxidants, LLC (292 SR 8, Oil City, PA 16301-5626) on June 7, 2007, to administratively amend the operating permit to include the conditions of Plan Approval 61-011C and to include a minor modification of the temperature monitoring location for the Eclipse Furnace (Source 101) in Oil City, **Venango County**.

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

S05-018: Ashland Performance Materials—Philadelphia Composite Polymers Plant (2801 Christopher Columbus Boulevard, Philadelphia, PA 19148-5103) on June 29, 2007, to produce and distribute 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, 10 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, 2 less than 9 mmBtu/hr. natural gas or No. 2 oil-fired steam boilers, a 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.

S06-011: Coating and Converting—(CCT), Inc. (80 Morris Street, Philadelphia, PA 19148) on June 29, 2007, for 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), 24 heater each less than 0.6 mmBtu/hr., a 3.5 mmBtu/hr. oxidizer, and clean up operation of the coater.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00158: Colorcon—Division of BPSI (415 Moyer Boulevard, West Point, PA 19486-0024) on June 22, 2007, to revise a non-Title V, Natural Minor Facility State-only operating permit to incorporate conditions of plan approval PA-46-0158A to relocate two processes within an existing facility with changes in the equipment used in these sources and to add two new dust collectors in Upper Gwynedd Township, **Montgomery County**. Two small boilers were also added to the facility. The site level PM limit has been changed to 21 tons per 12-month rolling period, and the site level VOCs limit has been changed to 14.6 tons per 12-month rolling period. The revisions to the State-only Operating Permit were made in accordance with 25 Pa. Code § 127.450(a)(5).

09-00048: H & K Materials, Inc. (300 Skunk Hollow Road, Chalfont, PA 18914) in June 27, 2007, to correct a typographical error for Source ID 105 Batch Asphalt Plant, Fuel Restrictions, Hilltown Township, **Bucks County**. The facility is a Synthetic Minor (State-only) for VOC and NOx. Administrative Amendment of State-only

Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. Previously, the permit required a sulfur content of 0.3% for waste derived liquid fuel (WDLF). The Department of Environmental Protection has corrected this value to 0.5% sulfur content for WDLF. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

46-00094: Highway Materials, Inc. (5100 Joshua Road, Plymouth Meeting, PA) on June 28, 2007, to incorporate PA-46-0069B, for the additional use of the following fuels as at their existing asphalt plant: Waste Derived Liquid Fuel, propane, fuel oil Nos. 4 and 5, and also to increase the emission limit of fuel bound sulfur from these fuels, into SMOP-46-00094) Administrative Amendment of Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 in Whitmarsh Township, **Montgomery County**. The operating permit will contain recordkeeping requirements, monitoring requirements and operating conditions designed to keep the facility operating within the allowable emission limits and all applicable air quality requirements.

09-00041: Costa Penn Farms (6071 Durham Road, Pipersville, PA 18947) on June 28, 2007, to operate a greenhouse in Plumstead Township, **Bucks County**. This amendment is to address a Change of Ownership from Hines Horticulture to Costa Penn Farms. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

17-00003: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on June 22, 2007, under the minor operating permit modification requirements of 25 Pa. Code § 127.462, to add 10 small natural gas-fired combustion units (space heaters, and the like) with a combined heat input of 1.355 million Btu/hr, remove nine similarly-sized natural gas-fired combustion units, add a 2,000 gallon lubricating oil storage tank and a 2,000 gallon dehydration water storage tank and correct an erroneously-stated heat input value for a small natural-gas fired boiler at the Luther Compressor Station in Brady Township, **Clearfield County**.

41-305-010A: Keystone Filler and Manufacturing Co., Inc. (214 Railroad Street, Muncy, PA 17756) on June 26, 2007, under the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate conditions established in Plan Approval 41-305-010B for a portable coal, shale and rottenstone crushing plant and associated 200 horsepower diesel engine and a portable coal, shale and rottenstone screening plant and associated 96 horsepower diesel engine in Muncy Creek Township, **Lycoming County**.

49-00041: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889) on June 26, 2007, under the minor operating permit modification requirements of 25 Pa. Code § 127.462, to modify a condition requiring fuel certification reports for virgin No. 2 fuel oil deliveries which accurately identify the sulfur content of each load to require the reports only if the fuel supplier cannot certify that the sulfur content of a load is no greater than .2% by weight in Coal Township, **Northumberland County**.

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

61-00011: Merisol Antioxidants, LLC (292 SR 8, Oil City, PA 16301-5626) on June 7, 2007, to administratively amend the operating permit to include the conditions of Plan Approval 61-011C and to include a minor modification of the temperature monitoring location for the Eclipse Furnace (Source 101).

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

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

05753004 and NPDES No. PA0124869. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), transfer of an existing bituminous surface mine from Dash Coal Company, Inc., P. O. Box 517, Stoystown, PA 15563 located in Broadtop and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving streams: UNTs to Coal Bank Run and to Coal Bank Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 8, 2006. Permit issued June 21, 2007.

05753004 and NPDES No. PA0124869. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661), permit renewal for the continued operation and restoration of a bituminous surface mine in Broadtop and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving streams: UNTs to Coal Bank Run and to Coal Bank Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 8, 2006. Permit issued June 21, 2007.

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

24-05-02 and NPDES Permit No. PA0258024. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830), proposal to enter into a Govern-

ment Financed Reclamation Construction Contract on 29.0 acres site in Jay Township, **Elk County**. The proposal includes the restoration of 10.2 acres of abandoned mine lands and eliminate 1,700 feet of hazardous abandoned highwall as well as remove 7.0 acres of coal incidental and necessary to the reclamation activities. Receiving streams: UNT to Dixon Run. Application received September 12, 2005. Contract issued June 28, 2007.

33860113 and NPDES Permit No. PA0107387. Cloe Mining Company, Inc. (P. O. Box J, Gramplan, PA 16838). Renewal of an existing bituminous surface strip operation in Young and Oliver Townships, **Jefferson County** affecting 311.6 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Little Elk Run. Application received April 18, 2007. Permit issued June 28, 2007.

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

22851304C2. S & M Coal Company (1744 East Grand Avenue, Tower City, PA 17980), permit correction to an existing anthracite underground mine for development of new slope and airway in Wiconisco Township, **Dauphin County** affecting 4.98 acres, receiving stream: none. Application received October 2, 2006. Correction issued June 22, 2007.

22851304R4. S & M Coal Company (1744 East Grand Avenue, Tower City, PA 17980), renewal of an existing anthracite underground mine operation in Wiconisco Township, **Dauphin County** affecting 4.98 acres, receiving stream: none. Application received March 21, 2007. Renewal issued June 22, 2007.

Noncoal Permits Actions

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

Permit No. 7075SM1 and NPDES Permit No. PA0612120, Pennsy Supply, Inc. (P. O. Box 331, Harrisburg, PA 17105), renewal of NPDES Permit, Spring Township, **Perry County**. Receiving stream: Sherman Creek classified for the following use: WWF. There are no public water supply intakes within 10 miles downstream of the point of discharge. NPDES renewal application received April 23, 2007. Permit issued June 26, 2007.

Permit No. 50820303 and NPDES Permit No. PA0613169, Pennsy Supply, Inc. (P. O. Box 331, Harrisburg, PA 17105), renewal of NPDES Permit, Oliver Township, **Perry County**. Receiving stream: Little Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received April 23, 2007. Permit issued June 26, 2007.

6477SM4 and NPDES Permit No. PA0612677, John F. Walter Excavating, Inc. (P. O. Box 175, Newville, PA 17241), renewal of NPDES Permit, Middlesex Township, **Cumberland County**. Receiving streams: UNTs to Conodoguinet Creek, Conodoguinet Creek classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company West, Conodoguinet Creek. NPDES renewal application received April 27, 2007. Permit issued June 28, 2007.

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

10020307 and NPDES Permit No. PA0242411. Parker Sand & Gravel Co. (P. O. Box 0, Parker, PA 16049). Transfer of an existing sand and gravel operation from Parker Sand & Gravel Co. (sole proprietorship) to Parker Sand & Gravel Co. (Corporation) in Parker Township and Parker City, **Butler and Armstrong Counties** affecting 46.0 acres. Receiving streams: UNT No. 2 to the Allegheny River. Application received March 13, 2007. Permit issued June 21, 2007.

43070801. Lois Baker (1821 Champlin Hill Road, Turtlepoint, PA 16750). Commencement, operation and restoration of a small noncoal bluestone operation in Annin Township, **McKean County** affecting 5.0 acres. Receiving streams: UNT to Newell Creek. Application received May 9, 2007. Permit issued June 22, 2007.

43072802. Emmaus Sand & Gravel, Inc. (12 Stoney Brook Boulevard, Greenville, PA 16125) Commencement, operation and restoration of a small noncoal sand and gravel operation in Greene Township, **Mercer County** affecting 9.5 acres. Receiving streams: UNT to Shenango River. Application received April 12, 2007. Permit issued June 25, 2007.

16060806. Daniel C. Zimmerman (Route 66, Box 372, Marienville, PA 16239) Commencement, operation and restoration of a small noncoal sandstone, shale and topsoil permit in Washington Township, **Clarion County** affecting 5.5 acres. Receiving streams: UNT to Licking Creek. Application received July 17, 2006. Permit issued June 27, 2007.

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

08970816. Ray Byers (R. R. 1, Box 488, Riverside Drive, Athens, PA 18810). Transfer of an existing small noncoal—bluestone, flagstone—operation from Joseph Chaffee in Sheshequin Township, **Bradford County**, affecting 3.0 acres. Receiving streams: Horn Brook, tributary to North Branch Susquehanna River. Application received February 14, 2007. Permit issued June 18, 2007.

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

52970301C3 and NPDES Permit No. PA0223751. G. F. Edwards, Inc. (Box 174, Elmhurst, PA 18416), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Greene Township, **Pike County**, receiving stream: Wallenpaupack Creek. Application received January 19, 2007. Renewal issued June 22, 2007.

58070811. Robert Bonnice (R. R. 2, Box 159 D, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Jessup Township, **Susquehanna County**, affecting 5.0 acres, receiving stream: none. Application received February 5, 2007. Permit issued June 26, 2007.

64072804. Joseph G. Bunnell (267 Tryon Street, Honesdale, PA 18431), commencement, operation and restoration of a quarry operation in Texas Township, **Wayne County**, affecting 5.0 acres, receiving stream: none. Application received April 13, 2007. Permit issued June 27, 2007.

45880301T and NPDES Permit No. PA0594113. Tarheel Quarry, Inc. (2000 Highway 35, Morgan, NJ 08879), transfer of an existing quarry operation in Tobyhanna Township, **Monroe County** affecting 406.0 acres, receiving stream: UNT to Lehigh River. Application received August 22, 2006. Transfer issued June 29, 2007.

Noncoal Permit Actions Final Bond Release

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

17980801. H & H (R. D. 1, Box 5, DuBois, PA 15801), noncoal mining operation in Sandy Township, **Clearfield County**. Restoration of 5.0 acres completed. Application received June 5, 2007. Final bond release June 7, 2007.

08050808. Rodney P. Martin (P. O. Box 104, Camptown, PA 18815), noncoal mining operation in Herick Township, **Bradford County**. Restoration of 2.0 acres completed. Application received September 5, 2006. Final bond release June 27, 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 Permits Actions

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

01074112. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241-9424), blasting activity permit issued for residential development in Huntingdon Township, **Adams County**. Blasting activity permit end date is June 20, 2008. Permit issued June 19, 2007.

28074137. R & M Excavating (403 Hilltop Road, Newburg, PA 17240-9202), blasting activity permit issued for residential development in Southampton Township, **Franklin County**. Blasting activity permit end date is June 15, 2008. Permit issued June 22, 2007.

44074102. Dyno Nobel, Inc. (1320 Galiffa Drive, Donora, PA 15033), blasting activity permit issued for pipeline development in Oliver Township, **Mifflin County**. Blasting activity permit end date is June 30, 2008. Permit issued June 22, 2007.

28074136. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608), blasting activity permit issued for single dwelling development in Washington Township, **Franklin County**. Blasting activity permit end date is June 30, 2008. Permit issued June 22, 2007.

44074102. Dyno Nobel, Inc. (1320 Galiffa Drive, Donora, PA 15033), blasting activity permit issued for pipeline development in Bratton Township, **Mifflin County**. Blasting activity permit end date is June 30, 2008. Permit issued June 22, 2007.

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

24064005. Tamburlin Bros. Coal Co., Inc. (P. O. Box 1419, Clearfield, PA 16830). Blasting activity permit for Government Financed Construction Contract (24-05-02) in Jay Township, **Elk County**. This blasting activity permit will expire on June 28, 2008. Application received August 7, 2006. Application issued June 28, 2007.

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

09074113. Eastern Blasting Co., Inc. (1292 Street Road, New Hope, PA 18938), construction blasting for The Ridings of Warwick in Warwick Township, **Bucks County** with an expiration date of July 1, 2008. Permit issued June 22, 2007.

35074113. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Huntington Estates in Dalton Borough, **Lackawanna County** with an expiration date of June 13, 2008. Permit issued June 22, 2007.

35074114. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a backyard expansion in South Abington Township, **Lackawanna County** with an expiration date of June 30, 2008. Permit issued: June 22, 2007.

39074117. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Lehigh Valley West Phase 4 in Upper Macungie Township, **Lehigh County** with an expiration date of January 1, 2009. Permit issued June 22, 2007.

39074118. Austin Powder Company (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Lehigh Hills in Upper Macungie Township, **Lehigh County** with an expiration date of June 21, 2008. Permit issued June 22, 2007.

52074125. Hayduk Enterprises, Inc. (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Palmyra Township, **Pike County** with an expiration date of December 31, 2007. Permit issued June 22, 2007.

06074113. Schlouch, Inc. (P. O. Box 69, Blandon, PA 19510), construction blasting for Target in Muhlenberg Township, **Berks County** with an expiration date of June 18, 2008. Permit issued June 25, 2007.

06074114. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

06074115. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Hills at Woodgate in Exeter Township, **Berks County** with an expiration date of June 15, 2008. Permit issued: June 25, 2007.

15074109. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Schuylkill Township Elementary School in Schuylkill Township, **Chester County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

36074160. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Farmington Way in Warwick Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

36074161. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Penns Crossing in Manheim Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

36074162. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Manheim Township School District in Manheim Township, **Lancaster County** with an expiration date of June 30, 2008. Permit issued June 25, 2007.

36074163. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling in Manheim Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

36074164. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Sunset Ridge in Manheim Township, **Lancaster County** with an expiration date of December 31, 2008. Permit issued June 25, 2007.

38074113. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Creekside Development in North Cornwall Township, **Lebanon County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

67074128. J. Roy's, Inc. (Box 125, Bowmansville, PA 17507), construction blasting for Alyesbury in West Manchester Township, **York County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

67074129. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Winter Ridge in Lower Windsor Township, **York County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

67074130. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for The Orchards in Hellam Township, **York County** with an expiration date of June 15, 2008. Permit issued June 25, 2007.

67074131. Fitz & Smith, Inc. (P. O. Box 178, Dalstown, PA 17313), construction blasting for Plantation Estates in Fawn Township, **York County** with an expiration date of June 25, 2008. Permit issued June 25, 2007.

09074114. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Quakertown Cell tower in Quakertown Borough, **Bucks County** with an expiration date of June 30, 2008. Permit issued June 27, 2007.

09074115. Newville Construction Services, Inc. (408 Mohawk Road, Newville, PA 17241), construction blasting for Quakertown Cell tower in Richland Township, **Bucks County** with an expiration date of June 30, 2008. Permit issued June 27, 2007.

36074165. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Hampton Chase in Manor Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 27, 2007.

36074166. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Kolbacre Ridge in East Lampeter Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 27, 2007.

36074167. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Hunter's Ridge in West Lampeter Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 27, 2007.

36074168. Warren's Excavating & Drilling, Inc. (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Windy Hill in West Lampeter Township, **Lancaster County** with an expiration date of June 15, 2008. Permit issued June 27, 2007.

36074169. Keystone Blasting Service (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Riverview Development in Conoy Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued June 27, 2007.

45074138. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Abeloff Nissan in Pocono Township, **Monroe County** with an expiration date of June 19, 2008. Permit issued June 27, 2007.

39074119. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Lehigh Crossing in Upper Macungie Township, **Lehigh County** with an expiration date of June 30, 2008. Permit issued June 29, 2007.

48074112. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013), construction blasting for Timber Hills in Paradise Township, **Northampton County** with an expiration date of March 31, 2008. Permit issued June 29, 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

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

E06-617: Birdsboro Municipal Authority, 202 East Main Street, Birdsboro, PA 19508, Birdsboro Borough, **Berks County**, ACOE Philadelphia District.

To construct and maintain a 1,205.0-foot long, 5.0-foot wide dike with 3 to 1 side slopes in the floodplain of Hay Creek (CWF, MF) and the Schuylkill River (WWF), a 24.0-inch DIP outfall pipe with a riprap apron and a concrete endwall through the existing Schuylkill River Dike, and to install a 12.0-inch HDPE pipe for the purpose of enclosing a drainage ditch (Birdsboro, Quadrangle Latitude: 40° 16' 07"; Longitude: 75° 48' 15", N: 3.5 inches; W: 7.6 inches) located off of Amorcast Road in the Borough of Birdsboro, Berks County.

E36-818: Ben Stoltzfus, 2603 Lincoln Highway, East Lampeter, PA 17572 in East Lampeter Township, **Lancaster County**, ACOE Baltimore District.

To install and maintain a 24.0-foot long by 16.0-foot wide by 4.0-foot high concrete box culvert into a UNT of Mill Creek (WWF) and 825.0 square feet of emergent wetlands, and to construct and maintain an access driveway through 340.0 square feet of emergent wetlands. The project is located off of Route 30 East, past Route 896 on the left hand side, (Leola, PA Quadrangle N: 4 inches; W: 7.5 inches; Latitude: 40° 1' 27.6"; Longitude: 76° 10' 28.7") in East Lampeter Township, Lancaster County. The amount of wetland impact is considered a de minimus impact of 0.027 acre and wetland mitigation is not required.

E21-365: Insite Development, LLC, 4216 Little Run Road, Harrisburg, PA 17110, in Hampden Township, **Cumberland County**, ACOE Baltimore District.

To: (1) construct and maintain one 54-foot wide, 36-foot span by 10-foot 6-inch high open bottom arch structure across a UNT to the Conodoguinet Creek (WWF); (2) construct and maintain five separate roadway crossings resulting in the filling of 0.76 acre of wetlands tributary to the UNT of the Conodoguinet Creek; (3) installation of sanitary sewer, storm sewer, water, cable, electric and telephone utilities, all within the proposed footprints of the roadways, for the purpose of constructing the 48-lot

residential subdivision on 43.5 acres, known as Hawks Landing, between Lamb's Gap Road (SR 1011) and Hunter's Drive, to the south side of Wertzville Road (SR 0944) (Wertzville, PA Quadrangle N: 6.35 inches; W: 0.92 inch) in Hampden Township, Cumberland County. The permittee is required to provide a minimum of 0.97 acre of replacement wetlands.

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

E17-431. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 3005 Section A01, Bridge Replacement Project over West Branch Susquehanna River, Bells Landing, Greenwood Township, **Clearfield County**, ACOE Susquehanna River Basin District, (Mahaffey, PA Quadrangle N: 5.0 inches; W: 4.0 inches).

To remove an existing 189' long single span truss bridge and appurtenant structures, and to construct and maintain a four span continuous composite prestressed concrete I-beam bridge, 95'-0" from abutment No. 1 to Pier No. 1, 92'-0" from Pier No. 1 to Pier No. 2, 92'-0" from Pier No. 2 to Pier No. 3, 92'-0" from Pier No. 3 to Abutment No. 2 with concrete wing walls having a waterway opening of 46.34' from abutment No. 1 to Pier No. 1, 51.9' from Pier No. 1 to Pier No. 2, 51.9' from Pier No. 2 to Pier No. 3, 54.66' from Pier No. 3 to Abutment No. 2. The minimum underclearance will be 7'-5.5" at Abutment No. 2.

Rock, Class R-8 chocked with rock Class R-4, will be permanently placed around Piers Nos. 1—3. Rock, Class R-8 chocked with rock Class R-4, will be permanently placed along the front face of Abutment No. 1, and radius 5'-0" around wing walls 'A' and 'B.' Rock, Class R-8 chocked with rock Class R-4, will be permanently placed along the front face of Abutment No. 2, and radius 5'-0" around wing walls 'C' and 'D.'

This project proposes to have a minimal impact on West Branch Susquehanna River, which is designated a WWF. This project does propose to impact 0.16 acre of jurisdictional wetlands. These wetlands will be replaced within the McPherron Advanced Wetland Compensation Site, located in Chest Township, Clearfield County. This permit also includes 401 Water Quality Certification.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E42-325. Universal Well Services, Inc., 201 Arch Street, Meadville, PA 16335. Rutherford Run Lot Development, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41° 56' 05"; W: 78° 38' 36" inches).

To conduct the following activities associated with development of a corner lot at the intersection of High Street and Rutherford Run Road:

1. Fill a de minimis area (0.05 acre) of PEM wetland.
2. Construct and maintain a 92-foot long, 15-inch diameter culvert in a tributary to Rutherford Run having a contributor drainage area of less than 100 acres.
3. Excavate and stabilize as restoration of an area of the right 50-foot floodway along an approximately 250-foot reach of Rutherford Run.

E43-341. Lake Latonka Property Owners Association, 420 Latonka Drive, Mercer, PA 16137. Dock Replacements in Jackson and Coolspring Townships, **Mercer County**, ACOE Pittsburgh District.

To conduct the following projects in Coolspring and Jackson Townships in Mercer County: 1) remove and replace Dock 2 (Jackson Center, PA Quadrangle N: 41° 16' 20"; W: 80° 10' 53") with a 100-foot long by 3.5-foot wide mainframe, having three slips on each side. Total square footage of the new dock will be 660 square feet. 2) remove and replace Dock 3 (Jackson Center, PA Quadrangle N: 41° 16' 46.5"; W: 80° 10' 46") with a 120-foot long by 3.5-foot wide mainframe, having three slips on each side. Total square footage of the new dock will be 720 square feet. 3) remove and replace Dock 10 (Jackson Center, PA Quadrangle N: 41° 16' 19"; W: 80° 11' 17"). The existing mainframe along the shoreline will be used and eight new slips measuring 20-feet long by 3-feet wide will be added to the structure. Total square footage of the new slips will be 720 square feet.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D42-001EA. Brendan Ring, 12262 Route 59, Smethport, PA 16749. Keating Township, **McKean County**, ACOE Pittsburgh District. Project proposes to breach and remove Smethport Reservoir Dam and the associated upstream check dam across Blacksmith Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 625 linear feet of stream channel. The project will also involve the replacement of a driveway culvert that will be authorized under BWM-GP-11. The culvert replacement will impact 22 linear feet of stream channel. The project is located approximately 2.2 miles west of the intersection of SR 59 and US 6 (Smethport, PA Quadrangle; Latitude: 41° 48' 35"; Longitude: -78° 29' 39").

EA65-004CO. James Secen, 237 North Duane Drive, Pittsburgh, PA 15239. Washington Township, **Westmoreland County**, ACOE Pittsburgh District.

Project proposes to construct, operate and maintain a non-jurisdictional dam across a tributary to Beaver Run Reservoir (HQ-CWF) for agricultural water supply. The project will impact approximately 330 feet of stream channel. The proposed dam will be located approximately 1,600 feet northeast of the intersection of Kistler Road (SR 4053) and Lockwood Road (T724) (Slickville, PA Quadrangle N: 16.5"; W: 14.1").

D14-022EA. Bureau of Engineering, Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823. Boggs Township, **Centre County**, ACOE Baltimore District. Project proposes to breach and remove McCoy-Linn Dam across Spring Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 2,000 feet of stream channel. The dam is located adjacent to SR 144 approximately 1.2 miles south of the intersection of SR 144 and US 220 (Bellefonte, PA Quadrangle Latitude: 40° 55' 52"; Longitude: -77° 47' 7").

SPECIAL NOTICES

Department of Environmental Protection Extends Deadline for CAIR Permit Applications

To facilitate the submission of permit applications to both Federal and state agencies, the Department of Environmental Protection (Department) is extending the deadline for electric generating units (power plants) to submit applications under the new Clean Air Interstate Rule (CAIR) from July 1, 2007, until January 1, 2008. Once Pennsylvania's State Implementation Plan for CAIR is approved by the Federal Environmental Protection Agency (EPA), the Commonwealth will become the permitting authority for this program.

On May 12, 2005, the EPA promulgated CAIR to address the interstate transport of NO_x and SO₂. In its initial finding, the EPA determined that 28 states (including the Commonwealth) and the District of Columbia contribute significantly to nonattainment of the National ambient air quality standards for fine particles and/or 8-hour ozone in downwind states. Based on this finding, revisions to State Implementation Plans were due to the EPA in September 2006 requiring SO₂ and/or NO_x emission reductions from electric generating units (EGUs) in two phases. Phase One (covering 2009-2014) of the NO_x reductions must begin in 2009; the first phase (2010-2014) of the SO₂ reductions must start in January 2010. The second phase of CAIR must be implemented by January 2015. (70 FR 25162).

On April 28, 2006, the EPA promulgated Federal Implementation Plans (FIPs), which affect EGUs in each CAIR-covered state. (CAIR) (71 FR 25328). The CAIR FIP amended Pennsylvania's State Implementation Plan in 40 CFR Part 52, Subpart NN to add "interstate pollutant transport provisions." The owners and operators of each NO_x and SO₂ source located within the Commonwealth for which requirements are set forth in the federal CAIR NO_x Annual Program, Federal Ozone Season Trading Program and the Federal CAIR SO₂ Trading Program in 40 CFR Part 97 must comply with applicable requirements.

The owners and operators of each CAIR-affected EGU subject to the Title V Operating Permit Program must submit a CAIR permit application to the permitting authority at least 18 months before the later of January 1, 2009 or the date on which the CAIR unit commences commercial operation, unless the permitting authority extends the deadline. In accordance with 40 CFR 97.121 (relating to submission of CAIR permit applications), the Department is extending the deadline for submission of CAIR permit applications to January 1, 2008. The Department also may request additional information in accordance with 25 Pa. Code § 127.414 (relating to supplemental information) after Pennsylvania's proposed CAIR is adopted as a final-form regulation.

For questions about permitting issues, contact Virendra Trivedi at (717) 787-4325, vtrivedi@state.pa.us. For questions concerning the proposed CAIR, contact Randy Bordner at (717) 787-9495, ranbordner@state.pa.us.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of June 2007, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Accu-Star Labs—Lebanon	929 Mt. Zion Road Lebanon, PA 17046	Laboratory
Karen Amspacker	3262 Reeve Drive Bethlehem, PA 18020	Testing
Tina Artigliere	P. O. Box 4475 Reading, PA 19606	Testing
Michael Bluestein	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Rob Bruno Boro Environmental	501 Sharp Avenue Glenolden, PA 19036	Testing
Joshua Burke	514 Powell Avenue Cresson, PA 16630	Testing
Jeffrey Calta	106 Vensel Lane P. O. Box T Chicora, PA 16025	Testing
Jeffrey Chase	124 Merino Drive Canonsburg, PA 15317	Testing
Stephen Chiz	1513 Grimm Drive Erie, PA 16501	Testing
Steven Clayton	130 Spring Lane Delmont, PA 15626	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Carl Distenfeld TCS Industries, Inc.	4326 Crestview Road Harrisburg, PA 17112	Testing and Laboratory
Keith Gaskill	347 Stoney Run Road Blairsville, PA 15717	Testing and Mitigation
Vilas Godbole	6314 Hilltop Drive Brookhaven, PA 19015	Testing
Nancy Hernandez	2 Hayes Street Elmsford, NY 10523	Laboratory
Jeffrey Hicks	P. O. Box 182 Reeders, PA 18352	Testing
Charles Hill	347 Stoney Run Road Blairsville, PA 15717	Testing and Mitigation
Robert Huemme	347 Stoney Run Road Blairsville, PA 15717	Testing and Mitigation
Janice Kourniotis	426 Regency Drive Pittsburgh, PA 15239	Testing
David Lanzer	174 Penn Lear Drive Monroeville, PA 15146	Testing
Michael Lieb	407 Burmont Road Drexel Hill, PA 19026	Testing
Jeremy Ling	2843 North Front Street Harrisburg, PA 17110	Mitigation
Kevin Maher	578 Fifth Street Colver, PA 15927	Testing
Leonard Mathison	Box 125, Route 8 Valencia, PA 16059	Testing
Thomas Moore	421 Redgate Road Sewickley, PA 15143	Testing
Dr. Thomas Olaviany	698 Hazle Street Ashley, PA 18702	Testing
Jerry Petrill	290 Forbes Trail Road Greensburg, PA 15601	Mitigation
Gerald Petrone, Jr.	721 Irwin Drive Pittsburgh, PA 15236	Testing
Shawn Price Air Chek, Inc.	1936 Butler Bridge Road Fletecher, NC 28737	Laboratory
Steven Roscioli	2985 Sheffield Drive Plymouth Meeting, PA 19462	Testing
Troy Rudy Allied Home Inspections, Inc.	44 West Liberty Street Lancaster, PA 17603	Testing
Jeffrey Saulsbury Saulsbury Environmental Consultants, Inc.	307 Lucilla Street Pittsburgh, PA 15218	Testing
Terry Spalti	902 High Road Ashland, PA 17921	Testing
Eugene Spoehr, Jr.	3060 Concord Road Aston, PA 19014	Testing
Lawrence Transue	706 East Street West Easton, PA 18042	Testing
Jill Vega	6097 Route 15 South Selinsgrove, PA 17870	Testing
Eric Zigga	412 Church Street Archbald, PA 18403	Mitigation

**DRINKING WATER STATE REVOLVING FUND
SPECIAL NOTICE**

**Special Notice under the Federal Safe Drinking
Water Act (SDWA); 42 U.S.C.A. § 300f et seq.**

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Waynesboro Borough Authority	57 East Main Street Waynesboro, PA 17268	Franklin County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Waynesboro Borough Authority proposes the installation of Well No. 2 and the construction of a nanofiltration (reverse osmosis) membrane treatment facility. The Department of Environmental Protection (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

**Notice of Public Hearing for Individual NPDES
Permit Application Nos. PAS10N029R(1) and
PAI023507006**

*Proposed Industrial Development, Covington Township,
Lackawanna County*

Notice is hereby provided that the Department of Environmental Protection (Department) will hold a public hearing to accept comments on Individual NPDES Permit Application Nos. PAS10N029R(1) and PAI023507006 for the discharge of stormwater from construction activities at the Covington Industrial Park, Covington Township, Lackawanna County.

The public hearing will be conducted on Wednesday, August 29, 2007, at 7 p.m. at the Gouldsboro Fire Company, 490 Main Street, Route 507, Gouldsboro, PA 18424, (570) 842-8353 by the Department of Environmental Protection's Watershed Management Program, Permit-

ting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. The hearing is in response to applications for the construction of warehouses submitted by First Industrial Acquisition, Inc. The NPDES permit applications propose the discharge of stormwater from construction activities to Lake Run, Tamarack Creek, Meadow Brook, Roaring Brook and the Lehigh River.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Covington Industrial Park Hearing, Department of Environmental Protection, Water Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to NPDES Permit Application Nos. PAS10N029R(1) and PAI023507006. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application is available for review by appointment at the Lackawanna County Conservation District Office, 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N029R(1)	First Industrial Acquisition, Inc. 200 Phillips Road Exton, PA 19341-1326	Lackawanna	Covington Township	Lake Run HQ-CWF Roaring Brook HQ-CWF Tamarack Creek HQ-CWF Meadow Brook HQ-CWF
PAI023507006	First Industrial Acquisition, Inc. 200 Phillips Road Exton, PA 19341-1326	Lackawanna	Covington Township	Roaring Brook HQ-CWF Meadow Brook HQ-CWF Tamarack Creek HQ-CWF Lehigh River HQ-CWF

[Pa.B. Doc. No. 07-1241. Filed for public inspection July 13, 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 (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.

Final Technical Guidance

DEP ID: 562-3000-802 Title: Coal Mining Applicant Violator System (AVS) Compliance Manual. Description: The AVS is a National computer system managed by the Federal Office of Surface Mining Reclamation and Enforcement to track coal mining permit information and permittee ownership and control information for the states where coal is mined. The system also tracks violation information such as outstanding Federal violations, unpaid Federal civil penalties and reclamation fees, and outstanding State Failure to Abate Cessation Orders and civil penalties. Prior to the issuance of a coal mining activities permit, the Department's District Mining Office must conduct a compliance check through the AVS, as well as the Department's mainframe computer system, to ensure that there are no outstanding violations, civil penalties or reclamation fees for that company. In addition, prior to the issuance, renewal or amendment of a surface coal mining license, the Department's Bureau of Mining and Reclamation must conduct a compliance check through the AVS, as well as the Department's mainframe computer system, to ensure there are no outstanding Order, Cessation Orders, Consent Order and Agreements or Decrees, or Bond Forfeiture Declarations. This guidance provides the procedures the Department will use for conducting the compliance checks referenced previously. Previously, the guidance pertained only to the issuance of coal mining permits. Substantive revisions were recently made to the guidance to provide provisions that now make the guidance also applicable for conducting compliance checks of surface coal mining operations prior to the issuance of a new mine operator license, a mine operator license renewal, or mine operator license amendment. Notice of the substantive revisions to technical guidance #562-3000-802 were published for public comment on February 10, 2007, at 37 Pa.B. 723 (February 10, 2007). The Department did not receive any

comments from the public during the 30-day comment period, which concluded on March 12, 2007. Contact: Questions regarding the technical guidance document should be directed to Bruce Carl, Department of Environmental Protection, Bureau of Mining and Reclamation, P. O. Box 8461, 5th Floor, Rachel Carson State Office Building, Harrisburg, PA 17105-8461; (717) 787-5103; brcarl@state.pa.us. Effective Date: July 14, 2007.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1242. Filed for public inspection July 13, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chronic Renal Disease Advisory Committee Meeting

The Chronic Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, July 27, 2007, from 10 a.m. to 3 p.m. in Room E, Student Faculty Center, Temple University, Philadelphia, PA.

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 Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17102, (717) 772-2762 or for alternative formats, such as audiotape, Braille, TDD (717) 783-6514 or (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1243. Filed for public inspection July 13, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania BonusWord Crossword Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania BonusWord Crossword.
2. *Price:* The price of a Pennsylvania BonusWord Crossword instant lottery game ticket is \$3.
3. *Play Symbols:* Each Pennsylvania BonusWord Crossword instant lottery game ticket will feature a "YOUR LETTERS" area, a crossword puzzle play grid for the "BonusWord Crossword" game and a "Bonus Word" play area and a "BONUS PRIZE" area for the "Bonus Word" game. Each game is played separately. The play symbols

and their captions located in the "YOUR LETTERS" area and the "Bonus Word" area are: the letters A through and including Z. The play symbols located in the "BonusWord Crossword" puzzle play grid are: the letters A through and including Z and a black square.

4. *Prize Symbols:* The prize symbols and their captions located in the "BONUS PRIZE" portion of the "Bonus Word" game are: FREE (TICKET), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in the "BonusWord Crossword" game are: Free \$3 Ticket, \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$300, \$3,000 and \$60,000. The prizes that can be won in the "Bonus Word" game are: Free \$3 Ticket, \$3, \$5, \$10, \$20, \$30, \$50, \$100, \$300 and \$3,000.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania BonusWord Crossword instant lottery game.

7. *Determination of Prize Winners:*

(a) The determination of the prize winners for the "BonusWord Crossword" game are:

(1) Holders of tickets where the player completely uncovers 12 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$60,000.

(2) Holders of tickets where the player completely uncovers 11 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$3,000.

(3) Holders of tickets where the player completely uncovers 10 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$300.

(4) Holders of tickets where the player completely uncovers 9 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where the player completely uncovers 8 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets where the player completely uncovers 7 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$30.

(7) Holders of tickets where the player completely uncovers 6 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets where the player completely uncovers 5 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where the player completely uncovers 4 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets where the player completely uncovers 3 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$3.

(11) Holders of tickets where the player completely uncovers 2 words in the crossword puzzle play grid for the "BonusWord Crossword" game, using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of one Pennsylvania BonusWord Crossword instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(b) The determination of the prize winners for the "Bonus Word" game are:

(1) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$3,000 (THR THO) appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$3,000.

(2) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$300 (THR HUN) appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$300.

(3) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$100 (ONE HUN) appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$50\$ (FIFTY) appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$30\$ (THIRTY) appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$20\$ (TWENTY) appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$10⁰⁰ (TEN DOL), appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$5⁰⁰ (FIV DOL),

appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$3⁰⁰ (THR DOL), appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of \$3.

(10) Holders of tickets where the player completes the "Bonus Word," using only the letters found in the "YOUR LETTERS" area, and a prize symbol of FREE (TICKET), appears in the "BONUS PRIZE" area below the "Bonus Word," on a single ticket, shall be entitled to a prize of one Pennsylvania BonusWord Crossword instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Game Play Instructions for the "BonusWord Crossword" game are:*

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in the "BonusWord Crossword" puzzle play area.

(b) When a player reveals two or more words in the "BonusWord Crossword" puzzle play area, the player is entitled to win a prize as described in Section 7(a). The "Bonus Word" does not count as a word in the "BonusWord Crossword" puzzle game.

(c) A prize will be paid only for the highest Pennsylvania BonusWord Crossword instant lottery game prize won on the ticket if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in the "BonusWord Crossword" puzzle play area. An unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces.

(f) Every single letter in the unbroken string must be revealed in the "YOUR LETTERS" area and be included to form a word.

(g) The possible complete words for each ticket in the game are shown on the "BonusWord Crossword" puzzle play grid of the ticket. The player must match all of the letters in a possible complete word in order to complete the word.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win Prize(s) With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 14,400,000 Tickets:</i>
2 WORDS	FREE \$3 TICKET	16.67	864,000
FREE TICKET BONUS WORD	FREE \$3 TICKET	16.67	864,000
3 WORDS	\$3	50	288,000
\$3 BONUS WORD	\$3	50	288,000
4 WORDS	\$5	20	720,000
\$5 BONUS WORD	\$5	50	288,000
5 WORDS	\$10	100	144,000
4 WORDS + \$5 BONUS WORD	\$10	100	144,000
\$10 BONUS WORD	\$10	125	115,200
6 WORDS	\$20	200	72,000
5 WORDS + \$10 BONUS WORD	\$20	200	72,000
\$20 BONUS WORD	\$20	200	72,000
7 WORDS	\$30	1,200	12,000
6 WORDS + \$10 BONUS WORD	\$30	1,200	12,000
\$30 BONUS WORD	\$30	1,200	12,000
8 WORDS	\$50	800	18,000
\$50 BONUS WORD	\$50	800	18,000
9 WORDS	\$100	2,667	5,400
8 WORDS + \$50 BONUS WORD	\$100	2,667	5,400
\$100 BONUS WORD	\$100	2,667	5,400
10 WORDS	\$300	6,000	2,400
\$300 BONUS WORD	\$300	6,000	2,400
11 WORDS	\$3,000	40,000	360
\$3,000 BONUS WORD	\$3,000	40,000	360
12 WORDS	\$60,000	576,000	25

BONUS WORD = Win prize shown in bonus prize when you match entire Bonus Word.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania BonusWord Crossword instant lottery game tickets. The conduct of the game will be governed

by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania BonusWord Crossword, prize money from winning Pennsylvania BonusWord Crossword instant lottery game tickets will be

retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania BonusWord Crossword instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law.* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game.* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania BonusWord Crossword or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1244. Filed for public inspection July 13, 2007, 9:00 a.m.]

Pennsylvania Fortune Cookie® Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fortune Cookie®.

2. *Price:* The price of a Pennsylvania Fortune Cookie® instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Fortune Cookie® instant lottery game ticket will contain one play area featuring a "LUCKY NUMBERS" area, a "YOUR NUMBERS" area and a "LUCKY FORTUNE BONUS" area. The play symbols and their captions located in the "LUCKY NUMBERS" area and the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The bonus play symbols and their captions located in the "LUCKY FORTUNE BONUS" area are: 2X symbol (2TIMES), 3X symbol (3TIMES), 4X symbol (4TIMES), 5X symbol (5TIMES), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$60\$ (SIXTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$2 Ticket, \$1, \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$30, \$40, \$50, \$60, \$100, \$500, \$1,000 and \$20,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Fortune Cookie® instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, and a 2X (2TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, and a 5X (5TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, and a 2X (2TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, and a 5X (5TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$60\$ (SIXTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

BERS" play symbol, and a 2X (2TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, and a 5X (5TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(ff) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, and a 5X (5TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

(gg) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(hh) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, and a 2X (2TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$4.

(ii) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, and a 4X (4TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$4.

(jj) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(kk) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, and a 3X (3TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$3.

(ll) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(mm) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, and a 2X (2TIMES) bonus play symbol appears in the "LUCKY FORTUNE BONUS" area, on a single ticket, shall be entitled to a prize of \$2.

(nn) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(oo) Holders of tickets upon which any one of "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Fortune Cookie® instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Match Any Of Your Numbers To Either Lucky Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
FREE	FREE \$2 TICKET	12.50	576,000
\$1 x 2	\$2	75	96,000
\$1 w/2X	\$2	75	96,000
\$2	\$2	75	96,000
\$1 x 3	\$3	150	48,000
\$1 w/3X	\$3	150	48,000
\$3	\$3	150	48,000
\$1 w/4X	\$4	150	48,000
\$2 x 2	\$4	150	48,000
\$2 w/2X	\$4	150	48,000
\$4	\$4	150	48,000
\$1 x 5	\$5	150	48,000
\$1 w/5X	\$5	150	48,000
\$5	\$5	150	48,000
\$1 x 10	\$10	300	24,000
\$2 x 5	\$10	300	24,000
\$2 w/5X	\$10	300	24,000
\$5 w/2X	\$10	300	24,000

Match Any Of Your Numbers
To Either Lucky Number; Win
With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
\$10	\$10	300	24,000
\$3 × 5	\$15	750	9,600
\$3 w/5X	\$15	750	9,600
\$5 × 3	\$15	750	9,600
\$5 w/3X	\$15	750	9,600
\$15	\$15	750	9,600
\$2 × 10	\$20	1,500	4,800
\$4 × 5	\$20	1,500	4,800
\$4 w/5X	\$20	1,500	4,800
\$5 × 4	\$20	1,500	4,800
\$5 w/4X	\$20	1,500	4,800
\$5 × 2 w/2X	\$20	1,500	4,800
\$10 × 2	\$20	1,500	4,800
\$10 w/2X	\$20	1,500	4,800
\$20	\$20	1,500	4,800
\$3 × 10	\$30	1,875	3,840
\$10 × 3	\$30	1,875	3,840
\$10 w/3X	\$30	1,875	3,840
\$15 × 2	\$30	1,875	3,840
15 w/2X	\$30	1,875	3,840
\$30	\$30	1,875	3,840
\$4 × 10	\$40	4,800	1,500
\$5 × 8	\$40	4,800	1,500
\$10 × 4	\$40	4,800	1,500
\$10 w/4X	\$40	4,800	1,500
\$20 × 2	\$40	4,800	1,500
\$20 w/2X	\$40	4,800	1,500
\$40	\$40	4,800	1,500
\$5 × 10	\$50	4,800	1,500
\$10 × 5	\$50	4,800	1,500
\$10 w/5X	\$50	4,800	1,500
\$50	\$50	4,800	1,500
\$10 × 6	\$60	12,000	600
\$15 × 4	\$60	12,000	600
\$15 w/4X	\$60	12,000	600
\$20 × 3	\$60	12,000	600
\$20 w/3X	\$60	12,000	600
\$30 × 2	\$60	12,000	600
\$30 w/2X	\$60	12,000	600
\$60	\$60	12,000	600
\$10 × 10	\$100	12,000	600
\$20 × 5	\$100	12,000	600
\$20 w/5X	\$100	12,000	600
\$50 × 2	\$100	12,000	600
\$50 w/2X	\$100	12,000	600
\$100	\$100	12,000	600
\$50 × 10	\$500	30,000	240
\$100 w/5X	\$500	30,000	240
\$500	\$500	30,000	240
\$100 × 10	\$1,000	60,000	120
\$500 × 2	\$1,000	60,000	120
\$500 w/2X	\$1,000	60,000	120
\$1,000	\$1,000	60,000	120
\$20,000	\$20,000	480,000	15

Find 2X in "LUCKY FORTUNE BONUS" win double the prize shown.

Find 3X in "LUCKY FORTUNE BONUS" win triple the prize shown.

Find 4X in "LUCKY FORTUNE BONUS" win four times the prize shown.

Find 5X in "LUCKY FORTUNE BONUS" win five times the prize shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fortune Cookie® instant lottery game tickets. The conduct of the game will be governed by 61

Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fortune Cookie®, prize money from winning Pennsylvania Fortune Cookie® instant lottery game tickets will be retained by the

Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Fortune Cookie® instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fortune Cookie® or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1245. Filed for public inspection July 13, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Director of the Bureau of Design Delegated the Authority to Certify Design Approval

The Secretary of Transportation (Secretary) gives notice that, under the authority in section 206 of The Administrative Code of 1929 (71 P.S. § 66), the Director of the Bureau of Design has been delegated the authority to certify Design Approval on the Secretary's behalf and to make, and cause to be published in the *Pennsylvania Bulletin*, written findings required by section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)).

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-1246. Filed for public inspection July 13, 2007, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Egypt Meadow Lake; Pike County

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations to remove all seasons, sizes and creel limits on Egypt Meadow Lake in Pike County. These temporary modifications will go into effect immediately and will remain in effect until further notice but in no event will they remain in place after January 1, 2008.

The Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish. The Executive Director has caused these temporary modifications to fishing regulations to be posted at Egypt Meadow Lake.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 07-1247. Filed for public inspection July 13, 2007, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Mandated Benefits

Section 9 of act 14 of July 17, 2003 (P.L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. Representative Anthony DeLuca, Chairperson of the House Insurance Committee, has requested that the Council review House Bill 317, Printer's Number 358 (O'Neill). House Bill 317 would require health insurance policies to provide coverage for prosthetic devices and components if prescribed by a health care professional legally authorized to prescribe these items under law. The coverage would include the fitting, repair or replacement of a prosthetic device if determined to be medically necessary.

The Council is requesting that anyone supporting or opposing these mandated insurance benefits provide six copies of the documentation to the Council no later than 5 p.m. on September 14, 2007. The documentation should be mailed to Flossie Wolf, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101.

Documentation submitted should be in accordance with the following information categories described in section 9 of Act 14:

(i) The extent to which the proposed benefit and the services it would provide are needed by, available to and utilized by the population of this Commonwealth.

(ii) The extent to which insurance coverage for the proposed benefit already exists, or if no coverage exists, the extent to which this lack of coverage results in inadequate health care or financial hardship for the population of this Commonwealth.

(iii) The demand for the proposed benefit from the public and the source and extent of opposition to mandating the benefit.

(iv) All relevant findings bearing on the social impact of the lack of the proposed benefit.

(v) Where the proposed benefit would mandate coverage of a particular therapy, the results of at least one professionally accepted, controlled trial comparing the medical consequences of the proposed therapy, alternative therapies and no therapy.

(vi) Where the proposed benefit would mandate coverage of an additional class of practitioners, the results of at least one professionally accepted, controlled trial comparing the medical results achieved by the additional class of practitioners and those practitioners already covered by benefits.

- (vii) The results of any other relevant research.
- (viii) Evidence of the financial impact of the proposed legislation, including at least:
 - (A) The extent to which the proposed benefit would increase or decrease cost for treatment or service.
 - (B) The extent to which similar mandated benefits in other states have affected charges, costs and payments for services.
 - (C) The extent to which the proposed benefit would increase the appropriate use of the treatment or service.
 - (D) The impact of the proposed benefit on administrative expenses of health care insurers.
 - (E) The impact of the proposed benefits on benefits costs of purchasers.
 - (F) The impact of the proposed benefits on the total cost of health care within this Commonwealth.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1248. Filed for public inspection July 13, 2007, 9:00 a.m.]

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 regulations. 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>
16A-5130	State Board of Nursing Continuing Education for Professional Nurses 37 Pa.B. 1980 (April 28, 2007)	5/29/07	6/28/07

State Board of Nursing
Regulation #16A-5130 (IRRC #2608)
Continuing Education for Professional Nurses
June 28, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the April 28, 2007 *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 State Board of Nursing (Board) to respond to all comments received from us or any other source.

1. Section 21.5. Fees.—Reasonableness; Implementation procedure; Clarity.

The new fee of \$75 for “request for approval of 1 hour of continuing education for a professional nurse” generated confusion. The House Professional Licensure Committee (House Committee) requested clarification of this fee.

It is our understanding that the fee only applies to programs or courses not already approved by the Board in Section 21.134(a) and would only be charged for new courses or programs submitted by a provider or registered nurse (RN) licensee for Board review under Section 21.134(b). The description of the fee should be amended to indicate that it does not apply to education courses or programs approved by the Board under Section 21.134(a).

In addition, why is this fee limited to “one hour”? What if a RN or provider submitted an application for approval

of several programs or courses from a single provider? Could the Board approve a particular provider, or a specific slate of courses or programs, rather than “one hour” of credit?

2. Section 21.29. Expiration and renewal of license.—Implementation procedure; Clarity.

Under Subsection (c)(3), how does a licensee “verify” compliance with the continuing education requirement? Will the form provided by the Board give direction on how to verify compliance? If so, the substance of the verification process needs to be explained in this regulation. For example, existing regulations at 49 Pa. Code § 23.87 require optometrists to report the following continuing education course information with their renewal application:

- (1) Dates attended.
- (2) Continuing education hours claimed.
- (3) Title of course, including the course number assigned by the Board, if applicable, and description of content. For those courses which are approved to meet the requirements for therapeutic or glaucoma certification, the licensee claiming credit shall ensure that the certificate of attendance includes the course number and number of hours that apply toward the requirement for therapeutic or glaucoma certification.
- (4) School, clinical hospital, medical center, optometric center or organization sponsoring course, clinical conference, clinical rounds or preceptor training.
- (5) Instructor.
- (6) Name of licensee.

In other chapters of the existing regulations, licensure boards require their licensees to sign statements certifying completion of the continuing education courses. The final-form regulation should set forth the process of verification that RNs will be required to use.

3. Section 21.131. Continuing education.—Consistency with the statute; Implementation procedure; Clarity.

This section contains seven subsections. They include topics such as “Exception,” “Reinstatement” and “Waiver.” The latter are very similar to the language of the Professional Nursing Law (Law) at 63 P. S. §§ 222(d) and (e). However, there is nothing in the proposed regulation that reflects the provision of the Law for school nurses at 63 P. S. § 222(g)(2). This statutory provision reads:

In lieu of meeting the requirements of this section:

* * *

(2) School nurses who as certified education specialists are required to obtain continuing professional education under section 1205.2 of the act of March 10, 1949 (P. L. 30, No. 14), known as the “Public School Code of 1949” (24 P. S. § 12-1205.2), and under this act [Law] shall be **permitted** to submit evidence of the completion of education courses approved for their certification by the school district. (Emphasis added.)

School nurses expressed confusion over the impact of the proposed regulation on their profession. The House Committee recommended that the Board address this issue.

As noted above, nothing in the proposed regulation reflects Subsection 12.1(g)(2) of the Law or contains a reference to this statutory provision. In addition, the continuing education requirements for school certification and licensure renewal are different. To maintain school certification, school nurses are required to obtain 180 hours of continuing education over five years. Under Section 12.1(b) of the Law, RNs are required to complete 30 hours of continuing education every two years. School RNs are given no guidance on how to respond to these different requirements.

The Law allows school RNs to submit evidence of continuing education obtained for school certification “in lieu of meeting the requirements” for continuing education for licensure renewal. However, the proposed regulation does not establish the procedures for submitting this “evidence.” Consistent with our comment on Section 21.29(c)(3), the final-form regulation should specify the documentation that school RNs need to submit for biennial renewal of their licenses with the Board.

4. Section 21.132. Continuing education hours.—Implementation procedure; Clarity.

The House Committee requested clarification regarding the basis for three hours of “course-related clinical practice” being listed as equivalent to one hour of continuing education in Subsection (b)(1). In addition, the Board should define the term “course-related clinic practice” in the final-form regulation or provide examples for this term in the Preamble.

5. Section 21.133. Continuing education content.—Reasonableness; Implementation procedure; Clarity.

Subsection (d) includes the phrase “if approved by the Institutional Review Board.” In discussing this provision, the Preamble states: “Research must be approved by the sponsoring facility’s Institutional Review Board to be

credible.” The use of the term “Institutional Review Board” in the proposed regulation without a similar reference to a “sponsoring facility” is unclear. Furthermore, what type of institution can be the “sponsoring facility”? Does this term include licensed or accredited health care facilities and nursing schools at regionally accredited universities or colleges? The final-form regulation should clarify that the “Institutional Review Board” is a facet of a “sponsoring facility” and define the term “sponsoring facility.”

6. Section 21.134. Continuing education sources.—Reasonableness; Fiscal impact; Implementation procedure; Clarity.

Subsection (a)—Preapproved providers and programs

The opening paragraph of this subsection states that the “following providers of continuing education and credentialing organizations . . . are approved.” However the list in Subsection (a) includes both programs and providers. There are three issues.

First, the opening paragraph of Subsection (a) should be amended to refer to both providers and programs, or the subsection should be divided into separate lists, one for providers and the other for programs, in the final-form regulation.

Second, who are the approved providers for the programs in Subsections (a)(1) and (a)(2)? Does the Board maintain a list of approved providers on its website? If not, it should. In addition, the list of approved providers or a reference to the website location of the list should be included in the final-form regulation.

Third, what specific organizations or providers are covered by Subsections (a)(6) and (a)(7)? Existing provisions for continuing education in Section 21.334(a)(1) include the full names of organizations such as the American Nurses Credentialing Center’s Commission on Accreditation and American Medical Association. The names of organizations approved by the Board as providers should be included in the final-form regulation or, as indicated above, in the list of approved providers available on the website that is referenced in the final-form regulation.

The Pennsylvania Health Care Association and Pennsylvania Homecare Association submitted comments asking whether their programs would qualify as continuing education credits. The Board should clarify whether they are included in Subsection (a). If not, it should consider amending Subsection (b) and the new fee in Section 21.5 to allow such organizations to apply for pre-approval as providers. There are examples in existing regulations of other boards allowing providers to apply for registration or approval by a board (see 49 Pa. Code §§ 33.403(d), 39.41 and 43, and 23.84).

Subsection (b)—Procedures for Board review and approval of programs not covered by Subsection (a)

This subsection lists the contents for an application submitted by a provider or a RN licensee for Board approval of a new source or program for continuing education. Subsection (b)(14) reads: “Other information requested by the Board.” How and when will the Board inform the applicant of the “other information” that it requires? The final-form regulation should state the Board will notify the applicant of its request for additional information in writing.

Subsection (d)—Number of continuing education hours awarded to new programs

This subsection states:

Upon approval of a continuing education activity under subsection (b), the Board will determine the number of continuing education hours awarded for the activity.

Will the Board's determination affect the total charged pursuant to the new fee of \$75 "for approval of 1 hour of continuing education for a professional nurse"? How will this fee be assessed? What if an applicant claims that it is only for one hour of continuing education when it submits the application but the Board determines that the program or activity equals two or more hours? Will the Board send a bill to the applicant for the unpaid portion of the fee? The Board needs to specify how the new fee in Section 21.5 will be charged to applicants.

Finally, as noted by the House Committee, the proposed regulation uses different terms such as "programs" and "sources" and "activity" interchangeably in different parts of this section. Sections 21.133(b) and (c) also use the term "course" for a similar purpose. The Board needs to clarify its use of terms such as program, course, source, or activity, and what courses or activities will qualify as "continuing education."

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1249. Filed for public inspection July 13, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health, Inc.; Individual Advantage HMO Plans; Rate Filing

On June 27, 2007, Aetna Health submitted a filing for the Individual Advantage Plans, requesting an overall aggregate rate increase of 9.3%. Rate increases will range from 2.2% to 13.4%. The filing will affect approximately 33,380 subscribers and generate additional revenue of \$11 million annually. An effective date of October 1, 2007, is requested.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's Harrisburg Regional office.

Interested parties are invited to submit written comment's, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1250. Filed for public inspection July 13, 2007, 9:00 a.m.]

Application for Approval to Acquire Control

Allegany Co-Op Insurance Company has filed an application for approval to acquire control of Conemaugh Valley Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company. The filing was made 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.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1251. Filed for public inspection July 13, 2007, 9:00 a.m.]

Application for Approval to Acquire Control

Welsh, Carson, Anderson & Stowe has filed an application to acquire control of Pennsylvania Life Insurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made 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.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1252. Filed for public inspection July 13, 2007, 9:00 a.m.]

Application for Approval of a Certificate of Authority

CBHNP Services, Inc., a domestic for-profit corporation, has applied for a Certificate of Authority to operate as a preferred provider organization that is not a licensed insurance company in this Commonwealth. The filing was made under the requirements set forth in the applicable insurance laws, including The Insurance Company Law of 1921 (40 P. S. §§ 764a and 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.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1253. Filed for public inspection July 13, 2007, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of Aetna Health, Inc., a corporation organized under the laws of the State of Ohio (AHI-OH), with and into Aetna Health, Inc., a corporation organized under the laws of this Commonwealth (AHI-PA). AHI-PA is licensed in this Commonwealth to operate a health maintenance organization. AHI-OH is not licensed to operate in this Commonwealth. The initial filing was received on June 28, 2007, and was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the 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 Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1254. Filed for public inspection July 13, 2007, 9:00 a.m.]

Application and Request for a Certificate of Authority

Mt. Lebanon Senior Living Limited Partnership has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Covenant Senior Living Community, in Mt. Lebanon, PA. The initial filing was received on June 20, 2007, and was made under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority 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 to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1255. Filed for public inspection July 13, 2007, 9:00 a.m.]

Keystone Health Plan East Community; Rate Filing

The following notice is a correction of the notice published on March 10, 2007.

On February 22, 2007, Keystone Health Plan East submitted a filing to increase the medical rates for its Commercial HMO in its five-county Southeastern Pennsylvania service area. The requested average rate increase is 9.9% and the additional annual income generated from this increase is estimated to be \$211 million. All other information from the March 10, 2007, notice concerning this filing remains the same.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1256. Filed for public inspection July 13, 2007, 9:00 a.m.]

OFFICE OF GENERAL COUNSEL

Bond Counsel; Invitation to Qualify

The Governor's Office of General Counsel (OGC) has established pools of qualified counsel to serve as bond counsel to the Commonwealth Office of the Budget and agencies subject to the General Counsel's authority, including the Economic Development Financing Authority; Energy Development Authority; Housing Finance Agency; Infrastructure Investment Authority; Industrial Development Authority; Higher Educational Facilities Authority; State Public School Building Authority; and the State System of Higher Education. OGC is seeking to review qualifications from legal service providers (Law Firms) for participation in three designated bond counsel pools to serve the previously-identified financing agencies through a formal Invitation to Qualify (ITQ) process. The ITQ is available on the OGC website at www.ogc.state.pa.us. Law Firms in the current bond counsel pools must submit

new qualifications. Submissions to this ITQ are due by 2 p.m. on Wednesday, August 29, 2007. OGC will reject as nonresponsive all submissions received after this date and time. OGC expects to make its bond counsel appointment for further Commonwealth financing transactions only to Law Firms identified and qualified through this ITQ process and thus strongly encourages any and all interested Law Firms to participate.

BARBARA ADAMS,
General Counsel

[Pa.B. Doc. No. 07-1257. Filed for public inspection July 13, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-123100F0039. UGI Utilities, Inc. Application of UGI Utilities, Inc., for approval to begin to offer, render, furnish or supply natural gas distribution service to the public in the additional territories of the Borough of Strasburg and the Township of Strasburg in Lancaster County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: UGI Utilities, Inc.

Through and by Counsel: Mark C. Morrow, Esquire,
460 North Gulph Road, King of Prussia, PA 19406

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1258. Filed for public inspection July 13, 2007, 9:00 a.m.]

Sale of Stock

A-130375F0006. Trigen-Philadelphia Energy Corporation. Application of Trigen-Philadelphia Energy Corporation for approval to transfer controlling interest in Trigen-Philadelphia Energy Corporation by the sale of all of the stock of Thermal North America, Inc., to Veolia Energy North America Holdings, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Trigen-Philadelphia Energy Corporation

Through and by Counsel: Barnett Satinsky, Esquire,
Mark G. McCreary, Esquire, Fox Rothschild, LLP, 2000
Market Street, Tenth Floor, Philadelphia, PA 19103-3291

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1259. Filed for public inspection July 13, 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 August 6, 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-00123761. Map Shuttle Service, LLC (939 Oakland Avenue, Langhorne, Bucks County, PA 19047), a limited liability company of the Commonwealth—temporary authority—persons, in group and party service, using vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia and the Counties of Bucks, Montgomery, Chester and Delaware, to the Philadelphia Park Casino and Race-track, in the Township of Bensalem, Bucks County, and vice versa. Application for permanent authority appeared in the 37 Pa.B. 2887 (June 16, 2007). 2007. *Attorney:* Brandon R. Wind, P. O. Box 1214, Newtown, PA 18940.

A-00123898. JJJ Rides, LLC (7914 Ridge Avenue, Philadelphia, Philadelphia County, PA 19128), a corporation of the Commonwealth—persons, in limousine service, from points in the Counties of Bucks, Montgomery, Chester, Delaware, Berks, Lancaster, Lehigh, Lebanon, Northampton, Monroe, Carbon, Schuylkill, York, Cumberland, Dauphin and Perry, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Dennis L. Friedman, Suite 714, 1515 Market Street, Philadelphia, PA 19102-1907.

A-00123916. Anytime Taxi, LLC (P. O. Box 582, Greensburg, Westmoreland County, PA 15601)—certificate of public convenience to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the County of Westmoreland.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons by transfer of rights as described under the application.*

A-00123908. J & B Limousines, LLC (136 South Main Street, Chambersburg, Franklin County, PA 17201), a limited liability company of the Commonwealth—persons in limousine service, between points in the Counties of Franklin, Fulton, Adams, and points in Cumberland County lying on and south of Highway Route Interstate I-76 and from points in said territories, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all the right authorized under the certificate issued at A-00121759 to Alan Scott Moore, subject to the same limitations and conditions. *Attorney:* Adam R. Schellhase, 455 Phoenix Drive, Suite A, Chambersburg, PA 17201.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.

A-00123482, F. 2. (Corrected) Transportation Solutions, Inc. (1920 Forbes Avenue, Pittsburgh, Allegheny County, PA 15219), a corporation of the Commonwealth—persons, in paratransit service, in vehicles seating 25 passengers, including the driver, from points in the County of Allegheny, to points in Pennsylvania, and return. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228-1025.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under each application.

A-00123871. Cadden Bros. Moving & Storage, Inc. (1106 Mid Valley Drive, Olyphant, PA 18447), a corporation of the Commonwealth—(1) uncrated household furniture and uncrated household appliances, purchased from retailers or wholesalers for household use from points in the City of Scranton, Lackawanna County, to the homes of such purchasers in Pennsylvania, and vice versa; (2) household goods in use, between points in the Counties of Luzerne, Susquehanna, Monroe and Wyoming, and from points in said Counties, to points in Pennsylvania, and vice versa, right (2) subject to the following conditions: that no right, power or privilege is granted to transport from or between points in Monroe County; that no right, power or privilege is granted to transport to, from or between points in the City of Nanticoke, Luzerne County, and points within 3 statute miles of the limits of said city; that no right, power or privilege is granted to transport to, from or between points in the Borough of Duryea, Luzerne County, and within 8 miles by the usually traveled highways of the limits of said borough; that no right, power or privilege is granted to transport to or from points in the Counties of Pike, Wayne, Columbia and Lackawanna; (3) household goods in use, between points in the City of Scranton, Lackawanna County, and from points in the City of Scranton, Lackawanna County, to points in Pennsylvania, and vice versa; (4) household goods in use, from points in the Borough of Olyphant, Lackawanna County, and within 3 statute miles of the said borough, to points in Pennsylvania, and vice versa; which is to be a transfer of all the rights authorized under the certificate issued at A-00099165, to James D. Cadden, t/d/b/a Cadden's Moving & Storage, subject to the same limitations and conditions. *Attorney:* James P. Melia, 17 North Second Street, 18th Floor, Harrisburg, PA 17101.

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-00099556, F4. Romano's School Bus Service, Inc. (250 West Lancaster Avenue, Suite 160, Paoli, PA 19301) a corporation of the Commonwealth—discontinuance of service and cancellation of its certificate—persons, in paratransit service, between points in the County of Bucks.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Dedicated Delivery Service, Inc.; Docket No. A-00113032C0601

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 Dedicated Delivery Service, Inc., respondent, maintains a principal place of business at 1106 Taylorsville Road, Suite 2, Washington Crossing, PA 18977.

2. That respondent was issued a Certificate of Public Convenience on August 14, 1996, which was cancelled on December 5, 2000. On the dates of the violations alleged in this complaint, respondent did not hold a Certificate of Public Convenience issued by this Commission.

3. That respondent, on Tuesday, February 14, 2006, at approximately 8:49 a.m., at State Route 6, Exit # 6, Carbondale Township, Lackawanna County, Pennsylvania permitted a certain 2004 International truck tractor bearing Pennsylvania License No. YMN4689, Vehicle Identification No. 1HTMMAAL14H609208, to be operated. At that time, Enforcement Officer Richard F. Zaleski, a duly authorized officer of this Commission found said vehicle to be transporting a washer for compensation from Dickson City, Allentown, Lehigh County, Pennsylvania to Carbondale Township, Lackawanna County, Pennsylvania while not then holding a certificate of public convenience issued by this Commission. The penalty is \$1,000. Future violations may result in possible criminal prosecution with penalties up to \$10,000 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the commission fine Dedicated Delivery Service, Inc. the sum of one thousand dollars (\$1000.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

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

NOTICE

A. You must file an Answer within twenty (20) 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). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. 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 (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this Complaint by paying the fine proposed in this Complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration, you must file an application with the Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265. If no application is received within the twenty (20) day time period, the Bureau of Transportation and Safety will proceed with the request for suspension of your vehicle registration. Your response should be directed to the Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the commission issue a Secretarial Letter imposing a penalty.

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 optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1260. Filed for public inspection July 13, 2007, 9:00 a.m.]

Telecommunications

A-311426F7001. Verizon North, Inc. and Ygnition Networks, Inc. Joint petition of Verizon North, Inc. and Ygnition Networks, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Ygnition Networks, Inc., by its counsel, filed on June 21, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Ygnition Networks, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1261. Filed for public inspection July 13, 2007, 9:00 a.m.]

Telecommunications

A-311444F7000. Verizon Pennsylvania, Inc. and Infinite Communication, LLC. Joint petition of Verizon Pennsylvania, Inc. and Infinite Communication, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Infinite Communication, LLC, by its counsel, filed on June 26, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Infinite Communication, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1262. Filed for public inspection July 13, 2007, 9:00 a.m.]

Armstrong and Niesen, 212 Locust Street, Suite 500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1264. Filed for public inspection July 13, 2007, 9:00 a.m.]

Telecommunications

A-311426F7000. Verizon Pennsylvania, Inc. and Ygnition Networks, Inc. Joint petition of Verizon Pennsylvania, Inc. and Ygnition Networks, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Ygnition Networks, Inc., by its counsel, filed on June 21, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Ygnition Networks, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1263. Filed for public inspection July 13, 2007, 9:00 a.m.]

Telecommunications Construction

P-00072317. Palmerton Telephone Company. Petition of Palmerton Telephone Company for a determination under section 619 of the Municipalities Planning Code (53 P. S. § 10619), that the placement of an equipment building, specifically, the construction of a building housing a Digital Loop Carrier at the intersection of Molasses Valley and Pine Grove Roads in Eldred Township, Monroe County, PA, is reasonably necessary for the convenience or welfare of the public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Palmerton Telephone Company

Through and by Counsel: Thomas T. Niesen, Esquire, Jennifer M. Sultzaberger, Esquire, Thomas, Thomas,

Water Service

A-210104F0080. Aqua Pennsylvania, Inc. Application of Aqua Pennsylvania, Inc., for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Dallas Township, Luzerne County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Aqua Pennsylvania, Inc.

Through and by Counsel: Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1265. Filed for public inspection July 13, 2007, 9:00 a.m.]

Water Service

A-212285F0146 and A-210116F2000. Pennsylvania-American Water Company and Three Lane Utilities, Inc. Joint application of Pennsylvania-American Water Company and Three Lane Utilities, Inc., for approval of: 1) the transfer, by sale, of the water works property and rights of the Three Lane Utilities, Inc., water system to Pennsylvania-American Water Company; 2) the commencement by Pennsylvania-American Water Company of water service to the public in the certificated service territory of Three Lane Utilities, Inc.; and 3) the abandonment of all water service by Three Lane Utilities, Inc., to the public in the Commonwealth of Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Pennsylvania American Water Company and Three Lane Utilities, Inc.

Through and by Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1266. Filed for public inspection July 13, 2007, 9:00 a.m.]

Water Service

A-212955F0021. Superior Water Company, Inc. Application of Superior Water Company, Inc., for approval to offer, render, furnish or supply water service to the public in an additional portion of Douglass Township, Montgomery County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Superior Water Company, Inc.

Through and by Counsel: Louise A. Knight, Esquire, David P. Zambito, Esquire, Reger, Rizzo, Kavulich and Darnall, LLP, 20 North Market Square, Suite 300, Harrisburg, PA 17101-1632

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1267. Filed for public inspection July 13, 2007, 9:00 a.m.]

Water Service

A-212955F0022. Superior Water Company, Inc. Application of Superior Water Company, Inc., for approval to begin to offer, render, furnish or supply water service to the public in an additional portion of New Hanover Township, Montgomery County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). 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 applicant, on or before July 30, 2007. The documents filed in support of the application 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 applicant's business address.

Applicant: Superior Water Company, Inc.

Through and by Counsel: Louise A. Knight, Esquire, David P. Zambito, Esquire, Reger, Rizzo, Kavulich and Darnall, LLP, 20 North Market Square, Suite 300, Harrisburg, PA 17101-1632

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1268. Filed for public inspection July 13, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project #07-070.1, Roof Replacement, Piers 38—40 South until 2 p.m. on Thursday, August 9, 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 July 17, 2007. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable EEO laws. Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending. Fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held July 26, 2007, 10 a.m. at Pier 40 South, Northeast Corner of Columbus Boulevard and Christian Street, Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-1269. Filed for public inspection July 13, 2007, 9:00 a.m.]

STATE BOARD OF EDUCATION

Approval of PSSA Performance Level Cut Scores

At a special public meeting held June 15, 2007, the State Board of Education (Board) approved new Pennsylvania System of School Assessment (PSSA) performance level cut scores for the third grade PSSA recommended to the Board by the Department of Education (Department). The approved performance level cut scores are based upon the recommendations of teachers and administrative staff who participated in a workshop facilitated by the Department's assessment contractor.

The performance level cut scores in reading and mathematics for grade 3 were developed on account of a change in the Department's assessment contractor and refinements made to the test designed to improve its alignment with the assessment anchors and PSSA reading and mathematics tests administered in grades 4 through 8 and 11.

The Board action was taken under general authority granted to it by the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702) and in accordance with specific provisions of the Board's regulations codified at 22 Pa. Code Chapter 4 (relating to academic standards and assessment). The approved PSSA performance level cut scores are described infra in the Appendix.

Background

Published at 29 Pa.B. 399 (January 16, 1999), the regulations of the Board now codified at 22 Pa. Code Chapter 4 “establish rigorous academic standards and assessments to facilitate the improvement of student achievement and to provide parents and communities a measure by which school performance can be determined.” See 22 Pa. Code § 4.2 (relating to purpose). To help accomplish these goals, the Board established in Chapter 4 a State assessment system. The State assessment system is designed specifically to accomplish the following purposes:

- (1) Provide students, parents, educators and citizens with an understanding of student and school performance.
- (2) Determine the degree to which school programs enable students to attain proficiency of academic standards under § 4.12 (relating to academic standards).
- (3) Provide results to school districts, including charter schools, and AVTSs for consideration in the development of strategic plans under § 4.13 (relating to strategic plans).
- (4) Provide information to State policymakers including the General Assembly and the Board on how effective schools are in promoting and demonstrating student proficiency of academic standards.
- (5) Provide information to the general public on school performance.
- (6) Provide results to school districts, including charter schools, and AVTSs based upon the aggregate performance of all students, for students with an Individualized Education Program (IEP) and for those without an IEP. See 22 Pa. Code § 4.51(a) (relating to State assessment system).

As prescribed by the regulations, the criteria for judging performance on State assessments are the following:

- (1) Performance on State reading assessments shall be demonstrated by students’ responses to comprehension questions about age-appropriate reading passages and by their written responses to in-depth comprehension questions about the passages.
- (2) Performance on State mathematics assessments shall be demonstrated by students’ responses to questions about grade-appropriate content and by the quality of their responses to questions which require a written solution to a problem.

Under the regulations, it is the responsibility of the Department to develop State assessments “based on academic standards in mathematics, reading and writing under § 4.12 (relating to academic standards).” See 22 Pa. Code § 4.51(c). In developing assessments, the Department is required “to consult with educators, students, parents and citizens regarding the specific methods of assessment.” Individual test results from the assessment are to be used in planning instruction “only by parents, teachers, administrators and guidance counselors with a need to know based upon local board policy on testing and in reporting academic progress.” Id.

The State assessments must be administered annually and include assessments of the State academic standards in mathematics and reading at grades 3 through 8 and 11 and in writing at grades 5, 8 and 11. See 22 Pa. Code § 4.51(d) and § 403.3(d) (relating to single accountability system). The Secretary of Education has the authority to establish guidelines for the administration of the State assessment system. See 22 Pa. Code § 4.51(h).

The performance level cut scores and performance level descriptors for reading and mathematics in grades 5, 8 and 11 were first established and published at 31 Pa.B. 2763 (May 26, 2001). The performance level descriptors and performance level cut scores were updated and revised for reading and mathematics in grades 5, 8 and 11 and newly established for grade 3 in June and September 2005. These revisions were published at 35 Pa.B. 5442 (October 1, 2005). The performance level descriptors and performance level cut scores for grades 4, 6 and 7 in reading and mathematics were established in July 2006. They were published at 36 Pa.B. 3934 (July 22, 2006).

Development and Approval of Scores

As part of the State assessment system established by the regulations, the Board delegated to the Department the very important task of developing specific criteria for each of the performance levels prescribed by § 4.51 (b)(4)—advanced, proficient, basic and below basic. Specifically, the Department is directed by the regulations to “consult with educators, students, parents and citizens,” and then to “develop and recommend to the Board for its approval specific criteria for each performance level.” Id.

As reported to the Board at its June 15, 2007 meeting, the Department met with educators from across this Commonwealth to assist the Department in developing the performance levels descriptors and scores. Based on these efforts as described in detail for the Board at its meeting, the Department recommended the performance level descriptors and scores that the Board ultimately adopted at its June 15, 2007, meeting. Before adopting the performance level descriptors and scores on June 15, 2007, the Board provided members of the public in attendance with the opportunity to comment on the Department’s recommendation.

The approved performance levels (as they appear *infra*) will be applied to the 2007 PSSA test scores, which will be publicly released in September 2007. The Department and the Board will review the descriptors and scores periodically based on actual experience in using them and consider revisions as appropriate, using the same process prescribed by § 4.51(b)(4).

Persons with questions or needing additional information regarding the Board’s approval of these performance level cut scores may contact Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787 or TDD (717) 787-7367. Persons with questions or needing additional information regarding the development and implementation of them should contact Dr. Shula Nedley, Director, Bureau of Assessment and Accountability, 333 Market Street, Harrisburg, PA 17126-0333, (717) 705-2343 or TDD (717) 787-7367.

JIM BUCKHEIT,
Executive Director

Appendix

PSSA Performance Level Cut Scores, as approved by the State Board of Education, are as follows:

Performance Level Cut Scores Grade 3

	<i>Reading</i>	<i>Mathematics</i>
Advanced	1442 and up	1370 and up
Proficient	1235-1441	1180-1369
Basic	1168-1234	1044-1179
Below Basic	1167 and below	1043 and below

[Pa.B. Doc. No. 07-1270. Filed for public inspection July 13, 2007, 9:00 a.m.]

STATE SYSTEM OF HIGHER EDUCATION

Bid Opportunity; California University

California University of Pennsylvania (University) of the State System of Higher Education (System) is seeking firms to provide proposals for marketing services for the University and its off-campus sites. This will include recruitment materials and other various publications used by the University. Interested firms should contact Judith Laughlin, Director of Purchasing, by means of fax at (724) 938-4512 to request a copy of the RFP for Project No. CAL 07-01. Bids will be due at 2 p.m. on August 15, 2007, in the Purchasing Department, California University of Pennsylvania, 250 University Avenue, Room LL-09, Dixon Hall, California, PA 15419. The System encourages responses from small firms, minority firms, women owned firms and firms which have not previously performed work for the System and will consider joint ventures that will enable these firms to participate in the System's contracts.

DR. ANGELA ARMENTI, Jr.,
President

[Pa.B. Doc. No. 07-1271. Filed for public inspection July 13, 2007, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

At a public hearing held on June 13, 2007 in North East, MD, the Susquehanna River Basin Commission (Commission) approved certain water resources projects, accepted a settlement proposal and incorporated two projects into the Commissions Comprehensive Plan, as described in the Supplementary Information section. In other meeting action, the Commission heard informational presentations on: 1) the 2007 migratory fish runs through the fish passage facilities located at the lower Susquehanna River hydroelectric projects; 2) a Coastal

Plain Aquifer Study being led by the United States Geological Survey Maryland District; and 3) hydrologic conditions in the basin indicating the occurrence of dry conditions during the month of May. The Commission also adopted the Fiscal Year (FY) 2009 budget, elected Commission officers for FY 2008, approved/ratified several grants and contracts, and presented the Susquehanna River Basin Commission Maurice K. Goddard Award to William A. Gast of the Department of Environmental Protection. For further meeting details, visit the Commission's website at www.srbc.net. For further information contact Richard A. Cairo, General Counsel, 1721 North Front Street, Harrisburg, PA 17102-2391, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0422, Ext. 301, fax (717) 238-2436, ddickey@srbc.net. Regular mail inquiries may be sent to the previous address.

Supplementary Information:

At a public hearing on June 13, 2007, the Susquehanna River Basin Commission took the following actions:

Public Hearing—Projects Approved

1. Project Sponsor and Facility: Town of Conklin (Well 5), Broome County, NY. Approval for groundwater withdrawal of 0.350 mgd.
2. Project Sponsor and Facility: Town of Erwin (ID Well 2, Well 2, Well 3, ID Well 1), Steuben County, NY. Approval for groundwater withdrawals of 0.504 mgd, 0.350 mgd, 0.325 mgd and 0.125 mgd.
3. Project Sponsor and Facility: Far Away Springs—Brandonville, East Union and Mahanoy Townships, Schuylkill County, PA. Approval for groundwater withdrawal of 0.079 mgd and consumptive water use of up to 0.200 mgd.
4. Project Sponsor and Facility: Hughesville Borough Authority (Wells No. 1—3), Wolf Township, Lycoming County, PA. Approval for groundwater withdrawals of 0.260 mgd, 0.260 mgd and 1.440 mgd.
5. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Pleasant Gap, Spring Township, Centre County, PA. Modification of consumptive water use approval (Docket No. 20050307).
6. Project Sponsor and Facility: Centre Hills Country Club (Hole #8 Well, Driving Range Well), College Township, Centre County, PA. Approval for groundwater withdrawals of 0.316 mgd and 0.316 mgd.
7. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Tyrone Quarry, Warriors Mark and Snyder Townships, Huntingdon and Blair Counties, PA. Modification of surface water and groundwater approval (Docket No. 20031205).
8. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Ashcom Quarry, Snake Spring Valley Township, Bedford County, PA. Modification of groundwater approval (Docket No. 20031204).
9. Project Sponsor and Facility: AES Ironwood, LLC, South Lebanon Township, Lebanon County, PA. Modification of surface water and consumptive use approval and diversion (Docket No. 19980502).

10. Project Sponsor and Facility: East Cocalico Township Authority (Well F, Well M), East Cocalico Township, Lancaster County, PA. Approval for groundwater withdrawals of 1.150 mgd and 1.580 mgd.

11. Project Sponsor: Golf Enterprises, Inc. Project Facility: Valley Green Golf Course, Newberry Township, York County, PA. Modification of consumptive water use approval (Docket No. 20021019).

12. Project Sponsor and Facility: Mount Joy Borough Authority (Well 3), Mount Joy Borough, Lancaster County, PA. Approval for groundwater withdrawal of 1.020 mgd.

13. Project Sponsor and Facility: Dart Container Corporation of Pennsylvania (Well B), Upper Leacock Township, Lancaster County, PA. Approval for groundwater withdrawal of 0.122 mgd.

14. Project Sponsor: Honey Run GIBG LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Modification of surface water withdrawal approval (Docket No. 20020827).

Public Hearing—Enforcement Action Settlement

1. South Slope Development Corporation (Docket No. 19991103). The Commission accepted a settlement proposal from South Slope Development Corporation for certain docket violations occurring at the Song Mountain Ski Resort in the Town of Preble, Cortland County, NY.

Public Hearing—Revision of Comprehensive Plan

1. The Commission revised the Susquehanna River Basin Commission Comprehensive Plan by including the following projects: 1) Whitney Point Lake Section 1135 Project Modification; and 2) Lancashire No. 15 AMD Treatment Plant. Both of these projects will provide releases of water for environmental improvement and low flow augmentation.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: June 20, 2007.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 07-1272. Filed for public inspection July 13, 2007, 9:00 a.m.]