

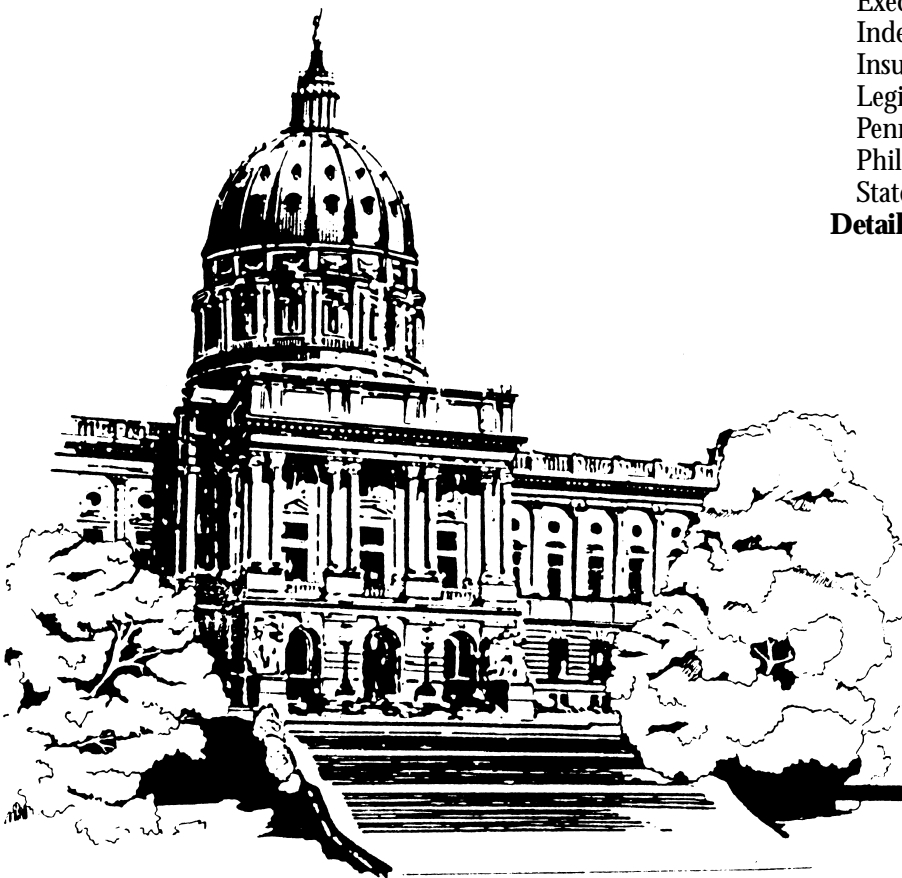
PENNSYLVANIA BULLETIN

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Agencies in this issue

Department of Conservation and Natural Resources
Department of Environmental Protection
Department of General Services
Department of Health
Department of Labor and Industry
Department of Transportation
Executive Board
Independent Regulatory Review Commission
Insurance Department
Legislative Reference Bureau
Pennsylvania Public Utility Commission
Philadelphia Regional Port Authority
State Athletic Commission

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No. 396, November 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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RULES AND REGULATIONS

Title 4—ADMINISTRATION

DEPARTMENT OF GENERAL SERVICES

[4 PA. CODE CH. 89]

Death Benefits for Survivors of Emergency and Law Enforcement Personnel

Statutory Authority

The Department of General Services (Department), acting under sections 506 and 402.2 of The Administrative Code of 1929 (71 P.S. §§ 186 and 631.1) and 4 Pa. Code § 1.191 (relating to implementation), amends Chapter 89, Subchapter A (relating to death benefits for survivors of law enforcement and emergency personnel) to read as set forth in Annex A. The changes are necessary to conform to legislative amendments to the act of June 24, 1976 (P.L. 424, No. 101) (53 P.S. §§ 891—892.1), known as the Emergency and Law Enforcement Personnel Death Benefits Act (act).

Omission of Proposed Rulemaking

Public notice of intention to amend the regulations under the procedures in sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law (CDL), has been omitted as authorized under section 204(1) of the CDL (45 P.S. § 1204(1)) because the changes in the regulations relate to amendments to the act, a self-executing act of the General Assembly. As a result of these legislative amendments the Department's regulations are no longer consistent with the statute and must be amended.

Purpose

The purpose of this final-omitted rulemaking is to update Chapter 89, Subchapter A as required by the amendments to the act and to provide accurate and clear guidance to eligible beneficiaries and political subdivisions to facilitate the claims process.

Background

In response to the act, the Department promulgated the regulations in Chapter 89, Chapter A at 7 Pa.B. 3406 (November 25, 1977). The definitions in the regulations in 4 Pa. Code § 89.1 were amended in 1980 at 10 Pa.B. 2039 (May 24, 1980).

The General Assembly amended the act by the act of October 16, 1981 (P.L. 295, No. 102); the act of December 27, 1994 (P.L. 1373, No. 161); the act of April 2, 2002 (P.L. 213, No. 20); the act of October 6, 2005 (P.L. 319, No. 59); the act of July 7, 2006 (P.L. 603, No. 89) and the act of July 2, 2007 (P.L. 71, No. 21).

Overview of Changes to Regulations

The amendments make the regulations consistent with the act and provide accurate and clear guidance to eligible beneficiaries and political subdivisions to facilitate the claims process.

The act provides for payment of a death benefit to identified survivors of certain emergency and law enforcement personnel, who die in the performance of duties.

Death Benefit

The published regulations state that the death benefit is \$25,000. See §§ 89.4 and 89.6(a) (relating to amount of

payments; and beneficiary eligibility). The benefit was increased to \$50,000 in 1994, and to \$100,000 in 2005. The benefit is adjusted annually for inflation using the Consumer Price Index. The death benefit for Fiscal Year 2006-2007 is \$103,400. The term "benefit" will now be defined in § 89.1 (relating to definitions) by reference to the "Emergency and Law Enforcement Personnel Death Benefits Act." The Department will provide notice of its computation of the benefit on its website. See § 89.4. By these changes, the regulations will remain accurate despite the annual change in the amount of the benefit.

Identified Survivors

New § 89.6(d) and § 89.7(c)(4) (relating to claims for death benefits) were necessary to reflect that Act 102 of 1981 added parents to the list of eligible beneficiaries. Definitions of "beneficiary" and "parent" are added to § 89.1. The definitions of "minor children" and "spouse" are amended to conform to other changes in the regulations and for editorial reasons.

Emergency and Law Enforcement Personnel

The General Assembly has expanded the personnel covered by the act. In § 89.1, definitions were added for "ambulance service or rescue squad member," "emergency medical service," "National Guard member" and the definition of "firemen" was amended so that it is gender-neutral and more descriptive. As a result of Act 21 of 2007, definitions were added defining "certified hazmat response team member," "Hazmat Act" and "public safety answering point." The addition of a definition of "public safety officer," which includes all emergency and law enforcement personnel covered by the act, will enable the application of the regulations to others if the General Assembly continues to expand the list of those covered by the act. Throughout the regulations, references to "law enforcement officer or firemen" are replaced by a reference to "public safety officer."

Performance of Duties

Statutory amendments redefined the circumstances upon which a death benefit is payable, necessitating that § 89.2 (relating to eligibility) be completely rewritten. Originally, the benefit was payable if the person was "killed in the performance of his duties." The statute now provides for the payment of the benefit when a person "dies as a result of the performance of their duties." Additionally, the General Assembly has "deemed" certain acts to be within the "performance of duties" and has created presumptions that a death resulted from the "performance of duties" in identified circumstances. The new § 89.2 accurately describes the circumstances identified by the General Assembly upon which eligibility for the benefit may be based and eliminates the need for a definition of "performance of duties." Accordingly, the definitions of "killed" and "performance of duties" have been removed.

Clarity and Guidance

Section 89.5 (relating to payment of benefit by the Commonwealth) has been rewritten to reflect statutory amendments clarifying the payment process and to make the section consistent with other changes to the regulations. Section 89.7 (relating to claims for death benefits) was amended to conform to the other changes in the regulation and to provide detailed guidance on the documentation required in support of a claim. Editorial changes were made to § 89.9 (relating to appeals) and

§ 89.10 (relating to effective date) has been rescinded as obsolete. Section 89.11 (relating to forms) has also been rescinded because the obsolete forms now contained in the regulation have been replaced by online forms.

Affected Individuals and Organizations

This final-omitted rulemaking will affect the process followed by survivors of emergency or law enforcement actors to secure the benefit established by the act. These claimants will benefit from removal of inaccurate language in the regulations and insertion of language, which is consistent with the current statute. The final-omitted rulemaking also defines and describes the process for obtaining the death benefit with more detail and clarity.

Commonwealth agencies and political subdivisions of the Commonwealth that report deaths of law enforcement or emergency actors and submit claims for death benefits to the Department will benefit from updated accurate regulations detailing and clarifying the contents of the forms to be submitted and the submission process.

No private businesses are directly affected by this final-omitted rulemaking

Fiscal Impact

There will be no fiscal impact.

Paperwork Requirements

The final-omitted rulemaking will impose no new paperwork requirements.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on October 1, 2007, the Department submitted a copy of the final-omitted rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate and House Committees on State Government. On the same day, the final-omitted rulemaking was submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In addition to submitting the final-omitted rulemaking, the Department provided IRRC and the Committees with a copy of a Regulatory Analysis Form prepared by the Department. A copy of this form is available to the public upon request.

The Attorney General approved the final-omitted rulemaking on October 26, 2007. Under section 5.1(j.2)(c) of the Regulatory Review Act, the rulemaking was deemed approved by the House and Senate Committees on October 31, 2007. At a hearing on November 1, 2007, IRRC approved the rulemaking.

Additional Information

Individuals interested in further information may contact Mary Benefield Seiverling, Assistant Chief Counsel, Department of General Services, 603 North Office Building, Harrisburg, PA 17125, (717) 772-2749.

Findings

The Department finds that:

(1) Public notice under the procedures in sections 201 and 202 of CDL of the Department's intention to amend the regulations adopted by this order has been omitted as authorized under section 204(1) of the CDL because the changes in the regulations relate to amendments to the act, a self-executing act of the General Assembly.

(2) The amendment of the regulations in the manner provided in this order is necessary and appropriate.

Order

The Department, acting under its statutory authority, orders that:

(a) The regulations of the Department, 4 Pa. Code Chapter 89, are amended by amending §§ 89.1—89.7 and 89.9; and by deleting §§ 89.10 and 89.11 to read as set forth in Annex A.

(b) The Office of the Attorney General and the Office of the General Counsel approved the rulemaking as to the legality and form as required by law.

(c) The Secretary of the Department 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 final publication in the *Pennsylvania Bulletin*.

JAMES P. CREEDON,
Secretary

Fiscal Note: 8-12. No fiscal impact; (8) recommends adoption.

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 37 Pa.B. 6181 (November 17, 2007).)

Annex A

TITLE 4. ADMINISTRATION

PART III. GENERAL SERVICES

CHAPTER 89. BUREAU OF RISK AND INSURANCE MANAGEMENT

Subpart A. DEATH BENEFITS FOR SURVIVORS OF LAW ENFORCEMENT AND EMERGENCY PERSONNEL

GENERAL

§ 89.1. Definitions.

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

Act—The act of June 24, 1976 (P. L. 424, No. 101), (53 P. S. §§ 891—892.1), known as the Emergency and Law Enforcement Personnel Death Benefits Act.

Ambulance service or rescue squad member—

(i) An officially recognized or designated member of an ambulance service or rescue squad, who is an employee of the Commonwealth or a political subdivision or a member of a legally recognized volunteer ambulance service or rescue squad in this Commonwealth.

(ii) The term includes rescue workers, ambulance drivers, paramedics, health-care responders, emergency medical technicians, or other similar workers, who are trained in rescue activity or the provision of emergency medical services and have legal authority and responsibility to engage in rescue activity or provide emergency medical services.

Beneficiary—The surviving spouse, minor children or parents of a public safety officer.

Benefit—The payment made to the beneficiary as authorized by the act.

Bureau—The Bureau of Risk and Insurance Management of the Department.

Certified hazmat response team member—A person who is a part of a group of individuals that meets the following requirements:

(i) Is certified and organized by a Commonwealth agency, a local agency or a regional hazardous material organization.

(ii) Is certified, trained and equipped in accordance with the Hazmat Act for the primary purpose of one of the following reasons:

(A) To provide emergency response services to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material.

(B) To perform stabilization actions needed to remove threats to public health and the environment from hazardous material releases.

Department—The Department of General Services of the Commonwealth.

Emergency medical service—Provision of first-response emergency medical care (other than in a permanent medical care facility) or transportation of persons, in medical distress or under emergency conditions, to medical care facilities.

Firefighter—An individual, who is trained in fire suppression and has the legal authority and responsibility to engage in fire suppression, as an employee of the Commonwealth or a political subdivision or as an individual serving as an officially recognized or designated member of a legally organized volunteer fire department in this Commonwealth.

Hazmat Act—The Hazardous Material and Emergency Response Act (35 P. S. §§ 6022.101—6022.307).

Law enforcement officer—A peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions), a public servant concerned in the official detention as defined in 18 Pa.C.S. § 5121 (relating to escape), an officer or employee of a State correctional institution, guards or employees of county jails and prisons, or other law enforcement officers of the Commonwealth or any political subdivision thereof.

Minor children—Surviving biological or adopted children of a public safety officer, who, at the time of the death of the public safety officer are under 21 years of age.

National Guard member—A member of the Pennsylvania National Guard in an official State duty status authorized under 51 Pa.C.S. § 508 (relating to active State duty for emergency).

Parent—A surviving biological or adoptive parent of a public safety officer whose parental rights had not been terminated at the time of their child's death.

Political subdivision—Any county, city, borough, incorporated town, township, school, vocational school district, or county institution district within this Commonwealth.

Public safety answering point—A facility approved by the Pennsylvania Emergency Management Agency under the Public Safety Emergency Telephone Act (35 P. S. §§ 7011—7021.13) as the first point at which calls for emergency assistance from individuals are answered, operated 24 hours a day.

Public safety officers—Emergency or law enforcement personnel identified in the act including firefighters, ambulance service or rescue squad members, certified hazmat response team members, law enforcement officers and National Guard members.

Secretary—The Secretary of the Department.

Spouse—The husband or wife of the deceased public safety officer at the time of death, including a spouse living apart from the individual, other than pursuant to divorce.

§ 89.2. Eligibility.

(a) *General*. Upon the death of a public safety officer who meets the requirements of the act, surviving beneficiaries are eligible for payment of a benefit if the public safety officer dies as a result of the public safety officer's performance of duties.

(b) *Performance of duties*. Performance of duties includes:

(1) Actions which the public safety officer is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(2) Participation in a physical training exercise that is a formal part of an official training program whose purpose is to train, prepare or improve the public safety officer in particular activity or actions encompassed within the public safety officer's duties.

(3) Ceremonial functions.

(4) Actions which the act deems to be within the public safety officer's duties.

(c) *Requirements of the act*. At the time of performance of duties:

(1) A member of the National Guard shall be in an official state duty status authorized under 51 Pa.C.S. § 508 (relating to active State duty for emergency).

(2) A certified hazmat response team member shall be dispatched by a public safety answering point to perform services or take actions within the group's primary purpose and may not be any of the following:

(i) Certified and organized by a transporter, a manufacturer, supplier or user of hazardous materials or a private contractor.

(ii) A for-profit team acting as an agent on behalf of the spiller or responsible party.

(iii) A for-profit team responsible for postemergency or nonemergency response.

(d) *Statutory presumption*.

(1) A public safety officer is presumed to have died as a result of the performance of duties, if the individual suffers one of the following:

(i) A fatal heart attack or stroke while on duty.

(ii) A fatal heart attack or stroke suffered not later than 24 hours after participating in a physical training exercise.

(iii) A fatal heart attack or stroke suffered not later than 24 hours after responding to an emergency.

(2) The statutory presumption is overcome when evidence proves to a reasonable degree of medical certainty that circumstances other than the performance of duties were a substantial factor in causing the fatal heart attack or stroke.

§ 89.3. Jurisdiction.

The benefits provided under the act shall be payable whether or not the public safety officer died within the corporate boundaries of the employing municipality or, in the case of the Commonwealth employee, within this Commonwealth, as long as the individual died as a result of the performance of duties.

§ 89.4. Amount of payments.

The Department will annually calculate and post the amount of the benefit on its website and will retain the amount on the website for 5 years.

§ 89.5. Payment of benefit by the Commonwealth.

Upon approval of a claim for death benefits, the Commonwealth will pay the benefit, as follows:

(1) To the eligible beneficiary of a public safety officer employed by the Commonwealth.

(2) To the political subdivision for the purpose of distribution by the entity to the eligible beneficiary on whose behalf the certifying official filed the report of death for any public safety officer not employed by the Commonwealth.

§ 89.6. Beneficiary eligibility.

(a) *Order of priority.* The benefits will be paid by the Commonwealth or the political subdivision to the eligible beneficiary in the following order of precedence:

- (1) To the surviving spouse.
- (2) If there is no surviving spouse, to the minor child or children in equal shares, with payments, when appropriate, being made to the legal guardian or trustee.
- (3) If there is no surviving spouse or minor child, to the parent or parents.

(b) *Determination of relationship of spouse.* Marriage should be established by one or more of the following types of evidence in the order of preference shown:

(1) A copy of the public record of marriage, certified or attested, an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage, and the number of prior marriages by either party shown on the official record, issued by the officer having custody of the record, or a certified copy of the religious record of marriage.

(2) The affidavit of the clergyman or magistrate who officiated.

(3) The original certificate of marriage accompanied by proof of its genuineness and the authority of the person to perform the marriage.

(4) The affidavits or sworn statements of two or more eyewitnesses to the ceremony.

(5) If a common law marriage is claimed, the affidavits or certified statements of the spouse setting forth all of the facts and circumstances concerning the alleged marriage, such as the agreement between the parties at the beginning of their cohabitation, the period of cohabitation, places and dates of residences, and whether children were born as a result of the relationship. This evidence should be supplemented by affidavits or certified statements from two or more persons who know as the result of personal observation the reputed relationship which existed between the parties to the alleged marriage including the period of cohabitation, places of residences, whether the parties held themselves out as husband and wife, and whether they were generally accepted as such in the communities in which they lived.

(6) Other evidence which would reasonably support a belief that a valid marriage actually existed.

(7) A copy of separation agreement, when applicable.

(c) *Determination of relationship of child.* Generally, an individual is considered the child of a public safety officer if the birth certificate shows the public safety officer as

the parent. If the birth certificate does not show the relationship, proof may consist of one or more of the following:

(1) Evidence that the public safety officer has been identified as the parent of the child by a judicial decree ordering the public safety officer to contribute to the support of the child or for other purposes.

(2) A certified copy of the public record of birth or a religious record showing that the public safety officer provided information naming the public safety officer as the parent of the child.

(3) Information obtained from a public agency or public records, such as school or welfare agencies, which shows that with the public safety officer's knowledge, the public safety officer was named as the parent of the child.

(4) A certified copy of the decree of adoption or a revised birth certificate to establish the fact of adoption.

(d) *Determination of relationship of parent or parents.* Generally, an individual is considered the parent of a public safety officer if the birth certificate identifies the individual as the parent of the public safety officer. If the birth certificate does not show the relationship, proof may consist of one of the following:

(1) A certified copy of the public record of birth or a religious record showing that the individual was named as the parent of the public safety officer.

(2) A certified copy of the decree of adoption or a revised birth certificate to establish the fact of adoption.

§ 89.7. Claims for death benefits.

(a) Claims for death benefits must be on the forms provided by the Bureau. The Department will make these forms available on its website and, upon request, by electronic mail, facsimile transmission or regular mail. The forms, completed in all applicable particulars, shall be forwarded to the Bureau of Risk and Insurance Management, Department of General Services, Post Office Box 1365, Harrisburg, Pennsylvania 17105-1365.

(b) The Claim for Death Benefits may be completed by a claimant, a political subdivision, or a Commonwealth agency but shall be signed by the claimant or authorized representative and be notarized.

(c) The following documents shall be attached to the Claim for Death Benefits:

- (1) Certified copy of the death certificate.
- (2) If payment is to be made to the spouse, evidence shown in § 89.6(b) (relating to beneficiary eligibility).

(3) If payment is to be made to or on behalf of minor children, evidence shown in § 89.6(c) and, if children are under 18 years of age, guardianship papers or court order to make payment.

(4) If payment is to be made to the parent or parents, evidence shown in § 89.6(d).

(d) The Report of Death shall be executed by a political subdivision or Commonwealth agency and be notarized.

(e) The following documents shall be attached to the Report of Death:

(1) A copy of the Workers' Compensation form filed as a result of the death of the public safety officer.

(2) A notarized statement from the supervisor or officer in charge describing in detail the duties being performed

by the public safety officer prior to or at the death and the circumstances under which the death occurred.

(3) Other information which will assist in determining eligibility to include:

(i) An autopsy report or a statement by the political subdivision or Commonwealth agency or coroner explaining that no autopsy was performed.

(ii) Investigation, incident and accident reports.

(iii) A determination of death by another state or Federal agency such as Workers' Compensation or Social Security.

(iv) An attending physician's narrative report containing the conclusion that the public safety officer died as a result of the performance of duties and stating the basis for the conclusion.

(4) Additional documentation for heart attacks and strokes to include:

(i) A detailed statement listing the actions of the public safety officer in the performance of duties during the 24-hour period prior to the onset of the heart attack or stroke.

(ii) Medical records related to the health of the public safety officer, including hospital admission/discharge reports, physician reports, physical examination results, and health risk and wellness evaluations covering the past 3 years.

(5) Additional documentation for death of a volunteer:

(i) A certified copy of documents, which establish that the volunteer ambulance service, volunteer fire company or volunteer rescue company is a nonprofit chartered corporation, association or organization located in this Commonwealth meeting the applicable definition established by the Volunteer Fire Company and Volunteer Ambulance Service Grant Act (35 P. S. §§ 6942.101—6942.903).

(ii) A notarized statement of the political subdivision or Commonwealth agency that the volunteer was an officially recognized or designated member of the volunteer ambulance service, volunteer fire company or volunteer rescue company at the time of the volunteer's death.

(iii) A complete description of deceased volunteer's membership information.

(f) It is recommended that political subdivisions submit claims for determination of eligibility prior to payment.

§ 89.9. Appeals.

Appeals by a claimant or political subdivision from the decision of the Bureau shall be filed with the Department under the terms of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) within 30 days after notification of the decision.

§ 89.10. (Reserved).

§ 89.11. (Reserved).

[Pa.B. Doc. No. 07-2083. Filed for public inspection November 16, 2007, 9:00 a.m.]

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 58]

Objections and Procedure for Hearing on Reports of Examination

The Insurance Department (Department) hereby deletes Chapter 58 (relating to objections and procedure for hearings on reports of examination), under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); 2 Pa.C.S. Chapters 1 and 5 (relating to general provisions; and practice and procedure); and section 905 of The Insurance Department Act of 1921 (act) (40 P. S. § 323.5).

Notice of proposed rulemaking is omitted in accordance with section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) known as The Commonwealth Documents Law (CDL) (45 P. S. § 1204(3)).

Purpose

The purpose of this final-omitted rulemaking is to eliminate obsolete, unnecessary regulations. The regulations, adopted January 11, 1974, relate to objections and hearings on reports of examinations conducted by the Department. Section 58.2 (relating to requirements for making objections) sets forth requirements that examinees must meet when filing objections to reports of examination and § 58.3 (relating to hearing procedure) describes the procedure for hearings on objections. The sections have been superseded by section 905 of the act added December 18, 1992. In particular, section 905(b) of the act provides that an examinee may "make a written submission or rebuttal with respect to any matters contained in the examination report." The currently effective process for hearings related to examination reports and written rebuttals is found in section 905(c)—(e) of the act, which provides only for a limited, investigatory hearing at the discretion of the Insurance Commissioner's (Commissioner) designee. The provisions in section 905 of the act for finalizing reports of examination through written submissions or rebuttals and a discretionary investigatory hearing are sufficient and are inconsistent with the procedure for "objections" set forth in the regulations, which were promulgated under a prior statutory procedure that was repealed and replaced by the procedure established by section 905 of the act. Therefore, the regulations have been superseded by section 905 of the act and are no longer necessary.

Under section 204(3) of the CDL, notice of proposed rulemaking may be omitted if the agency finds that the notice procedures are impracticable and unnecessary. This deletion of Chapter 58 eliminates obsolete regulations that are no longer applicable to reports of examination conducted by the Department. Furthermore, public comments cannot change the obsolete status of the regulations. Accordingly, the Commissioner finds that the proposed rulemaking procedures in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) are impracticable and unnecessary in this situation.

Affected Parties

Because the regulations are obsolete, there are no parties affected by the deletion of the regulations.

Fiscal Impact

The deletion of the regulations has no fiscal impact.

Paperwork

The deletion of the regulations has no impact on paperwork.

Effectiveness/Sunshine Date

This order is effective upon publication in the *Pennsylvania Bulletin*. No sunset date has been assigned because the order repeals obsolete regulations.

Contact Person

Questions regarding the final-omitted rulemaking may be addressed to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429. Questions may also be e-mailed to psalvatore@state.pa.us or faxed to (717) 772-1969.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), the Department submitted a copy of the rescission with the proposed rulemaking omitted on September 28, 2007, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee. On the same date, the rescission was submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(j.2) of the Regulatory Review Act, the regulations were deemed approved by the Senate Banking and Insurance Committee on October 31, 2007, and deemed approved by the House Insurance Committee on October 31, 2007 under section 5.1(e). IRRC met on November 1, 2007 and approved the regulations.

Findings

The Commissioner finds that:

(1) There is good cause to rescind Chapter 58, effective upon publication with the proposed rulemaking omitted. Deferral of the effective date of these regulations would be impractical and not serve the public interest. Under section 204(3) of the CDL there is no purpose to be served by deferring the effective date.

(2) There is good cause to forego public notice of the intention to rescind Chapter 58, because notice of the amendment under the circumstances is unnecessary and impractical under section 204(3) of the CDL because the authorizing statute was repealed, therefore, the regulations have no effect and create confusion and contradict the current statute.

Order

The Commissioner, acting under the authority in sections 206, 506, 1501 and 1502 of The Administrative Code of 1929, orders that:

(1) The regulations of the Department, 31 Pa. Code Chapter 58, are amended by deleting §§ 58.1—58.3 to read as set forth in Annex A.

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

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

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

JOEL SCOTT ARIO,
Acting Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 37 Pa.B. 6181 (November 17, 2007).)

Fiscal Note: 11-155 final-omitted. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 31. INSURANCE
PART I. GENERAL PROVISIONS
Subpart F. RULES OF PROCEDURE
CHAPTER 58. (Reserved)
§§ 58.1—58.3. (Reserved).

[Pa.B. Doc. No. 07-2084. Filed for public inspection November 16, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 1 AND 5]

[L-00070187/57-258]

Electronic Filing

The Pennsylvania Public Utility Commission on August 30, 2007, adopted a proposed rulemaking order which sets forth amendments to its procedural regulations to accommodate electronic filing.

Executive Summary

On September 10, 2007, at Doc. No. L-00070187, the Pennsylvania Public Utility Commission (Commission) entered a proposed rulemaking order soliciting comments on establishing regulations to permit electronic filing. Interested persons were provided with 60 days from the date the order was published in the *Pennsylvania Bulletin* to submit comments regarding the proposed regulations.

The Commission is proposing amendments to its procedural regulations, in 52 Pa. Code Chapters 1 and 5 (relating to rules of administrative practice and procedure; and formal proceedings), to accommodate electronic filing once the Commission's Information Management and Access Project (InfoMAP) is implemented. InfoMAP will allow for more efficient access by consumers, utilities, and practitioners to documents filed with and produced by the Commission through the implementation of electronic filing and access. The Commission anticipates that public documents currently available in the Secretary's Bureau will be posted on the Commission's website, thus, providing the public with greater and easier access to information about the Commission proceedings. The Commission anticipates that it will be capable of receiving electronic filings and providing electronic access to information by the spring of 2008.

The Commission views the proposed regulations as a transitional step toward replacing paper with electronic documents by allowing filers to submit certain documents electronically without additionally filing paper copies. The regulations also broaden the service rules to accommodate electronic service by the Commission and between parties. Electronic filing will be optional, rather than mandatory, at the onset, and filers will retain the option of submitting documents to the Commission in paper form as they do currently.

Public Meeting held
August 30, 2007

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Terrance J. Fitzpatrick; Tyrone J. Christy; Kim Pizzingrilli

Proposed Rulemaking to Permit Electronic Filing; Doc. No. L-00070187

Proposed Rulemaking Order

By the Commission:

The Commission is proposing amendments to its procedural regulations in order to accommodate electronic filing once the Commission's Information Management and Access Project (InfoMAP) is implemented. One of the

major purposes of InfoMAP is to allow for more efficient access by consumers, utilities, and practitioners to documents filed with and produced by the Commission through the implementation of electronic filing, access, and e-commerce initiatives. We anticipate that public documents currently available for viewing in the Secretary's Bureau will be posted on the Commission's website, thus, providing the public with greater and easier access to information regarding Commission proceedings. The InfoMAP project is well underway, and we anticipate that the Commission will be capable of receiving electronic filings and providing electronic access to information by the spring of 2008.

While the Commission encourages filers to take full advantage of InfoMAP's electronic filing capabilities, electronic filing will be optional, rather than mandatory, at the onset. Filers will retain the option of submitting documents to the Commission in paper form as they do currently. The Commission views the proposed regulations as a transitional step toward replacing paper with electronic documents by allowing filers to submit certain types of documents to the Commission electronically without additionally filing paper copies. The regulations also broaden the service rules to accommodate electronic service by the Commission and between parties. Increased use of electronic filing and service over time will reduce the burden and expense associated with paper documents and will help make information available to the public and to parties in a faster and more efficient manner. The Commission seeks to maintain some flexibility initially within the regulations; however, we may consider making additional changes to the regulations after 1 or 2 years of experience with electronic filing and will continue to consider whether modifications are needed.

In place of an advance notice of proposed rulemaking, the Commission engaged in an extensive stakeholder process to solicit input from interested parties. The proposed regulations reflect the detailed comments the Commission received, both in writing and in discussions held during numerous meetings with various Commission bureaus and external stakeholders, including law firms, utilities, and other government entities that frequently appear before the Commission. The proposed regulations also reflect the Commission's examination of electronic filing regulations and accompanying information systems in place in various other state utility commissions, the Federal Energy Regulatory Commission, and state and Federal courts.

Accordingly, we are publishing the changes as marked in Annex A as a proposed rulemaking, and we are soliciting additional comments from stakeholders and other interested parties. Annex A contains specific changes in which deletions are marked by brackets and additions are boldfaced.

This order contains a description of the substantive changes we are proposing. Sections that are included in Annex A, but are not discussed here, contain only ministerial proposed changes that will enable the Commission to permit electronic filing. In the interest of brevity, we will not address each ministerial change in detail.

Chapter 1. Rules of Administrative Practice and Procedure

Subchapter A. General Provisions.

This subchapter contains proposed regulations that establish the general framework to permit electronic filing. In addition to the current methods available for filing by mail or in person, § 1.4(a)(3) (relating to filing generally) provides the option to file “qualified documents” with the Commission on the electronic filing system. “Qualified document” is defined in § 1.8 (relating to definitions) as a document that is listed on the Commission’s website as a document that may be filed electronically and that complies with the requirements and restrictions for electronic filing set forth in § 1.32(b) (relating to form of documents).

To provide parties with notice and the opportunity to provide input regarding the documents the Commission designates as “qualified documents,” the Commission will determine by order which documents are permitted to be filed electronically. This process is consistent with the Commission’s intention to transition into electronic filing and to initially allow only certain categories of documents to be filed electronically. At the same time, the Commission will retain the flexibility to expeditiously add or remove documents on the list over time once the Commission and filers have the opportunity to adjust to using the electronic filing system and can better determine which documents are most suitable for electronic filing.

The Commission anticipates that consumers will be capable of filing formal complaints on the electronic filing system. Prior to filing a formal complaint electronically, consumers will be provided with detailed information regarding the formal complaint process. The electronic filing system will also provide consumers with options available to them other than filing a formal complaint, including the option to file an informal complaint, to register an objection or comment to a proposed rate increase, and to resolve the problem through mediation. Individuals who file a formal complaint on the system will be required to register as filing users and to provide information including their name and mailing address, an indication of whether or not they agree to receive electronic service, and an e-mail address if they agree to receive electronic service.

Several other definitions have been added to § 1.8 that pertain solely to electronic filing and will assist filers in navigating the Commission’s electronic filing system. The definition for “confirmation of receipt” explains that, upon receipt of a filing, the electronic filing system will automatically produce a notification that informs a filing user that a filing was successfully received and contains the date and time of receipt and a link to the filed document.

The definition of a “filing user” refers individuals to a set of instructions on the Commission’s website for registration to become a filing user. The definition further states that registration as a filing user constitutes an agreement to receive electronic service, unless the filing user indicates upon registration that he or she does not agree to receive electronic service. The Commission encourages filers participating in the electronic filing system to accept electronic service. However, if a filer, particularly a consumer complainant who does not appear before the Commission frequently, does not wish to accept electronic service for a reason, such as lack of home access to a computer, the filer will have the opportunity when registering on the system to indicate that he or she does not agree to receive electronic service.

When registering to use the system, e-filers will be asked to provide information, including their name, the party they represent, their address, and their e-mail address if they agree to receive service electronically. Filing users will be able to provide two e-mail addresses for service purposes, a primary and a secondary e-mail address. Both e-mail addresses will appear on the Commission’s service list in accordance with proposed § 1.51 (relating to instructions for service, notice and protest). Filing users will be able to update their registration and contact information on the system at any time.

The definition for “PDF,” portable document format, contains information regarding the type of PDF document that must be used. The PDF filing must be capable of being printed and copied, without any restrictions, and may not require a password to view the document. The PDF requirements are more lenient with regard to attachments that accompany the filing and may have been provided from sources other than the filing user. While the filing user should adhere to the PDF requirements for attachments also, when feasible, we realize that attachments will not always be submitted in the PDF type that is required for documents prepared by the filing user.

Subchapter B. Time

§ 1.11. Date of filing.

This section indicates that the date on the confirmation of receipt, if prior to 4:30 p.m. local prevailing time on a day that the Commission offices are open, will be deemed to be the date of filing. The 4:30 p.m. deadline established for electronic filing coincides with the Commission office hours of 8 a.m. to 4:30 p.m. as set forth in § 1.6 (relating to Commission office hours). The proposed deadline is also consistent with the 4:30 p.m. local prevailing time deadline pertaining to the date of service in § 1.56(a)(4) and (5) (relating to date of service).

Moreover, if filing users have technical difficulties using the electronic filing system initially, they can contact the Secretary’s Bureau during office hours. If a filing user is unable to meet the 4:30 p.m. deadline due to technical difficulties, the filing user may request appropriate relief from the Commission consistent with current § 1.15 (relating to extensions of time and continuances).

§ 1.16. Issuance of decisions by presiding officers.

This section is being amended to reflect that the date of issuance of a decision by a presiding officer will be the date that the decision is posted on the Commission’s electronic filing system. Parties will be notified of the issuance date in different manners, depending on whether or not they are registered filing users and have agreed to receive electronic service. Filing users who agree to receive electronic service will be notified electronically that the decision was posted on the electronic filing system and will be provided with a link to the decision. For purposes of consistency and fairness, the Secretary will mail a paper copy of the decision to parties who are not filing users or who have not consented to electronic service on the same day that the decision is posted on the electronic filing system. The issuance date, that is, the posting date, will be clearly marked on the electronic posting and on paper copies of the decision.

Subchapter D. Documentary Filings

§ 1.32. Filing specifications.

The proposed amendments in this section contain the rules for participation and revocation of participation in the electronic filing system and the requirements and restrictions for documents that are electronically filed.

Subsection (b)(1) explains that the instructions for registration as a filing user are on the Commission's website. This subpart also clarifies the Commission's decision to initially make electronic filing optional, rather than mandatory.

The four main requirements for electronic filings are set forth in subsection (b)(2). The requirements state that the filing must comply with the margins, spacing and type size requirements that currently apply to paper filings, that the filing must be a "qualified document," that the filing must be filed in PDF, and that the filing must be made according to the instructions on the Commission's website. As discussed previously, the complete definition of "qualified document" and the requirements for the type of PDF that must be used are set forth in § 1.8.

The restrictions for electronic filings are contained in subsection (b)(3) and (4). The regulations state that there is a size limitation of 5 megabytes per filing, including attachments. Initially, we will only accept one entire filing that does not exceed 5 megabytes, and filers will not be permitted to file several, separate documents that are 5 megabytes or less and, together, amount to a single filing. The reason for the 5 megabyte limitation is that when a filing user first transmits a filing to the Commission, the filing is sent to a secure temporary storage location, the web server, before being sent to our internal InfoMAP system. As the Commission transitions into electronic filing, we want to ensure that the web server can handle the size of the data in a filing and the bandwidth from multiple filing users.

In addition, filing users are prohibited from electronically filing any documents that contain proprietary or other confidential information, including confidential security information as defined in the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6).¹ All documents containing proprietary or confidential information must be submitted in paper form.² Filers have the option of filing redacted, public versions of such documents in either paper form or on a CD-ROM or DVD. The Commission will post redacted, public versions of documents on the electronic filing system.

While the Commission encourages parties to file documents electronically, the proposed regulations provide filing users with the opportunity to revoke their participation in the electronic filing system. Subsection (b)(5)(i) is a general revocation provision that permits parties to revoke their status as filing users for all Commission proceedings when they determine that they no longer wish to use the electronic filing system. Upon receipt of a filing user's notice of revocation, the Secretary will cancel the filing user's user ID and password. If the filing user is a party to an active proceeding at the time of revocation and has consented to receive electronic service, the filing user must serve the other parties to the proceeding with a notice of revocation.

The proposed regulations furthermore provide the Commission with authority to revoke a filing user's participation in the electronic filing system, after providing the filing user with notice, if the Commission determines that

the filing user is abusing the privileges associated with using the electronic filing system. As indicated in subsection (b)(5)(iii), abuse of the Commission's electronic filing privileges includes knowingly permitting unauthorized use of a user ID and password and knowingly engaging in actions that interfere with the security of the electronic filing system, including the introduction of a virus or destructive programming into the system.

§ 1.35. Execution.

The main purpose of the amendments to this section is to provide information regarding what constitutes an electronic signature. Subsection (a)(2) states that an electronic filing shall include an electronic signature when it is filed on the electronic filing system by a filing user or authorized agent of a filing user by means of a user ID and password. The proposed regulations also provide additional requirements that must accompany a document containing an electronic signature, including a notation on the first page that the document was filed electronically and a signature block containing the name, office and e-mail address of the filing user.

In order to provide extra security protections for the electronic filing system, subsection (a)(3) establishes the limitation that only a filing user or authorized agent of the filing user are permitted to use the filing user's user ID and password. As explained in § 1.8, an authorized agent is a person with permission from the filing user to legally act on behalf of the filing user. For practical purposes, when the filing user is an attorney, an authorized agent may be another attorney in the filing user's office or a paralegal or assistant filing on the attorney's behalf.

§ 1.36. Verification.

The proposed amendments to this section will allow verifications and affidavits to be electronically filed. When a verification is executed by a filing user, the filing user's user ID and password constitutes the filing user's signature and is, therefore, a valid personal verification. A verification signed electronically by a filing user is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Verifications will most often be made by individuals who are not filing users, as verifications are required under this section to be made by "a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association." Similarly, an affidavit must be notarized, and it is likely that the notary will not be a registered filing user. Therefore, in order to ensure that the Commission receives a valid signature from an individual who is attesting to the truth of facts set forth in an application, petition, formal complaint, motions and answers thereto, a filing user is required to submit a scanned original of a verification by an individual who is not a filing user and of an affidavit. In these instances, the original verification and affidavit must also be filed in paper form within 3 business days after the electronic filing is made. When filing the original verification or affidavit in this manner, the docket number for the filing must be clearly indicated on the verification or affidavit.

§ 1.37. Number of copies.

The purpose of the amendments to this section is to change the number of copies required to be filed to coincide with the implementation of electronic filing. Subsection (a)(5) will require filers to submit a CD-ROM or DVD along with the requisite number of paper copies for filings that exceed 5 megabytes and may not be filed

¹ The purpose of the Public Utility Confidential Security Information Disclosure Protection Act is to create mechanisms for the safeguarding of confidential security information of public utilities that is provided to various state agencies, such as the Commission, from disclosure that may compromise security against sabotage or criminal or terrorist acts. The Commission adopted proposed regulations regarding implementation of the Act at Docket No. L-00070185.

² The standards for protection of "proprietary" information are set forth in § 5.423. of the Commission's regulations, 52 Pa. Code § 5.423.

electronically. The CD-ROM or DVD that contain the filing, along with an index to the filing, will assist the Commission with placing large filings on the electronic filing system for public viewing.

As we transition into electronic filing, the Commission is eliminating the requirement for filing users to submit paper copies, when feasible. The current general requirement is that filers must submit in hard copy an original and three copies of documents. As set forth in subsection (b)(1), when the qualified document is 250 pages or less and does not exceed 5 megabytes, the filing user is not required to submit any paper copies. When the qualified document exceeds 250 pages, but does not exceed 5 megabytes, the filing user must submit only one original of the filing in paper form along with the electronic filing. The filing user is permitted three additional business days to file the original in paper form. Documents that exceed 250 pages and the 5 megabyte limitation must be filed in paper form, along with a CD-ROM or DVD containing the filing. At the beginning of electronic filing implementation, we have determined that it will be a smoother internal transition for the Commission if the Secretary's Bureau receives one hard copy of large filings. Nevertheless, the Commission believes that any reduction in the number of paper copies required to be filed will provide cost savings to parties on personnel hours, postage and paper.

Subchapter E. Fees

§ 1.42. Mode of payment of fees.

The proposed addition to this section recognizes electronic payment as a new method, in addition to the current methods available, for paying existing Commission fees. This new payment method will allow filing users to submit filing fees electronically at the same time as they file a document that requires a filing fee.

Subchapter F. Service of Documents

§ 1.51. Instructions for service, notice and protest.

Provisions have been added to this section to indicate that the Commission will post a service list for parties and a notification list for interested nonparties on the electronic filing system. The service list and notification list will pertain to a specific docket number for a proceeding and will be accessible only to registered filing users who are parties or interested nonparties in that particular proceeding. The lists will contain the names and addresses of parties or interested nonparties in a particular proceeding, the manner by which parties or interested nonparties have agreed to receive service, and the e-mail addresses of parties or interested nonparties who have agreed to receive electronic service or notification. When a filing user is making an initial filing in a case and requires general information to serve other filing users, the filing user will be able to conduct a search on the electronic filing system for the names and e-mail addresses of other registered filing users.

§ 1.53. Service by the Commission.

A provision in subsection (b)(3) has been added to enable the Commission to electronically serve filing users who have agreed to receive electronic service. The Commission will send an electronic mail notice to the e-mail address or addresses the filing users provided upon registration. The notice will inform filing users that a document was posted on the electronic filing system and will provide a link to the document on the system so that filing users can directly access the document from their e-mail.

§ 1.54. Service by a party.

The proposed additions to this section contain specific details regarding the manner in which parties, particularly those who are registered filing users and have agreed to receive electronic service, will serve each other. If a party has not agreed to receive electronic service, that party will be served in hard copy by first class mail or personally, consistent with subsection (b)(1) and (2) of the current regulations. As set forth in subsection (b)(3)(i), for documents that are not filed with the Commission there is a general rule that service may be made electronically if the parties have agreed to accept service in that manner.

A set of detailed service rules are contained in subsection (b)(3)(ii) for documents that have been filed with the Commission. Service will be effective when filing users serve other filing users who have agreed to receive electronic service with an electronic mail notice indicating that a document was filed on the electronic filing system. The electronic mail notice must contain the name of the filing user and the party on whose behalf the document was filed, the type of document that was filed, a brief description of the document, a link to the document on the electronic filing system, the docket number if available, and an indication that the party is seeking expedited relief, if applicable. If the party serving the document becomes aware that the electronic mail notice was not sent successfully, the party shall send the electronic mail notice again or serve the document by another acceptable method in this subparagraph.

To help parties avoid extra costs that may be associated with printing large filings, subsection (b)(3)(ii)(C) contains page limitations on documents that may be served electronically. When parties are serving filing users who have agreed to receive electronic service with documents that are 250 pages or less, including attachments, they are not required to serve any hard copies. However, when serving a document that exceeds 250 pages, including attachments, a party is required to serve the document in hard copy unless the parties otherwise agree.

§ 1.57. Proof of service.

§ 1.58. Form of certificate of service.

These corresponding sections now contain provisions that slightly alter the certificate of service format for documents that are filed electronically. Consistent with the procedures for electronic filing, documents filed on the Commission's electronic filing system must contain a certificate of service stating that the document was filed electronically. In addition, the certificate of service must indicate the manner, either electronically or by paper, by which each party was served.

Chapter 5. Formal Proceedings

Subchapter G. Briefs.

§ 5.502. Filing and service of briefs.

This section has been amended in order to be consistent with the number of copies required for electronic filings as set forth in proposed § 1.37 (relating to number of copies). Subsection (b)(2)(i) states that when the brief, including attachments, is 250 pages or less, and does not exceed 5 megabytes, the filing user is not required to submit any paper copies. Subsection (b)(2)(ii) states that when the brief, including attachments, exceeds 250 pages, but does not exceed 5 megabytes, the filing user must submit only one original of the brief in paper form along with the electronic filing. The filing user is permitted 3 additional business days to file the brief in paper form.

Furthermore, in subsection (b)(2)(iii), when the brief, including attachments, exceeds the electronic filing system's 5 megabyte limitation, the filing user must submit the requisite number of hard copies and a CD-ROM or DVD containing the brief and an index to the brief to assist the Commission in placing the brief on the system for public viewing.

Subchapter H. Exceptions, Appeals and Oral Argument

§ 5.533. Procedure to except to initial, tentative and recommended decisions.

A provision was added to subsection (d) to allow filing users to file exceptions electronically, consistent with § 1.37(b).

Accordingly, under 66 Pa.C.S. §§ 501, 504–506, 1301 and 1501, and the Commonwealth Documents Law (45 P. S. §§ 1201, et seq.), and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1, 7.2 and 7.5, the Commission proposes adoption of the proposed regulations to permit electronic filing, as noted and set forth in Annex A; *therefore*,

It Is Ordered that:

1. This docket be continued in order to consider the proposed regulations set forth in the attached Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.

5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested persons may submit written comments, an original and 15 copies, to James J. McNulty, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, and shall have 60 days from the date this order is published to submit comments.

6. The contact person for this rulemaking is Jaime M. McClintock, Law Bureau, (717) 783-2811. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

7. A copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

By the Commission

JAMES J. MCNULTY,
Secretary

Fiscal Note: 57-258. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter A. GENERAL PROVISIONS

§ 1.4. Filing generally.

(a) Submittals, pleadings and other documents filed with the Commission should be [**addressed as follows**] **submitted in one of the following manners:**

* * * * *

(3) Electronically on the Commission's electronic filing system if the document is a qualified document.

* * * * *

§ 1.8. Definitions.

(a) Subject to additional definitions contained in subsequent sections which are applicable to specific chapters or subchapters, the following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Authorized agent—A person with permission to legally act on behalf of the filing user.

Confirmation of receipt—A notification generated by the electronic filing system upon receipt of a filing. The notification will inform the filing user of successful receipt of a filing and will contain the date and time the filing was received and a link to the filing.

Electronic filing or filed electronically—Filing by means of the Commission's electronic filing system.

Electronic filing system—The Commission's automated system that receives and stores documents filed in electronic form. This system is part of the Commission's Information Management and Access Project.

* * * * *

Filing user—A person who has registered to use the electronic filing system in accordance with the registration instructions available on the Commission's web site at <http://www.puc.state.pa.us/> and who has obtained a user ID and password. Registration as a filing user constitutes an agreement to receive electronic service, unless the filing user indicates upon registration that the filing user does not agree to receive electronic service.

Filing user ID—The distinct code assigned by the Commission to an individual for use in the Commission's electronic filing system and deemed to be the individual's signature.

* * * * *

PDF—Portable Document Format—The PDF document and attachments, when feasible, shall be capable of being printed and copied, without restriction, and may not require a password to view the contents of the document.

* * * * *

Qualified document—A document that is listed in the categories of documents that are permitted to be filed electronically in accordance with the instructions on the Commission's website at <http://www.puc.state.pa.us/> and that complies with the filing requirements and restrictions in § 1.32(b) (relating to filing specifications). The Commission will determine by order the documents that constitute qualified documents.

* * * * *

Writing or written—Applies to documents filed in paper form and documents filed electronically.

* * * * *

Subchapter B. TIME

§ 1.11. Date of filing.

(a) Whenever a pleading, submittal or other document is required or permitted to be filed under this title or by statute, it will be deemed to be filed on one of the following dates:

* * * * *

(4) On the date stated on the confirmation of receipt from the Commission's electronic filing system, when the time shown is prior to 4:30 p.m. local prevailing time and the date shown is a day on which the Commission offices are open. When a document is filed electronically when the offices of the Commission are closed, the document will be deemed to be filed at the time the offices next open.

* * * * *

§ 1.16. Issuance of decisions by presiding officers.

(a) [In computing a period involving the issuance of a decision by a presiding officer, the day] The date of the issuance of a decision by a presiding officer shall be the date on which the [Secretary mails copies of the decisions to the participants. The Secretary shall clearly indicate on each decision the date of the mailing.] decision is posted on the Commission's electronic filing system. The date of the issuance will be clearly indicated on the decision that is posted on the electronic filing system.

(b) The Secretary will mail a decision to parties who are not filing users or have not agreed to receive electronic service. The decision will be deposited in the United States mail on the same date that the decision is posted on the Commission's electronic filing system. The date of the issuance will be clearly indicated on each paper copy of the decision that is mailed to parties.

(c) Parties who are filing users and have agreed to receive electronic service will be notified electronically that the decision has been posted on the Commission's electronic filing system and provided with a link to the decision.

Subchapter D. DOCUMENTARY FILINGS

§ 1.32. [Form of documents] Filing specifications.

(a) **Paper filings.** A paper filing made with the Commission must be:

(1) **Typewritten.** Pleadings, submittals or other documents filed in proceedings, if not printed, [shall] must be typewritten on paper cut or folded to letter size, 8 to 8 1/2 inches wide by 10 1/2 to 11 inches long, with left-hand

margin [not less than] at least 1 [1/2 inches] inch wide and other margins [not less than] at least 1 inch. The impression [shall] must be on only one side of the paper, unless there are more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented. Reproduced copies will be accepted as typewritten, if copies are clearly legible.

[(b)] (2) **Printed.** Printed documents [may not] must be [less than] at least 10-point type on unglazed paper, cut or folded so as not to exceed 8 1/2 inches wide by 11 inches long, with inside margin [not less than] at least 1 inch wide, and with double-leaded text and single-leaded, indented quotations.

[(c) Binding] (3) **Bound.** Pleadings, submittals and other documents, other than correspondence, [shall] must be stapled, fastened or otherwise bound at the left side only.

(b) **Electronic filings.**

(1) **Participation.** A person may register to use the electronic filing system in accordance with the registration instructions available on the Commission's website at <http://www.puc.state.pa.us/>. A person will not be required to register to use the electronic filing system to be a party in a Commission proceeding. A person that does not register to use the electronic filing system shall file and serve documents, and shall be served in accordance with the rules in Chapters 1, 3 and 5 (relating to rules of administrative practice and procedure; special provisions; and formal proceedings) for the filing and service of documents in paper form.

(2) **Requirements.** An electronic filing made with the Commission must:

(i) Comply with the requirements in subsection (a) regarding to margins, spacing and type size.

(ii) Be a qualified document as defined in § 1.8 (relating to definitions).

(iii) Be filed in PDF as defined in § 1.8.

(iv) Be filed in accordance with the instructions made available on the Commission's website at <http://www.puc.state.pa.us/>.

(3) **Size restriction.** A filing, including attachments, that exceeds 5 megabytes may not be filed electronically.

(4) **Restriction for filings containing confidential information.** Filings containing confidential information, including confidential security information, as defined in section 2 of the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. § 2141.2) may not be filed electronically. Filings containing confidential information shall be filed in paper form. Redacted, public versions of the filings shall be filed in paper form or on a CD-ROM or DVD. The Commission will post redacted, public versions on the electronic filing system.

(5) **Revocation of participation in the electronic filing system.**

(i) **Revocation by the filing user.** Filing users may revoke their participation in the electronic filing system for all Commission proceedings by filing a notice of revocation with the Secretary. Upon re-

cept of the notice, the Commission will cancel the filing user's user ID and password. Filing users who are parties in an active Commission proceeding at the time of revocation and who have agreed to receive electronic service, shall serve the other parties to the proceeding with a notice of revocation.

(ii) *Revocation by the Commission.* The Commission may revoke a filing user's participation in the electronic filing system and may cancel the filing user's user ID and password, after providing the filing user with notice, when the Commission determines that the filing user is abusing the electronic filing privileges. Filing users who are parties in an active Commission proceeding at the time of revocation and who have agreed to receive electronic service, shall serve the other parties to the proceeding with a notice of revocation.

(iii) *Abuse of electronic filing privileges.* Abuse of the Commission's electronic filing privileges includes knowingly permitting unauthorized use of a user ID and password and knowingly engaging in actions that interfere with the security of the electronic filing system, including the introduction of a virus or destructive programming into the electronic filing system.

[(d)] (c) *Supersession.* [Subsections] Subsection (a) [—(c) are] is identical to 1 Pa. Code § 33.2 (relating to form).

§ 1.35. Execution.

(a) *Signature.*

(1) *Paper filings.* A pleading, submittal or other document must be signed in ink by the party in interest, or by the party's attorney, as required by subsection (b), and show the office and mailing address of the party or attorney. An original hard copy must be signed, and other copies filed [shall] must conform thereto unless otherwise ordered by the Commission.

(2) *Electronic filings.* An electronic filing must include an electronic signature when it is filed on the Commission's electronic filing system by a filing user or authorized agent by means of a user ID and password. A filing must include:

(i) A notation on the first page that it has been electronically filed.

(ii) A signature block and the name, office and e-mail address of the filing user.

(3) *Limitation on user ID and password.* A filing user may not knowingly permit or cause to permit a user ID and password to be used by anyone other than an authorized agent of the filing user.

* * * * *

§ 1.36. Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact must be personally verified by a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). When a verification is filed electronically, the verification shall be executed by a filing user, or if the

verification is signed by an individual who is not a filing user, a filing user may file the verification electronically by scanning the original verification and submitting it as an attachment to a filing. When a verification is signed by an individual who is not a filing user, the original verification shall be filed in paper form no later than 3 business days after the electronic filing is made. The docket number for the filing must be clearly indicated on the original verification. When verification is permitted, notarization is not necessary.

* * * * *

(c) When an affidavit is used, it must be notarized [and the]. A filing user may file an affidavit electronically by scanning the original affidavit and submitting it as an attachment to a filing. When an affidavit is filed electronically, the original affidavit shall be filed in paper form no later than 3 business days after the electronic filing is made. The docket number for the filing must be clearly indicated on the original affidavit. The affidavit form should comply substantially with the following:

* * * * *

§ 1.37. Number of copies.

(a) [*General rule*] *Paper filings.* When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and three copies of each, including the cover letter, shall be furnished to the Commission at the time of filing [.], except when:

[(b) *Exceptions.*]

(1) [*When the*] The document is an application or petition, one copy may be filed without exhibits.

(2) [*When the*] The document is a complaint or petition and more than one respondent is named, an additional copy of the complaint or petition [*must*] shall be filed for each additional respondent.

(3) [*When the*] The document is subject to a statutory requirement or is otherwise ordered or requested by the Commission, a different number of copies may be designated.

(4) [*When the*] The document is subject to § 5.409, § 5.502 or § 5.533 (relating to copies and form of documentary evidence; filing and service of briefs; and procedure to except to initial, tentative and recommended decisions), the filing must conform to the requirements in the applicable section.

(5) A filing, including attachments, exceeds 5 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the filing and an index to the filing shall be filed with the Commission.

(b) *Electronic filings.*

(1) When the qualified document, including attachments, is 250 pages or less and does not exceed 5 megabytes, the filing user may file one electronic copy on the electronic filing system and is not required to file paper copies.

(2) When the qualified document, including attachments, exceeds 250 pages, but does not exceed 5 megabytes, the filing user may file one electronic copy on the electronic filing system and shall also

file the original in paper form with the Commission. The original in paper form shall be filed no later than 3 business days after the electronic filing is submitted.

* * * * *

Subchapter E. FEES

§ 1.42. Mode of payment of fees.

(a) Fees shall be paid by money order or check made payable to the Commonwealth of Pennsylvania, [or by any] by electronic payment using the Commission's electronic filing system or by another method currently acceptable to the Commission. [For payments other than money order or check, The Secretary's Bureau shall be contacted for prior approval before submitting payment in a form other than money order or check.] Payments by cash are not accepted without prior Secretary approval and remain at the risk of the sender.

* * * * *

Subchapter F. SERVICE OF DOCUMENTS

§ 1.51. Instructions for service, notice and protest.

(a) General rule. Upon receiving an application or petition, the Secretary will instruct the applicant or petitioner concerning the required service and public notice consistent with this section.

(b) Service list for parties. The Commission will make available to filing users on the electronic filing system a service list for each docket in which they are a party that contains the following provisions:

- (1) The names and addresses of parties.
(2) Indicates whether or not parties have agreed to receive electronic service.
(3) Provides the e-mail addresses of parties who have agreed to receive electronic service.

(c) Notification list for interested nonparties. When appropriate, the Commission will make available to filing users on the electronic filing system a notification list for each docket in which they are a participant that contains the names and addresses of interested nonparties, indicates whether or not interested nonparties have agreed to receive electronic notification and provides the e-mail addresses of interested nonparties who have agreed to receive electronic notification.

§ 1.53. Service by the Commission.

* * * * *

(b) Forms of service.

* * * * *

(3) Electronic. Service may be made electronically to filing users who have agreed to receive electronic service. Filing users will be sent an electronic mail notice informing them that a document was posted on the Commission's electronic filing system and providing a link to the document.

* * * * *

§ 1.54. Service by a party.

* * * * *

(b) Service may be made by one of the following methods:

* * * * *

(3) Electronic.

(i) Documents not filed with the Commission. Service may be made electronically [,] to those parties who have agreed to accept service in that manner.

(ii) Documents filed with the Commission. Service may be made electronically to filing users who have agreed to receive electronic service. Filing users who have agreed to receive electronic service shall be served with an electronic mail notice stating that a document was filed on the electronic filing system. The notice constitutes service.

(A) The electronic mail notice must contain the following provisions:

(I) The name of the filing user and the party on whose behalf the document was filed.

(II) The type of document.

(III) A brief description of the document.

(IV) A link to the document on the electronic filing system.

(V) The docket number when available.

(VI) An indication that the party is seeking expedited relief, if applicable.

(B) When a filing user becomes aware that the electronic mail notice was not transmitted successfully, the filing user shall resend the electronic mail notice or serve the document by another method authorized by this subpart.

(C) Documents [served electronically] of 250 pages or less, including attachments, need not be followed by service of a hard copy to [the parties] filing users who have agreed to receive electronic service. Filing users shall serve each other with a hard copy of documents that exceed 250 pages, including attachments, unless the parties otherwise agree. [if the parties have so agreed. A final version in hard copy shall be stamped on the date due for filing with the Secretary regardless of any agreement among the parties. Any subsequent corrected version not otherwise substantively altering the final version in hard copy may be filed upon approval of the administrative law judge.]

* * * * *

§ 1.57. Proof of service.

(a) Paper filings. A certificate of service in the form prescribed by § 1.58 (relating to form of certificate of service) [shall] must accompany and be attached to the original and all copies of pleadings, submittals or other documents filed with the Commission when service is required to be made by the parties.

(b) Electronic filings. Documents filed on the Commission's electronic filing system must contain a certificate of service stating that the document was filed electronically. The certificate of service must identify the manner in which service on each party was accomplished.

[(c) Subsection] Supersession. Subsections (a) [supersedes] and (b) supersede 1 Pa. Code § 33.35 (relating to proof of service).

§ 1.58. Form of certificate of service.

(a) The form of certificate of service [shall] must be as follows:

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

(List names and addresses of parties served and manner in which each was served.)

Dated this ____ day of _____, 2____.

(Signature)

Counsel for

(b) A certificate of service accompanying an electronic filing must state that the document was filed electronically on the Commission's electronic filing system.

[Subsection] (c) Subsections (a) [supersedes] and (b) supersede 1 Pa. Code § 33.36 (relating to form of certificate of service).

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter G. BRIEFS

§ 5.502. Filing and service of briefs.

(a) Service. Copies shall be served on the parties in accordance with § 1.59(b)(1) (relating to number of copies to be served).

(b) Number of copies.

(1) Paper filing. An original and nine copies of a brief shall be filed with the Commission under § 1.4 (relating to filing generally). [Copies shall be served on the parties in accordance with § 1.59(b)(1) (relating to number of copies to be served).]

(2) Electronic filing.

(i) When the brief, including attachments, is 250 pages or less and does not exceed 5 megabytes, the filing user may file one electronic copy of the brief with the Commission and is not required to file a paper copy.

(ii) When the brief, including attachments, exceeds 5 megabytes but does not exceed 5 megabytes, the filing user may file one electronic copy of the brief and shall also file an original of the brief in paper form. The original shall be filed no later than 3 business days after the electronic filing is made.

(iii) When the brief, including attachments, exceeds 5 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the brief and an index to the brief shall be filed with the Commission.

[(b)] (c) Filing of briefs in nonrate proceedings.
* * * * *

[(c)] (d) Filing of briefs in rate proceedings.
* * * * *

[(d)] (e) Filing of amicus curiae briefs. * * *

[(e)] (f) Deadlines. * * *

[(f)] (g) Late-filed briefs. * * *

[(g)] (h) Supersession. Subsections (a)—[(e)](f) supersede 1 Pa. Code §§ 35.191 and 35.193 (relating to proceedings in which briefs are to be filed; and filing and service of briefs).

Subchapter H. EXCEPTIONS, APPEALS AND ORAL ARGUMENT

§ 5.533. Procedure to except to initial, tentative and recommended decisions.

* * * * *

(d) An original and nine copies of the exceptions filed as paper documents shall be filed with the Secretary under § 1.4. Filing users may file electronically as provided by § 1.37(b) (relating to number of copies).

* * * * *

[Pa.B. Doc. No. 07-2085. Filed for public inspection November 16, 2007, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective October 29, 2007.

The organization charts at 37 Pa.B. 6122—6130 (November 17, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 07-2086. Filed for public inspection November 16, 2007, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Game Commission

The Executive Board approved a reorganization of the Game Commission effective October 9, 2007.

The organization chart at 37 Pa.B. 6131 (November 17, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 07-2087. Filed for public inspection November 16, 2007, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Office of Administration

The Executive Board approved a reorganization of the Office of Administration effective October 9, 2007.

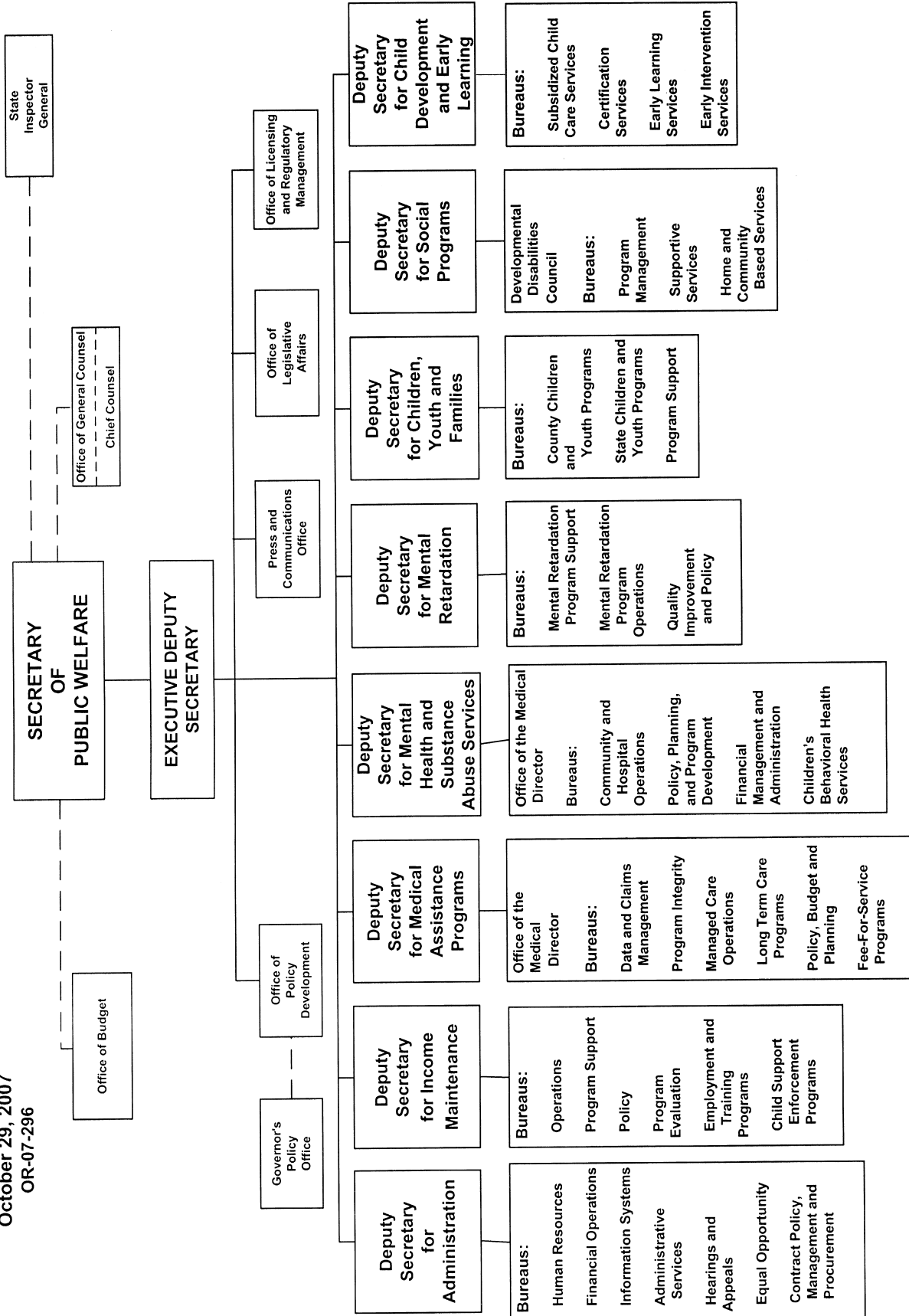
The organization chart at 37 Pa.B. 6132 (November 17, 2007) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 07-2088. Filed for public inspection November 16, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

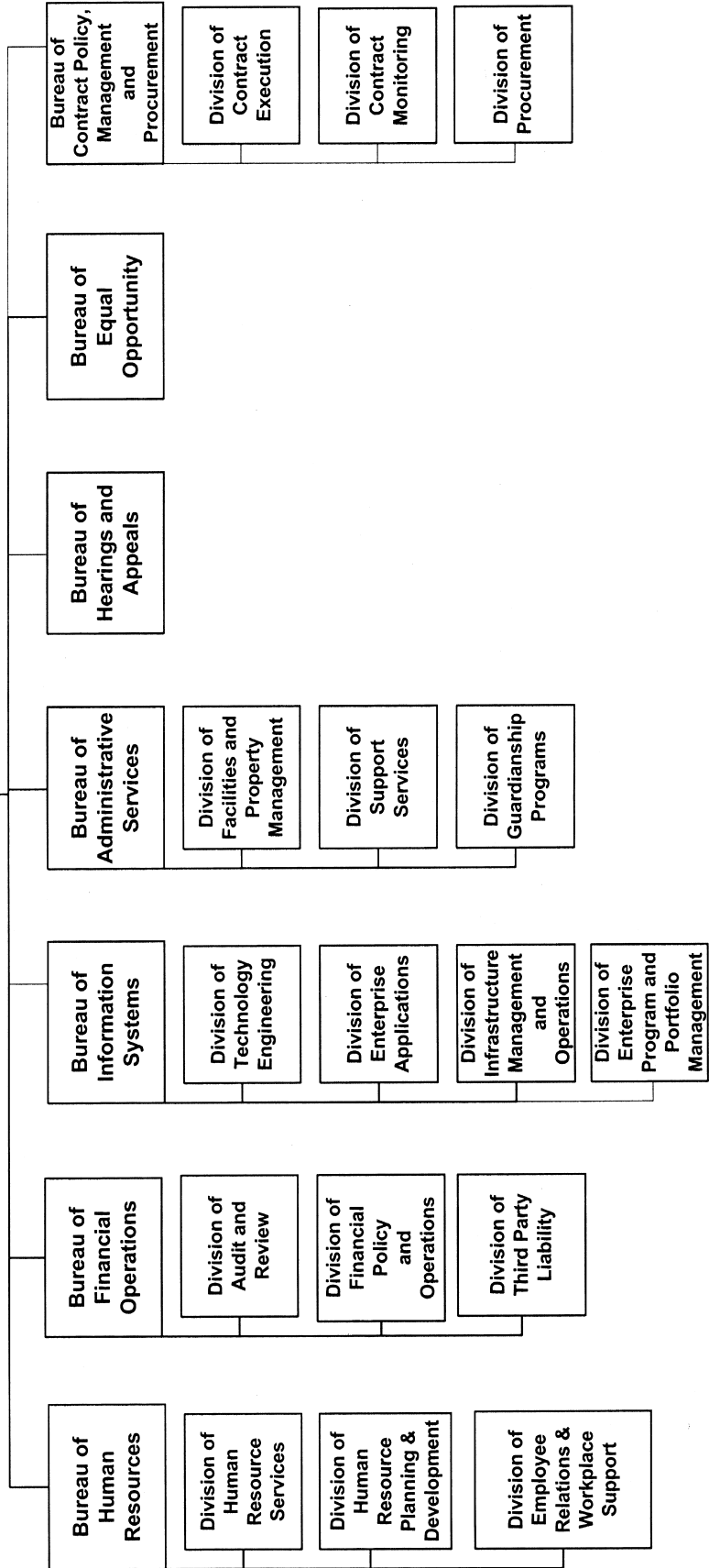
October 29, 2007
OR-07-296



DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR ADMINISTRATION

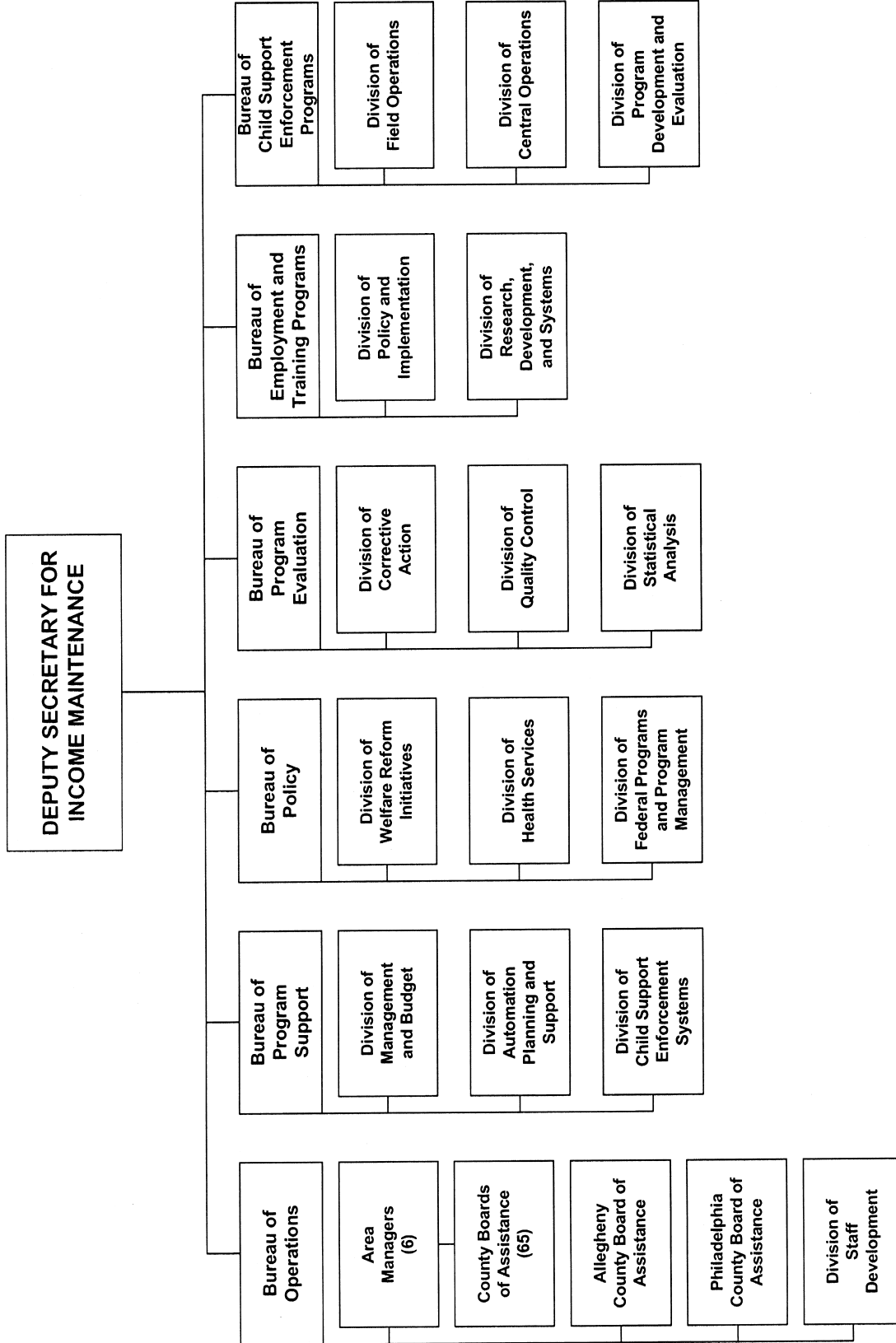
DEPUTY SECRETARY
FOR
ADMINISTRATION

October 29, 2007
OR-07-296

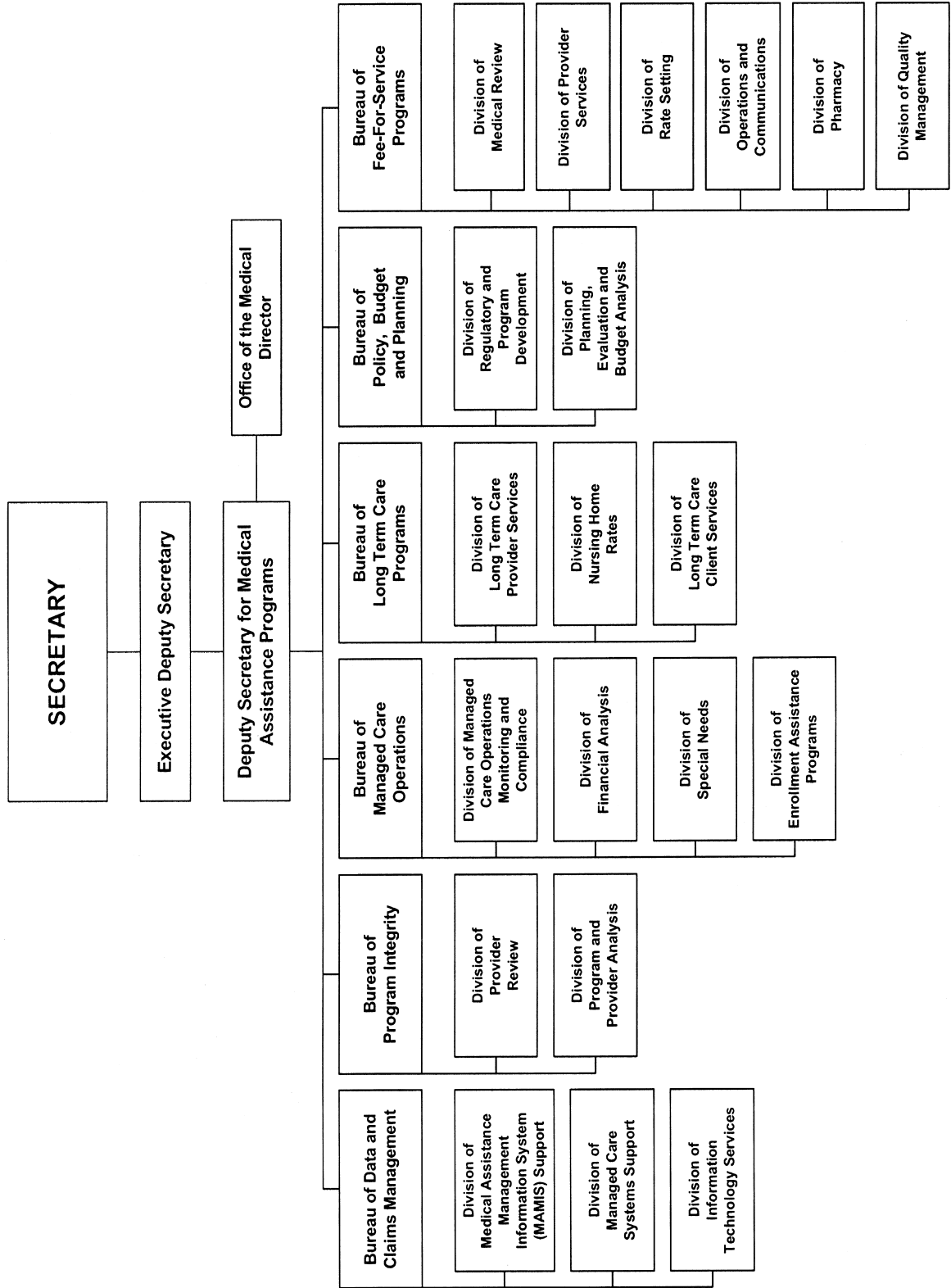


DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR INCOME MAINTENANCE

April 14, 2005
OR-05-097

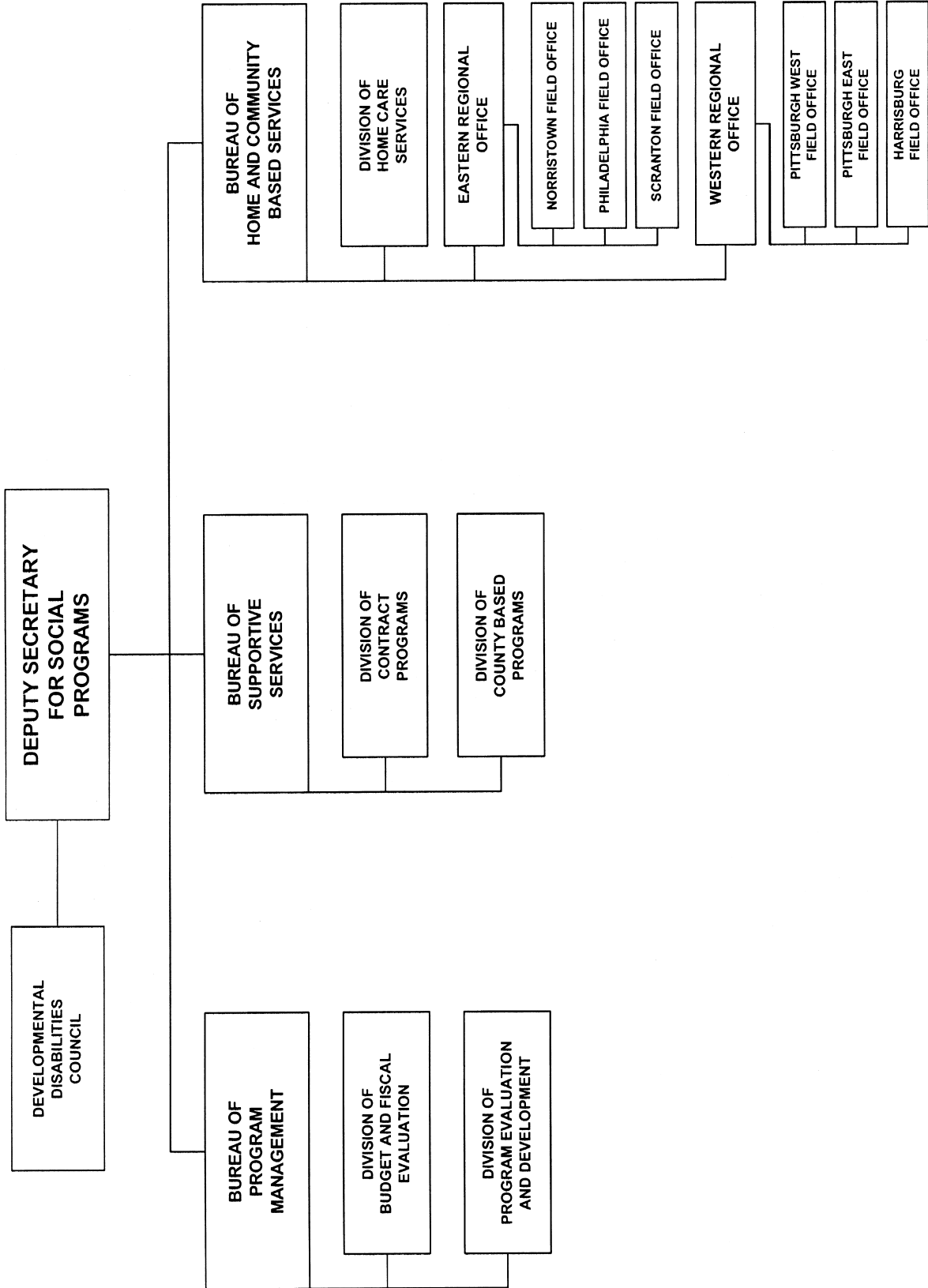


**DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MEDICAL ASSISTANCE PROGRAMS**



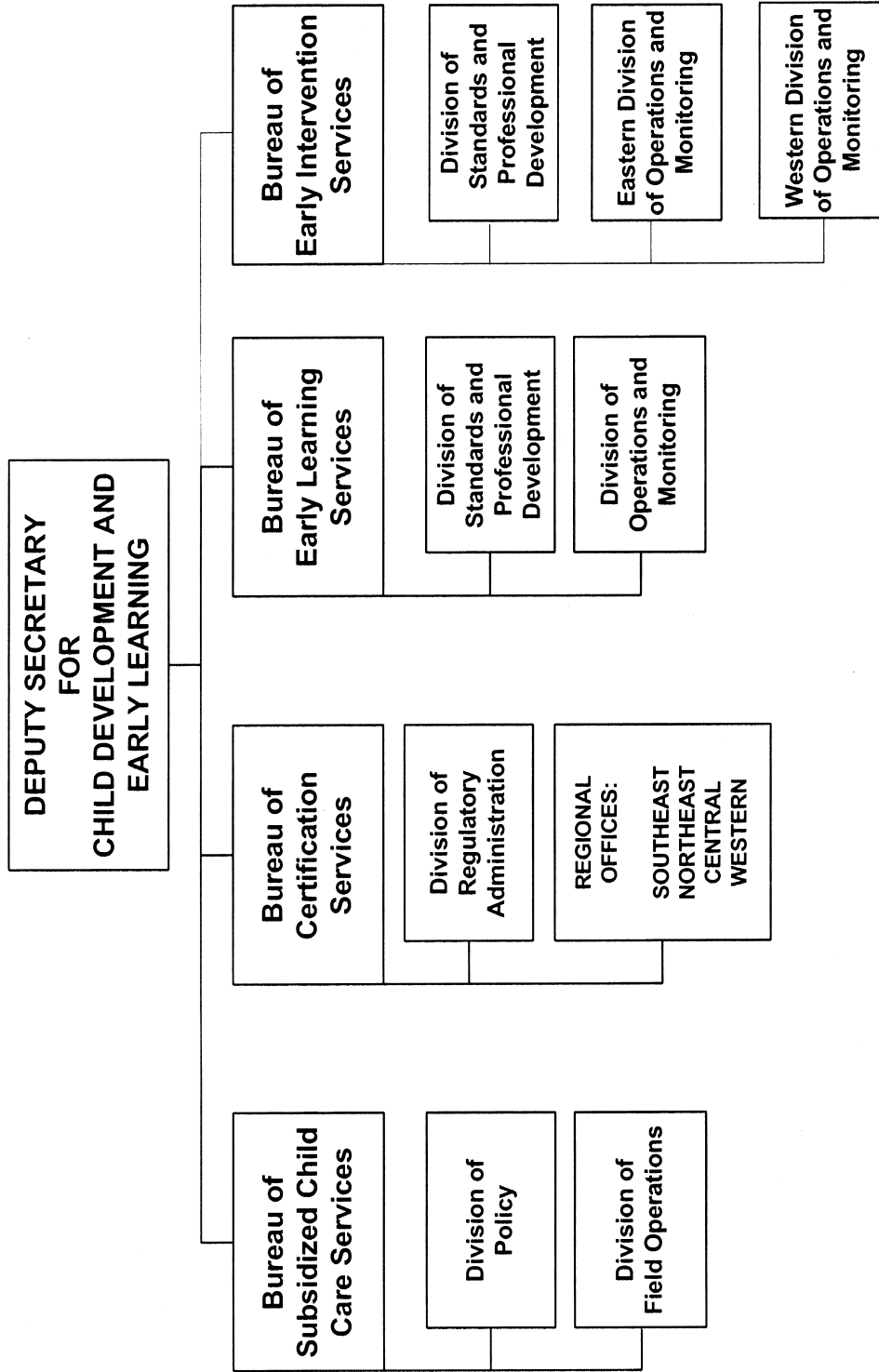
10/2002

DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR SOCIAL PROGRAMS



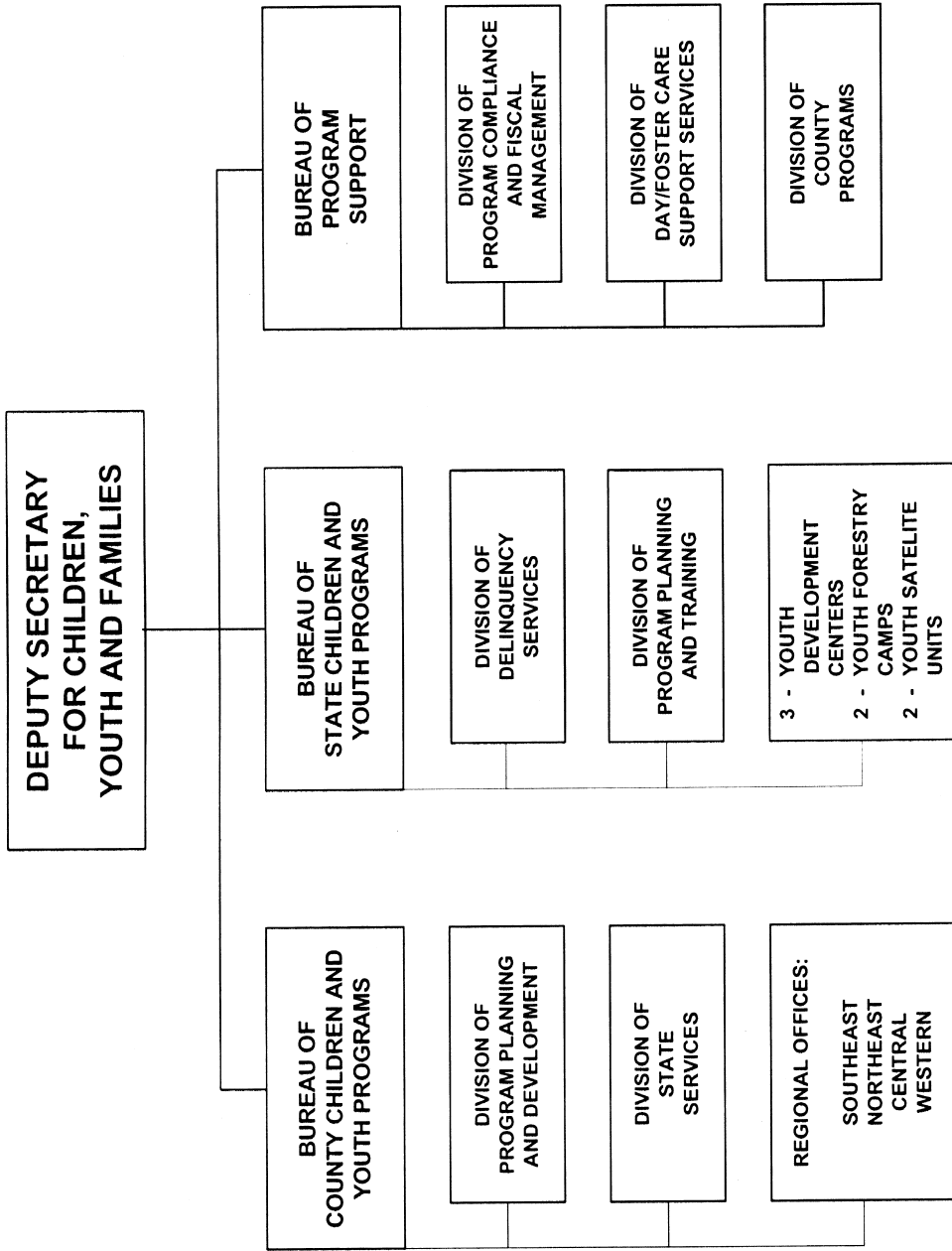
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR CHILD DEVELOPMENT AND EARLY LEARNING

February 20, 2007
OR-06-349



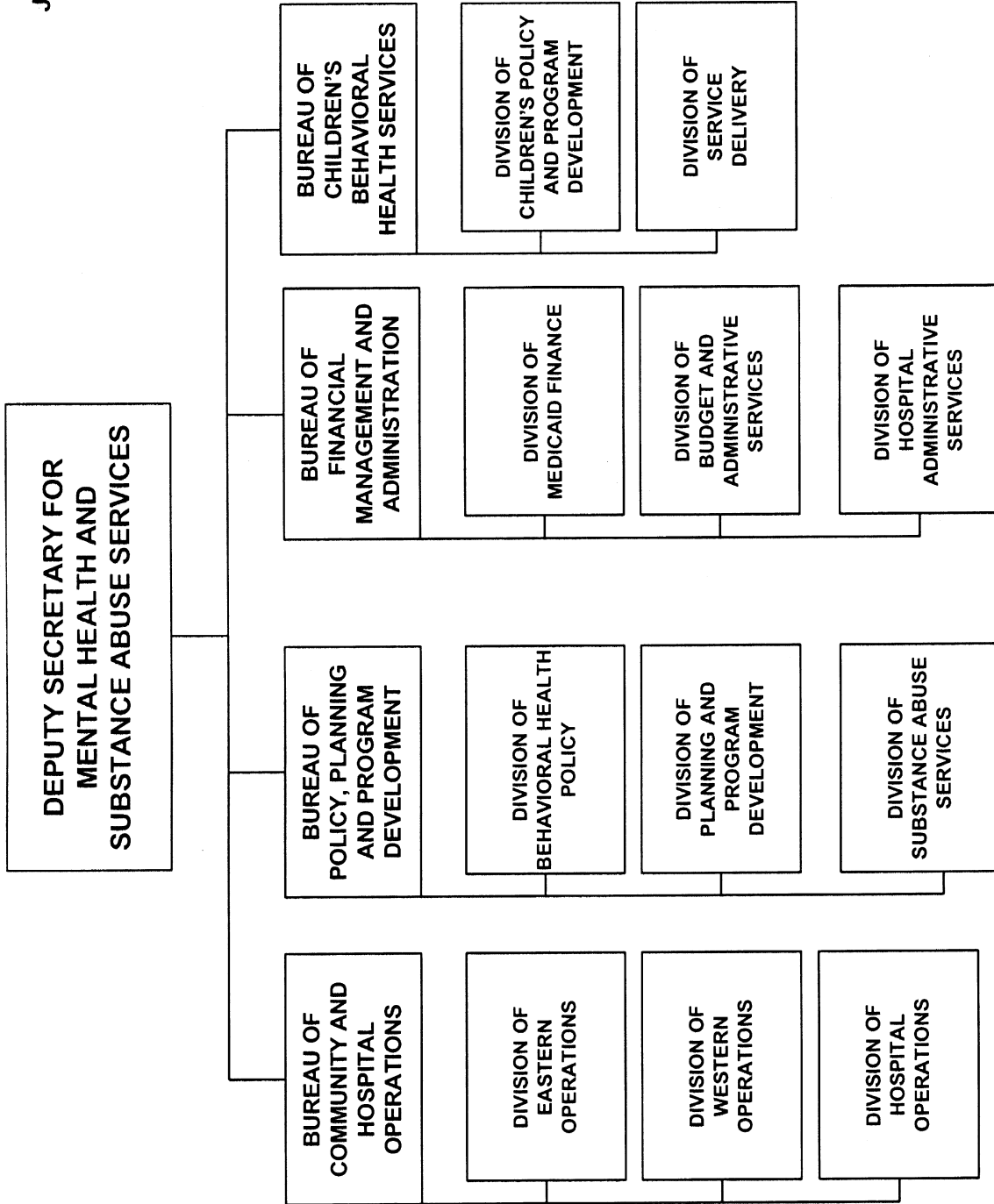
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR CHILDREN, YOUTH AND FAMILIES

April 13, 2006
OR-06-062



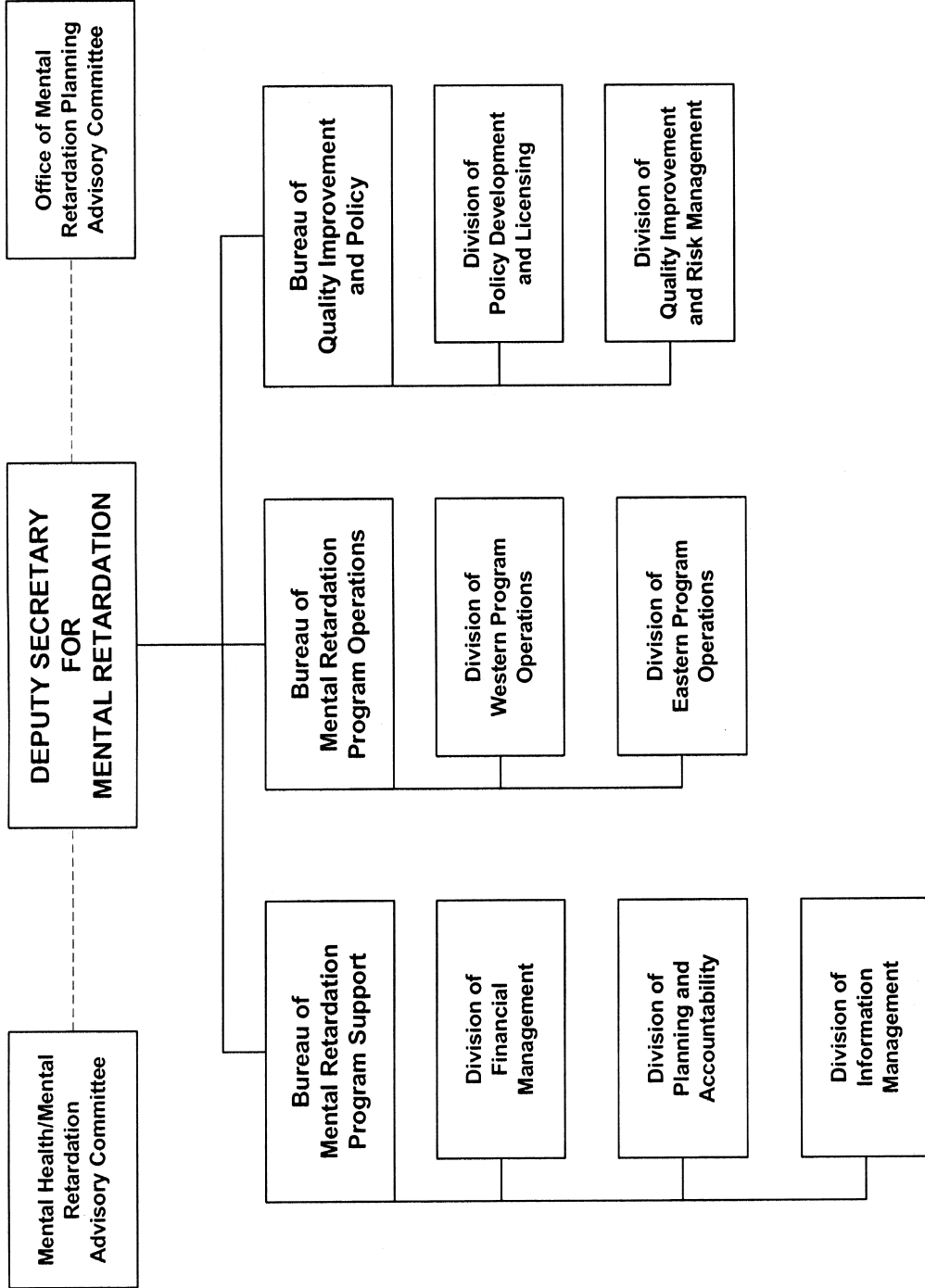
June 4, 2007
OR-07-135

DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES



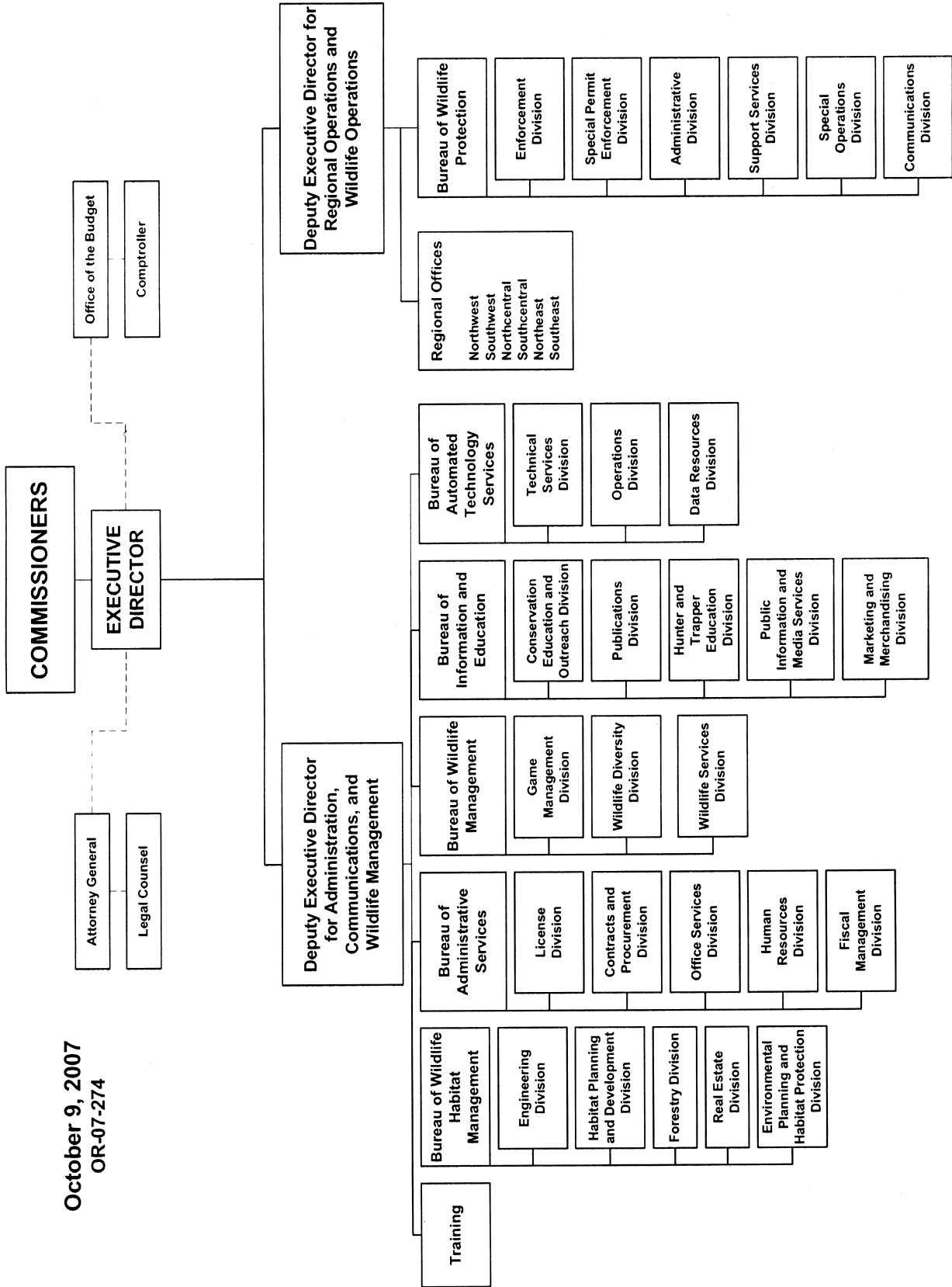
April 14, 2005
OR-05-097

DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR MENTAL RETARDATION

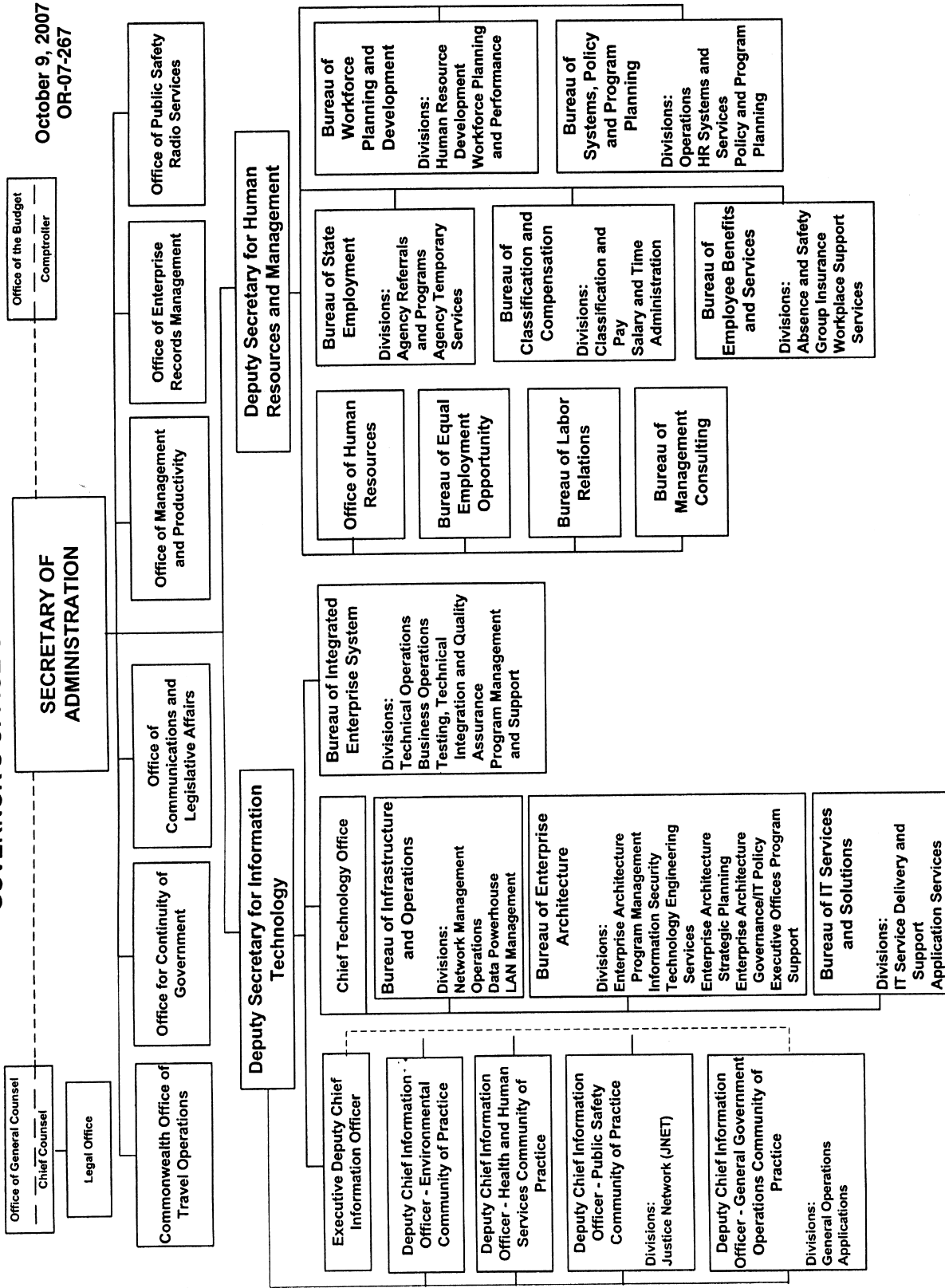


GAME COMMISSION

October 9, 2007
OR-07-274



GOVERNOR'S OFFICE OF ADMINISTRATION



October 9, 2007
OR-07-267

NOTICES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Revisions to Schedule of Prices for State Parks

A. Summary and Background

Under the Conservation and Natural Resources Act (71 P. S. § 1340.314) and 17 Pa. Code § 11.224 (relating to prices), the Department of Conservation and Natural Resources (Department) will revise its price schedule for State Park activities, uses and privileges effective January 1, 2008. The new schedule will include a peak season for yurts, walled tents and camping cottages.

The Department has not raised prices for overnight facilities since 2001 and has not raised most of its boating prices since 1998. This new pricing schedule will allow Pennsylvania State Parks to be comparable to most neighboring states and continue to be competitive with private camping facilities.

For 2008, prices represent an approximate 10% increase over the current 2007 prices with the exception of camping where the base price will increase by \$3 per night. For 2009, prices will increase approximately 10% over the 2008 prices with camping increasing \$2 per night. The price increase over the next 2 years will narrow the gap between parks and private campgrounds, resulting in a more favorable competitive climate for the private sector.

For comparison purposes, the current price schedule along with the new 2008 and 2009 schedule can be found at the Pennsylvania State Parks Website at www.dcnr.state.pa.us/stateparks/findinfo/2008prices.pdf. It can also be obtained by calling Pennsylvania State Parks Reservations and Information at (888) PA-PARKS.

When the new price schedule becomes effective, it will be posted on the DCNR—State Parks website, www.dcnr.state.pa.us/stateparks/findinfo/prices.aspx. Persons who are planning a visit to a State Park may also go online to the State Parks reservation page, www.pa.reserveworld.com or call Pennsylvania State Parks Reservations and Information at (888) PA-PARKS to get specific price information.

B. Contact Person

Any questions may be directed to David Sariano, Assistant Director, Bureau of State Parks, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640 or dsariano@state.pa.us. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users).

C. Effective Date

The effective date of the new price schedule is January 1, 2008. Reservations that have been made prior to January 1, 2008, for use of facilities in 2008 will not be affected by the new schedule. However, if a reservation that was made before January 1, 2008, is changed on or after January 1, 2008, the new price schedule will apply.

D. Fee Schedule

For 2008, the peak season is June 13 through August 14. Some parks that have cabins and a high demand/usage, due to winter activities have additional peak seasons from January 1 through March 6 and from November 21 through December 31.

For 2009, the peak season is June 12 through August 20. Designated parks that have overnight facilities along with a high demand/usage, due to winter activities have additional peak seasons from January 1 through March 5 and from November 20 through December 31.

The nonpeak seasons are all time periods outside of the noted peak seasons.

MICHAEL DIBERARDINIS,
Secretary

<i>Facility Price Title</i>	<i>Unit</i>	<i>2008</i>	<i>2009</i>	<i>2008</i>	<i>2009</i>
	<i>Cabins—6% Lodging tax is NOT included</i>	<i>Resident</i>	<i>Resident</i>	<i>Nonresident</i>	<i>Nonresident</i>
<i>FAMILY CABINS—Nonpeak Season (Generally the Third Friday in August to the Day Before the Second Friday in June)</i>					
Cabin - Modern - Sleep 6 - Sunday - Thursday	Per Night	49.06	53.77	59.43	65.09
Cabin - Modern - Sleep 6 - Friday - Saturday	Per Night	82.08	90.57	98.11	107.55
Cabin - Modern - Sleep 6 - Week	Per Week	328.30	361.32	395.28	434.91
Cabin - Modern - Sleep 7/9 - Sunday - Thursday	Per Night	61.32	66.98	74.53	82.08
Cabin - Modern - Sleep 7/9 - Friday - Saturday	Per Night	102.83	113.21	122.64	134.91
Cabin - Modern - Sleep 7/9 - Week	Per Week	408.49	449.06	489.62	538.68
Cabin - Modern - Sleep 10/12 - Sunday - Thursday	Per Night	64.15	70.75	77.36	84.91

<i>Facility Price Title</i>	<i>Unit</i>	<i>2008</i>	<i>2009</i>	<i>2008</i>	<i>2009</i>
	<i>Cabins—6% Lodging tax is NOT included</i>	<i>Resident</i>	<i>Resident</i>	<i>Nonresident</i>	<i>Nonresident</i>
Cabin - Modern - Sleep 10/12 - Friday - Saturday	Per Night	107.55	117.92	127.36	140.57
Cabin - Modern - Sleep 10/12- Week	Per Week	430.19	473.58	510.38	561.32
Cabin - Rustic - Sleep 2/3 - Sunday - Thursday	Per Night	22.64	24.53	28.30	31.13
Cabin - Rustic - Sleep 2/3 - Friday - Saturday	Per Night	37.74	41.51	44.34	49.06
Cabin - Rustic - Sleep 2/3 - Week	Per Week	150.00	165.09	180.19	198.11
Cabin - Rustic - Sleep 4/5 - Sunday - Thursday	Per Night	27.36	30.19	32.08	34.91
Cabin - Rustic - Sleep 4/5 - Friday - Saturday	Per Night	44.34	49.06	52.83	58.49
Cabin - Rustic - Sleep 4/5 - Week	Per Week	178.30	196.23	211.32	232.08
Cabin - Rustic - Sleep 6/7 - Sunday - Thursday	Per Night	33.02	36.79	39.62	43.40
Cabin - Rustic - Sleep 6/7 - Friday - Saturday	Per Night	54.72	60.38	66.04	72.64
Cabin - Rustic - Sleep 6/7 - Week	Per Week	220.75	242.45	263.21	289.62
Cabin - Rustic - Sleep 8/9 - Sunday - Thursday	Per Night	39.62	43.40	48.11	52.83
Cabin - Rustic - Sleep 8/9 - Friday - Saturday	Per Night	66.04	72.64	80.19	88.68
Cabin - Rustic - Sleep 8/9 - Week	Per Week	263.21	289.62	319.81	351.89
Cabin - Rustic - Sleep 10/11 - Sunday - Thursday	Per Night	46.23	50.94	55.66	61.32
Cabin - Rustic - Sleep 10/11 - Friday - Saturday	Per Night	77.36	84.91	93.40	102.83
Cabin - Rustic - Sleep 10/11 - Week	Per Week	310.38	341.51	374.53	412.26
Cabin - Rustic - Sleep 4/5 S.B. Elliott - Sunday - Thursday	Per Night	16.04	17.92	19.81	21.70
Cabin - Rustic - Sleep 4/5 S.B. Elliott - Friday - Saturday	Per Night	27.36	30.19	33.02	36.79
Cabin - Rustic - Sleep 4/5 S.B. Elliott - Week	Per Week	108.49	118.87	132.08	145.28
Cabin - Rustic - Sleep 6/7 S.B. Elliott - Sunday - Thursday	Per Night	20.75	22.64	25.47	28.30
Cabin - Rustic - Sleep 6/7 S.B. Elliott - Friday - Saturday	Per Night	34.91	38.68	42.45	46.23
Cabin - Rustic - Sleep 6/7 S.B. Elliott - Week	Per Week	141.51	155.66	169.81	186.79
Cabin - Rustic - Sleep 8/9 S.B. Elliott - Sunday - Thursday	Per Night	25.47	28.30	32.08	34.91
Cabin - Rustic - Sleep 8/9 S.B. Elliott - Friday - Saturday	Per Night	43.40	48.11	52.83	58.49
Cabin - Rustic - Sleep 8/9 S.B. Elliott - Week	Per Week	174.53	192.45	212.26	233.02
Laurel Hill Lodge - Sleep - 14 - Sunday - Thursday	Per Night	155.66	170.75	233.02	256.60
Laurel Hill Lodge - Sleep 14 - Friday - Saturday	Per Night	207.55	228.30	259.43	284.91
Laurel Hill Lodge Sleep 14 - Week	Per Week	1,009.43	1,110.38	1,218.87	1,340.57
<i>YURTS—Non-Peak Seasons (Generally the Third Friday in August to the Day Before the Second Friday in June)</i>					
Yurt - Sleeps 4/5 - Sunday - Thursday	Per Night	30.00	33.00	35.00	39.00
Yurt - Sleeps 4/5 - Friday - Saturday	Per Night	50.00	55.00	66.00	73.00
Yurt - Sleeps 4/5 - Week	Per Week	196.00	216.00	233.00	256.00
Yurt - Sleeps 6 - Sunday - Thursday	Per Night	36.00	40.00	44.00	48.00
Yurt - Sleeps 6 - Friday - Saturday	Per Night	61.00	67.00	73.00	80.00
Yurt - Sleeps 6 - Week	Per Week	243.00	267.00	289.00	318.00
<i>FAMILY CABINS—Peak Seasons (Generally the Second Friday in June to the Day Before the 3rd Friday in August and at Designated Sites During periods such as the Friday before Thanksgiving to the first Friday in March)</i>					
Cabin - Modern - Sleep 6 - Sunday - Thursday	Per Night	54.72	60.38	65.09	71.70
Cabin - Modern - Sleep 6 - Friday - Saturday	Per Night	91.51	100.94	105.66	116.04

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Facility Price Title	Unit Cabins—6% Lodging tax is NOT included	2008	2009	2008	2009
		Resident	Resident	Nonresident	Nonresident
Cabin - Modern - Sleep 6 - Week	Per Week	361.32	397.17	434.91	478.30
Cabin - Modern - Sleep 7/9 - Sunday - Thursday	Per Night	66.98	73.58	82.08	90.57
Cabin - Modern - Sleep 7/9 - Friday - Saturday	Per Night	113.21	124.53	134.91	148.11
Cabin - Modern - Sleep 7/9 - Week	Per Week	450.00	495.28	539.62	593.40
Cabin - Modern - Sleep 10/12 - Sunday - Thursday	Per Night	71.70	79.25	84.91	93.40
Cabin - Modern - Sleep 10/12 - Friday - Saturday	Per Night	117.92	129.25	141.51	155.66
Cabin - Modern - Sleep 10/12 - Week	Per Week	474.53	521.70	562.26	618.87
Cabin - Rustic - Sleep 2/3 - Sunday - Thursday	Per Night	24.53	27.36	31.13	33.96
Cabin - Rustic - Sleep 2/3 - Friday - Saturday	Per Night	41.51	45.28	49.06	53.77
Cabin - Rustic - Sleep 2/3 - Week	Per Week	165.10	182.08	198.11	217.92
Cabin - Rustic - Sleep 4/5 - Sunday - Thursday	Per Night	30.19	33.02	33.02	36.79
Cabin - Rustic - Sleep 4/5 - Friday - Saturday	Per Night	50.00	54.72	66.04	72.64
Cabin - Rustic - Sleep 4/5 - Week	Per Week	198.11	217.92	233.02	256.60
Cabin - Rustic - Sleep 6/7 - Sunday - Thursday	Per Night	37.74	41.50	43.40	48.11
Cabin - Rustic - Sleep 6/7 - Friday - Saturday	Per Night	61.32	66.98	72.64	80.19
Cabin - Rustic - Sleep 6/7 - Week	Per Week	244.34	268.87	290.57	319.81
Cabin - Rustic - Sleep 8/9 - Sunday - Thursday	Per Night	43.40	48.11	52.83	58.49
Cabin - Rustic - Sleep 8/9 - Friday - Saturday	Per Night	72.64	80.19	88.68	97.17
Cabin - Rustic - Sleep 8/9 - Week	Per Week	290.57	319.81	351.89	386.79
Cabin - Rustic - Sleep 10/11 - Sunday - Thursday	Per Night	51.89	57.55	62.26	68.87
Cabin - Rustic - Sleep 10/11 - Friday - Saturday	Per Night	85.85	94.34	103.77	114.51
Cabin - Rustic - Sleep 10/11 - Week	Per Week	341.51	375.47	413.21	454.72
Cabin - Rustic - Sleep 4/5 S.B. Elliott - Sunday - Thursday	Per Night	18.87	20.75	22.64	24.53
Cabin - Rustic - Sleep 4/5 S.B. Elliott - Friday - Saturday	Per Night	28.30	31.13	37.74	41.51
Cabin - Rustic - Sleep 4/5 S.B. Elliott - Week	Per Week	118.87	131.13	146.23	161.32
Cabin - Rustic - Sleep 6/7 S.B. Elliott - Sunday - Thursday	Per Night	22.64	24.53	28.30	31.13
Cabin - Rustic - Sleep 6/7 S.B. Elliott - Friday - Saturday	Per Night	38.68	42.45	47.17	51.89
Cabin - Rustic - Sleep 6/7 S.B. Elliott - Week	Per Week	155.66	170.75	187.74	206.60
Cabin - Rustic - Sleep 8/9 S.B. Elliott - Sunday - Thursday	Per Night	31.13	33.96	34.91	38.68
Cabin - Rustic - Sleep 8/9 S.B. Elliott - Friday - Saturday	Per Night	48.11	52.83	59.43	65.09
Cabin - Rustic - Sleep 8/9 S.B. Elliott - Week	Per Week	192.45	211.32	233.02	256.60
Laurel Hill Lodge - Sleep 14 - Sunday - Thursday	Per Night	226.42	249.06	254.72	280.19
Laurel Hill Lodge - Sleep 14 - Friday - Saturday	Per Night	254.72	280.19	283.02	311.32
Laurel Hill Lodge - Sleep 14 - Week	Per Week	1,216.98	1,338.68	1,330.19	1,463.21
<i>YURTS—Peak Seasons</i> (Generally the Second Friday in June to the Day Before Third Friday in August and at Designated Sites During periods such as the Friday before Thanksgiving to the First Friday in March)					
Yurt - Sleeps 4/5 - Sunday - Thursday	Per Night	33.00	36.00	39.00	43.00
Yurt - Sleeps 4/5 - Friday - Saturday	Per Night	55.00	61.00	73.00	80.00
Yurt - Sleeps 4/5 - Week	Per Week	216.00	238.00	256.00	282.00
Yurt - Sleeps 6 - Sunday - Thursday	Per Night	40.00	44.00	48.00	53.00

NOTICES

<i>Facility Price Title</i>	<i>Unit</i>	<i>2008</i>	<i>2009</i>	<i>2008</i>	<i>2009</i>
	<i>Cabins—6% Lodging tax is NOT included</i>	<i>Resident</i>	<i>Resident</i>	<i>Nonresident</i>	<i>Nonresident</i>
Yurt - Sleeps 6 - Friday - Saturday	Per Night	67.00	74.00	80.00	88.00
Yurt - Sleeps 6 - Week	Per Week	267.00	294.00	318.00	350.00
<i>BACKPACKING</i>					
Backpack Camping	Per Site	3.50	4.00	4.50	5.00
	Per Night				
	Per Person				
Backpack Camping	Maximum	17.50	20.00	22.50	25.00
	Per Night				
	Per Group				
<i>CAMPING</i>					
Camping - base price	Per Night	13.00	15.00	15.00	17.00
<i>CAMPING—ADDITIONAL CHARGES</i>					
Electric	Per Night	4.00	5.00	4.00	5.00
Designated Pet Campsites	Per Night	2.00	2.00	2.00	2.00
	(for 1 or 2 pets)				
Premium (that is, Friday, Saturday, Holiday and Events)	Per Night	3.50	4.00	3.50	4.00
Modern Campgrounds (showers)	Per Night	3.50	4.00	3.50	4.00
Multi-Campsites	Per Night	16.50	18.00	19.00	21.00
Water	Per Night	7.00	8.00	7.00	8.00
Water and Sewer	Per Night	12.00	13.00	12.00	13.00
Extra Vehicle	Per Night	4.00	4.00	4.00	4.00
<i>CAMPING—DISCOUNTS</i>					
Senior Citizen/ADA Discount	Per Night	4.00	4.50	4.00	4.50
Weekly Discount (per 7 days)	Per Week	13.00	15.00	15.00	17.00
<i>CAMPING—OTHER</i>					
Camping Unit Storage	Per Night	3.50	3.50	3.50	3.50
Transient RV Overnight Parking	Per Night	5.00	6.00	6.00	7.00
Camper Dump Station	Per Non	9.00	10.00	10.00	11.00
	Registered Use				
Camping Unit Storage - Week	Per Week	15.00	16.00	15.00	16.00
Camping Equestrian Site	Per Night	17.50	19.00	22.00	24.00
Adirondack Shelter - Poe Paddy - Sunday - Thursday	Per Night	13.00	14.50	14.00	15.50
Adirondack Shelter - Poe Paddy - Friday - Saturday	Per Night	15.50	17.00	16.50	18.00
Adirondack Shelter - Poe Paddy - Week	Per Week	76.00	83.50	88.00	96.50
<i>DELUXE CAMPING COTTAGES—Nonpeak Seasons (Generally the Third Friday in August to the Day Before the Second Friday in June)</i>					
Camping Cottages - Sleeps 6 - Sunday - Thursday	Per Night	45.00	50.00	54.00	59.00
Camping Cottages - Sleeps 6 - Friday - Saturday	Per Night	77.00	85.00	92.00	101.00
Camping Cottages - Sleeps 6 - Week	Per Week	298.00	328.00	357.00	393.00
<i>CAMPING COTTAGES—Nonpeak Seasons (Generally the Third Friday in August to the Day Before the Second Friday in June)</i>					
Camping Cottages - Sleeps 5 - Sunday - Thursday	Per Night	30.00	33.00	35.00	39.00
Camping Cottages - Sleeps 5 - Friday - Saturday	Per Night	36.00	40.00	39.00	43.00
Camping Cottages - Sleeps 5 - Week	Per Week	190.00	209.00	219.00	241.00

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<i>Facility Price Title</i>	<i>Unit</i>	<i>2008</i>	<i>2009</i>	<i>2008</i>	<i>2009</i>
	<i>Cabins—6% Lodging tax is NOT included</i>	<i>Resident</i>	<i>Resident</i>	<i>Nonresident</i>	<i>Nonresident</i>
<i>WALLED TENTS—Nonpeak Seasons (Generally the Third Friday in August to the Day Before the Second Friday in June)</i>					
Walled Tent > 200 sq. ft. - Sunday - Thursday	Per Night	29.00	32.00	34.00	37.00
Walled Tent > 200 sq. ft. - Friday - Saturday	Per Night	35.00	39.00	38.00	42.00
Walled Tent >200 sq. ft. - Week	Per Week	185.00	204.00	211.00	232.00
Walled Tent < 200 sq. ft. - Sunday - Thursday	Per Night	27.00	30.00	32.00	35.00
Walled Tent < 200 sq. ft. - Friday - Saturday	Per Night	31.00	34.00	34.00	37.00
Walled Tent < 200 sq. ft. - Week	Per Week	169.00	186.00	195.00	215.00
<i>DELUXE CAMPING COTTAGES—Peak Seasons (Generally the Second Friday in June to the Day Before Third Friday in August and at Designated Sites During periods such as the Friday before Thanksgiving to the First Friday in March)</i>					
Camping Cottages - Sleeps 6 - Sunday - Thursday	Per Night	50.00	55.00	60.00	66.00
Camping Cottages - Sleeps 6 - Friday - Saturday	Per Night	87.00	96.00	104.00	114.00
Camping Cottages - Sleeps 6 - Week	Per Week	333.00	366.00	400.00	440.00
<i>CAMPING COTTAGES—Peak Seasons (Generally the Second Friday in June to the Day Before the 3rd Friday in August and at Designated Sites During periods such as the Friday before Thanksgiving to the First Friday in March)</i>					
Camping Cottages - Sleeps 5 - Sunday - Thursday	Per Night	33.00	36.00	36.00	40.00
Camping Cottages - Sleeps 5 - Friday - Saturday	Per Night	40.00	44.00	43.00	47.00
Camping Cottages - Sleeps 5 - Week	Per Week	211.00	232.00	240.00	264.00
<i>WALLED TENTS—Peak Season (Generally the Second Friday in June to the Day Before Third Friday in August and at Designated Sites During periods such as the Friday before Thanksgiving to the First Friday in March)</i>					
Walled Tent > 200 sq. ft. - Sunday - Thursday	Per Night	32.00	35.00	37.00	41.00
Walled Tent > 200 sq. ft. - Friday - Saturday	Per Night	38.00	42.00	42.00	46.00
Walled Tent > 200 sq. ft. - Week	Per Week	203.00	223.00	232.00	255.00
Walled Tent < 200 sq. ft. - Sunday - Thursday	Per Night	30.00	33.00	35.00	39.00
Walled Tent < 200 sq. ft. - Friday - Saturday	Per Night	34.00	37.00	37.00	41.00
Walled Tent < 200 sq. ft. - Week	Per Week	186.00	205.00	214.00	235.00
<i>ORGANIZED GROUP TENTING</i>					
Modern Group Tent Area	Capacity < = 20 per night	28.00	31.00	40.00	44.00
	Capacity 21 to 40 per night	40.00	44.00	52.00	57.00
	Capacity 41 to 60 per night	53.00	58.00	64.00	70.00
	Capacity 61 to 100 per night	65.00	72.00	76.00	84.00
	Capacity 101 and Over Per Night	115.00	127.00	137.00	151.00
	Each sleeping trailer per night	11.00	12.00	11.00	12.00

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<i>Facility Price Title</i>	<i>Unit</i>	<i>2008</i>	<i>2009</i>	<i>2008</i>	<i>2009</i>
	<i>Cabins—6% Lodging tax is NOT included</i>	<i>Resident</i>	<i>Resident</i>	<i>Nonresident</i>	<i>Nonresident</i>
Rustic Group Tent Area	Capacity < = 20 Per Night	23.00	25.00	34.00	37.00
	Capacity 21 to 40 Per Night	35.00	39.00	46.00	51.00
	Capacity 41 to 60 Per Night	47.00	52.00	58.00	64.00
	Capacity 61 to 100 Per Night	59.00	65.00	70.00	77.00
	Capacity 100 and Over Per Night	104.00	114.00	115.00	127.00
	Each sleeping trailer per night	10.00	11.00	13.00	14.00
<i>ORGANIZED GROUP CABIN CAMPS</i>					
Org. Group Cabin Camps Capacity < = 30 persons	Per Night With Utilities	80.00	88.00	115.00	127.00
Org. Group Cabin Camps Capacity 31 to 50 persons	Per Night Minimum Without Utilities	80.00	88.00	115.00	127.00
Org. Group Cabin Camps Capacity 51 to 125 person	Per Night Minimum Without Utilities	98.00	108.00	139.00	153.00
Org. Group Cabin Camps Capacity 126 person and greater	Per Night Minimum Without Utilities	116.00	128.00	162.00	178.00
Hickory Run/French Creek Utilities Org. Group Camp	Per Night add	46.00	51.00	46.00	51.00
<i>PRESQUE ISLE MARINA</i>					
Daily Transient Without Utilities	Per Day Per Foot	0.75	0.85	1.50	1.60
Daily Transient With Utilities	Per Day Per Foot	0.85	0.95	1.70	1.80
Cost For Travel Lift	Per Lift Per Foot of Boat	4.50	5.00	8.00	9.00
Winter Boat Storage Including Lift Out and In	Per Foot of Boat Per Season	15.50	17.00	31.00	34.00
Cost For Summer Cradle Storage	Per Season	38.50	42.00	77.00	85.00
Cost Per Foot	Per Season Without Utilities	36.00	39.50	72.00	79.00
Cost Per Foot	Per Season With Utilities	40.00	44.00	80.00	88.00
Cost For Bascomb Holder - 18' Slip	Per Season Without Utilities	350.00	385.00	700.00	770.00
Cost To Be On Marina Waiting/Transfer List	Per Application Per List	15.00	15.00	15.00	15.00
<i>M.K. GODDARD MARINA</i>					
"A" Docks - Transient	Per Foot Per Day	0.35	0.40	0.55	0.60
"B" Docks - Transient	Per Foot Per Day	0.35	0.40	0.55	0.60
"B" Docks - Cost Per Foot	Per Foot Per Season	16.00	17.00	24.00	26.50
"A" Docks - Cost Per Foot	Per Foot Per Season	18.00	19.00	26.00	28.50
Cost To Be On Marina Waiting/Transfer List	Per Application Per List	15.00	15.00	15.00	15.00
<i>MORAINES MARINA</i>					
Fingerless Dock	Per Foot Per Season	23.00	25.00	30.00	33.00
Regular Finger Dock	Per Foot Per Season	25.00	27.50	32.00	35.00
Large Finger Dock	Per Foot Per Season	28.00	30.50	35.00	38.50
Dock Space - Transient	Per Foot Per Day	0.50	0.55	0.70	0.75
Offshore Mooring - Transient	Per Foot Per Day	0.25	0.30	0.45	0.50
Off Shore Mooring	Per Foot Per Season	17.50	19.00	25.00	27.50
Rack Spaces	Per Season	63.50	70.00	77.00	84.50
Rack Winter Storage	Per Season	63.50	70.00	77.00	84.50
Regular Winter Storage	Per Season	140.00	154.00	165.00	181.50
Dry Mooring	Per Season	140.00	154.00	165.00	181.50

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<i>Facility Price Title</i>	<i>Unit Cabins—6% Lodging tax is NOT included</i>	<i>2008 Resident</i>	<i>2009 Resident</i>	<i>2008 Nonresident</i>	<i>2009 Nonresident</i>
Cost To be On Marina Waiting/Transfer List	Per Application Per List	15.00	15.00	15.00	15.00
<i>ALL OTHER STATE PARK MARINAS</i>					
Daily Transient	Per Foot Per Day	0.35	0.40	0.50	0.55
Daily Transient	Minimum	6.00	6.00	6.00	6.00
Daily Transient Dry Storage	Per Day	2.25	2.25	3.25	3.25
Daily Transient Dry Storage	Minimum	6.00	6.00	6.00	6.00
Daily Transient Winter Storage	Per Day	2.25	2.25	3.25	3.25
Daily Transient Winter Storage	Minimum	6.00	6.00	6.00	6.00
Cost Per Foot of Slip	Per Season	21.00 - 24.00	22.00 - 26.00	32.00 - 35.00	33.00 - 37.00
Mooring Offshore Pymatuning	Per Season	70.00	75.00	70.00	75.00
Cost To Be On Waiting/Transfer List	Per Application Per List	15.00	15.00	15.00	15.00
<i>OTHER BOATING</i>					
Mooring < = 7' Shoreline - Transient	Per Day	2.25	2.25	3.25	3.25
Mooring < = 7' Shoreline - Transient	Minimum	6.00	6.00	6.00	6.00
Mooring < = 7' Shoreline	Per Season	38.50 - 93.50	40.00 - 96.00	44.00 - 105.00	46.00 - 110.00
Mooring > 7' Shoreline - Transient	Per Day	4.25	4.25	5.25	5.25
Mooring > 7' Shoreline - Transient	Minimum	6.00	6.00	6.00	6.00
Mooring > 7' Shoreline	Per Season	77.00 - 170.50	79.00 - 187.00	88.00 - 225.00	90.50 - 247.00
Boat Docks - Private	Per Season	45.00	50.00	55.00	60.00
Boat Launching Permit	1 Year	10.00	10.00	15.00	15.00
Boat Launching Permit	2 Year	18.00	18.00	28.00	28.00
Boat Launching Permit	Seven Day	5.00	5.00	5.00	5.00
Boat Winter Storage	Per Season	120.00	130.00	130.00	140.00
Boating Storage Racks	Per Season	36.00 - 55.00	37.00 - 60.00	40.00 - 62.00	44.00 - 70.00
Boating Dry Storage	Per Season	120.00	125.00	130.00	135.00
Boating Whitewater	Per Reservation	3.00	3.00	3.00	3.00
Boating Whitewater	Season Pass	30.00	35.00	30.00	35.00
<i>MISCELLEANEOUS</i>					
Administrative Fee	Per Agreement	25.00 - 100.00	30.00 - 120.00	25.00 - 100.00	30.00 - 120.00
Astronomy Observatory	Nightly Use	20.00	25.00	20.00	25.00
Galaxy Pass	Annual Pass	50.00	55.00	50.00	55.00
Cancellation Fee - Prior To Seven Days Of Scheduled Arrival Date	Per Reservation	10.00	10.00	10.00	10.00
Within Seven Days of Scheduled Arrival Date	Per Reservation	One Night Fee Or Daily Rate Max 75.00	One Night Fee Or Daily Rate Max 75.00	One Night Fee Or Daily Rate Max 75.00	One Night Fee Or Daily Rate Max 75.00
Abandoned Property	Base Charge	45.00	50.00	45.00	50.00
Abandoned Property	Per Day Above Base	7.00	7.50	7.00	7.50
Abandoned Boat - Removal/Storage	Base Charge	50.00	55.00	50.00	55.00
Abandoned Boat - Storage	Per Day Above Base	7.00	7.50	7.00	7.50
Firewood Permit	Per Cord	10.00	10.00	10.00	10.00
Non Overnight Shower Metered	Per Person	0.50	0.75	0.50	0.75
Non Overnight Shower Unmetered	Per Person	2.50	3.00	2.50	3.00

Facility Price Title	Unit Cabins—6% Lodging tax is NOT included	2008	2009	2008	2009
		Resident	Resident	Nonresident	Nonresident
Specialized Facilities - Meeting Room/Amphitheater - Park Specific	Per Day Per Group	50.00 - 3,000.00	50.00 - 3,000.00	55.00 - 3,500.00	55.00 - 3,500.00
<i>PAVILIONS—PICNIC GROVES</i>					
Picnic Groves	Per Day	30.00 - 60.00	30.00 - 65.00	45.00 - 150.00	45.00 - 165.00
Pavilion No Electric	Per Day	15.00 - 185.00	15.00 - 200.00	15.00 - 208.00	15.00 - 230.00
Pavilion With Electric	Per Day	15.00 - 300.00	15.00 - 325.00	15.00 - 325.00	15.00 - 350.00
<i>SELECTED STATE PARK SWIMMING POOLS</i>					
Swimming Pools Park Operated	User Per Day Park Camper Or Cabin	2.00 - 9.00	2.00 - 12.00	2.25 - 11.00	2.25 - 14.00
Swimming Pools Park Operated	Occ. w/receipt	1.25 - 6.00	1.25 - 6.00	1.25 - 6.75	1.25 - 6.75
Swimming Pools Park Operated	After 4 PM Daily	1.25 - 5.50	1.25 - 5.50	1.25 - 6.75	1.25 - 6.75
Swimming Pools Park Operated	Senior Citizen	1.75 - 8.00	1.75 - 8.00	1.75 - 8.50	1.75 - 8.50
Swimming Pools Park Operated	Group 15 Or More People, PER SWIMMER	1.75 - 8.00	1.75 - 8.00	1.75 - 8.50	1.75 - 8.50
Swimming Pools Park Operated	Children Under 38" Free	0.00	0.00	0.00	0.00
Swimming Pools Park Operated	Non-Swimming Adult - Free	0.00	0.00	0.00	0.00
Swimming Pools Park Operated	Book Of 20 Tickets	30.00 - 135.00	30.00 - 150.00	30.00 - 165.00	30.00 - 185.00
Swimming Pools Park Operated	Season Pass Under 12 Years Old	25.00 - 110.00	25.00 - 120.00	30.00 - 165.00	30.00 - 175.00
Swimming Pools Park Operated	Season Pass Senior Citizen	35.00 - 160.00	35.00 - 175.00	35.00 - 170.00	35.00 - 185.00
Swimming Pools Park Operated	Season Pass Adult	45.00 - 205.00	45.00 - 225.00	50.00 - 250.00	50.00 - 275.00
Swimming Pools Park Operated	Yearly Family Pass (Max 5 people)	125.00 - 560.00	125.00 - 580.00	140.00 - 680.00	140.00 - 700.00

[Pa.B. Doc. No. 07-2089. Filed for public inspection November 16, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062529 (Minor Industrial Waste)	Schuylkill County Municipal Authority Broad Mountain Water Treatment Plant 221 South Centre Street Pottsville, PA 17901	Blythe Township Schuylkill County	Wolf Creek 03A	Y
PA0061328 (Minor Sewage)	Lake Wynonah Municipal Authority 686 Berne Drive Auburn, PA 17922	South Manheim Township Schuylkill County	Plum Creek 03A	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>
PA0246921 (SEW)	Lenhartsville Borough P. O. Box 238 Lenhartsville, PA 19534	Berks County Greenwich Township	Furnace Creek 3-B	Y
PA0084450 (SEW)	Raven Rock Mountain Complex—Site R 201 Beasley Drive Suite 100 Fort Detrick, MD 21702-5029	Adams County Liberty Township	UNT Miney Branch 13-D	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>
PAR100594R	Fieldcrest Associates 4591 Marietta Avenue Columbia, PA 17512	Lancaster County Manor Township	West Branch Little Conestoga Creek WWF	Y
PAR100588R	Tindalls Virgin Timber Box 200 Black Barren Road Quarryville, PA 17512	Lancaster County Fulton Township	UNT Conowingo Creek CWF	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>
PA0014427	United States Fish and Wildlife Service Allegheny National Fish Hatchery 1050 Hemlock Road Warren, PA 16365	Glade Township Warren County	Allegheny River 16-B	Y

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.

PA0011011, Industrial Waste, SIC 3317, **Plymouth Tube Company**, 29W150 Warrenville Road, Warrenville, IL 60555. This existing facility is located in Horsham Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated groundwater. This groundwater remediation action is related to the former manufacturing of iron and steel pipe on this property.

The receiving stream, Park Creek (Pa. Stream Code 2661), is in the State Water Plan Watershed 2F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for AQUA PA is located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.028 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Trichloroethylene			0.005	0.010	0.013
pH	Within limits of 6.0 to 9.0 Standard Units at all times.				

In addition to the effluent limits, the permit contains the following major special conditions: remedial measures, obtain property rights, BAT/BCT reopener, change of ownership, TMDL/WLA reopener, no stripping tower cleaning wastewater, dry stream discharge, proper sludge disposal, quarterly groundwater monitoring, annual groundwater report, laboratory certification.

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

Application No. PA 0260975, Sewage, **Richmond Township (Virginville WWTP)**, 11 Kehl Drive, Fleetwood, PA 19522. This facility is located in Richmond Township, **Berks County**.

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

The receiving stream, Sacony Creek, is in Watershed 3-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on the Maiden Creek, approximately 8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.023 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	20		40
Total Phosphorus	Monitor and Report		
Total Residual Chlorine	0.5		1.67
Dissolved Oxygen	Minimum of 5.0 at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

<i>TMDL Requirements</i>			
	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Total Suspended Solids	Report	Report	1,716
Total Phosphorus	Report	Report	57.23

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

The EPA waiver is not in effect.

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

PA0002933, Industrial Waste, SIC 4911, **West Penn Power Company, d/b/a Allegheny Power**, 800 Cabin Hill Drive, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated groundwater, treated stormwater and untreated stormwater from the West Penn/Allegheny Power Connellsville West Side Facility in the City of Connellsville, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Youghiogheny River, 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 the Municipal Authority of Westmoreland County McKeesport Water Treatment Plant, located at McKeesport on the Youghiogheny River, over 40 miles below the discharge point.

Outfall 001: existing stormwater 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				
Total Recoverable Petroleum Hydrocarbons			Monitor and Report		
Oil and Grease			15		30

Other Conditions: Chemical additives, solids disposal, floating solids, stormwater conditions, PCB discharge prohibited and tank farm special conditions.

The EPA waiver is in effect.

Internal Monitoring Point 102: 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 (mgd)	Monitor and Report				
Oil and Grease			15		30
PCBs, Total				Notdetectable	
pH (Standard Units)	not less than 6.0 nor greater than 9.0				

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>
This outfall shall consist solely of uncontaminated stormwater runoff and those sources monitored at internal monitoring point 102.					

Outfalls 003—014: existing discharge.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

These outfalls shall consist solely of uncontaminated stormwater runoff.

PA0253588, Industrial Waste, SIC 4925, **CNX Gas Company, LLC**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Activity: Discharge of treated groundwater produced by the dewatering of coal seams during methane gas extraction.

The receiving stream, Crooked Creek, in Watershed 17E, is a WWF classified for: aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and chloride, the point of analysis considered during the evaluation is located on the Allegheny River, approximately 38.3 miles downstream of the discharge point.

The proposed effluent limits for Outfall [001] are:

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		0.15 mgd	
Iron (total)	3.5 mg/l		7 mg/l
Oil and Grease	15 mg/l		30 mg/l
TSS	30 mg/l		60 mg/l
Acidity	Monitor Only	Monitor Only	Monitor Only
Alkalinity	Greater than Acidity	Greater than Acidity	Greater than Acidity
pH	6 to 9 Standard Units	6 to 9 Standard Units	6 to 9 Standard Units
Chloride	Monitor Only	Monitor Only	Monitor Only
TDS	Monitor Only	Monitor Only	Monitor Only
Osmotic Pressure	Monitor Only	Monitor Only	Monitor Only
Cadmium	Monitor Only	Monitor Only	Monitor Only
Copper	Monitor Only	Monitor Only	Monitor Only
Lead	Monitor Only	Monitor Only	Monitor Only

The EPA waiver is in effect.

PA0253596, Industrial Waste, SIC 4925, **CNX Gas Company, LLC**, 1800 Washington Road, Pittsburgh, PA 15241. This proposed facility is located in Young Township, **Indiana County**.

Description of Proposed Activity: Discharge of treated groundwater produced by the dewatering of coal seams during methane gas extraction.

The receiving stream, Blacklegs Creek, in Watershed 18C, is a CWF classified for: aquatic life, water supply and recreation. For the purpose of evaluating effluent requirements for TDS and chloride, the point of analysis considered during the evaluation is located on the Allegheny River, approximately 34.3 miles downstream of the discharge point.

The proposed effluent limits for Outfall 001 are:

Parameter	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow		0.035 mgd	
Iron (total)	3.5 mg/l		7 mg/l
Oil and Grease	15 mg/l		30 mg/l
TSS	30 mg/l		60 mg/l
Acidity	Monitor Only	Monitor Only	Monitor Only
Alkalinity	Greater than Acidity	Greater than Acidity	Greater than Acidity
pH	6 to 9 Standard Units	6 to 9 Standard Units	6 to 9 Standard Units
Chloride	Monitor Only	Monitor Only	Monitor Only
TDS	Monitor Only	Monitor Only	Monitor Only
Osmotic Pressure	Monitor Only	Monitor Only	Monitor Only
Cadmium	Monitor Only	Monitor Only	Monitor Only
Copper	Monitor Only	Monitor Only	Monitor Only
Lead	Monitor Only	Monitor Only	Monitor Only

The EPA waiver is in effect.

PA0093475, Sewage, **Findlay Township Municipal Authority**, 1271 Route 30, P. O. Box 409, Clinton, PA 15026. This application is for renewal of an NPDES permit to discharge treated sewage from Potato Garden Run STP in Findlay Township, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 0.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.5	5.3		7.0
(11-1 to 4-30)	10.5	15.8		21.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.45			1.50
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0096628, Sewage, **Hamill Manufacturing Company, Inc.**, 500 Pleasant Valley Road, Trafford, PA 15085. This application is for renewal of an NPDES permit to discharge treated sewage from Hamill Manufacturing STP in Penn Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lyons Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water-Becks Run Intake.

Outfall 001: existing discharge, design flow of 0.00196 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205346, Sewage, **David M. Smith**, 139 Wilma Drive, Apollo, PA 15613. This application is for renewal of an NPDES permit to discharge treated sewage from Smith SR STP in Washington Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Pucketa Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Oakmont Borough Municipal Authority located on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0219266, Sewage, **Colonial Joint Sewer Authority**, P. O. Box 753, Republic, PA 15475. This application is for renewal of an NPDES permit to discharge treated sewage from Grindstone Sewage Treatment Plant in Jefferson Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.16 mgd.

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

The EPA waiver is in effect.

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

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

WQM Permit No. 6307403, Sewerage, **Hanover Township Sewer Authority**, 116 Steubenville Pike, Paris, PA 15021. This proposed facility is located in Hanover Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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>
PAI010907017	Pallisades School District 39 Thomas Free Drive Kintnersville, PA 18930	Bucks	Tinicum Township	Tinicum Creek EV
PAI05107005	WV Group Holdings, LLC 120 West Germantown Plaze Suite 120 Plymouth Meeting, PA 19462	Philadelphia	City of Philadelphia	Frankfort/Tacony Creeks and Delaware River WWF

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

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>
PAI024507009	The Spirit of Swiftwater, Inc. 1 Empire Plaza Stroudsburg, PA 18360	Monroe	Pocono Township	Swiftwater Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907027	David Jaindl Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Schaefer Run HQ-CWF

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.
Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041707001	North American Land Corporation 493 SR 281 Tulley, NY 13159	Clearfield	Goshen Township	Medix Run HQ-CWF Gifford Run HQ-CWF

Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS101920	LDJ Associates, Inc. Pine Creek Meadows—Phase III Tiadaghen Avenue on Woodside Circle Lock Haven, PA 17745	Clinton	Pine Creek Township	Pine Creek HQ-TSF

Sullivan County Conservation District: R. R. 2, Box 2022B, Dushore, PA 18614, (570) 928-7057.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045707002	Robert P. Henderson P. O. Box 3 Shunk, PA 17768	Sullivan	Fox Township	Weed Creek/Hoagland Branch HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the

30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0907514, Public Water Supply.

Applicant	Red Cliff Village Partnership
Township	Tinicum
County	Bucks
Responsible Official	Jeff Bryan, Owner 8214 Easton Road Ottsville, PA 18942
Type of Facility	PWS
Consulting Engineer	Ruby Engineer 3605 Island Club Drive North Port, FL 34288-0174
Application Received Date	July 26, 2007
Description of Action	Installation of an arsenic treatment system.

Application No. 0907515, Public Water Supply.

Applicant	Bucks County Water and Sewer Authority
Township	Lower Southampton Township
County	Bucks

Responsible Official Benjamin Jones
1275 Almshouse Road
Warrington, PA 18976

Type of Facility PWS

Consulting Engineer Frederick E. Ebert
4092 Skippack Pike
P. O. Box 540
Skippack, PA 19474

Application Received Date September 18, 2007

Description of Action The addition of Filtration and ultraviolet to the existing water system.

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

Permit No. 3607515, Public Water Supply.

Applicant **Elizabethtown VFW Post No. 5667**

Municipality West Donegal Township

County **Lancaster**

Responsible Official Elizabethtown VFW
Post No. 5667
President
33 Arch Street
Elizabethtown, PA 17022

Type of Facility Public Water Supply

Consulting Engineer Harold J. Light, P. E.
Light-Heigel & Associates, Inc.
430 East Main Street
Palmyra, PA 17078

Application Received: October 22, 2007

Description of Action Installation of nitrate treatment.

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

Application No. 25075061, Public Water Supply.

Applicant **Camp Eriez on the Lake**

Township or Borough Girard Township
Erie County

Responsible Official Brian Barthelson, Manager

Consulting Engineer Steven R. Halmi, P. E.
Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

Application Received Date October 30, 2007

Description of Action Treatment for nitrate removal including ion exchange, pH adjustment and pumping modifications.

MINOR AMENDMENT

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

Application No. 4086503MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**
Conyngham Township
Luzerne County

Responsible Official Paul A. Zielinski
Pennsylvania American Water
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Scott Thomas, P. E.
Pennsylvania American Water
852 Wesley Drive
Mechanicsburg, PA 17055

Application Received Date October 23, 2007

Description of Action Applicant proposes the rehabilitation of an existing 300,000 gallon ground storage tank, known as the Mocanaqua Tank.

Application No. 4592506MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**
Hamilton Township
Monroe County

Responsible Official Paul A. Zielinski
Pennsylvania American Water
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Scott Thomas, P. E.
Pennsylvania American Water
852 Wesley Drive
Mechanicsburg, PA 17055

Application Received Date October 23, 2007

Description of Action Applicant proposes repainting and rehabilitating an existing 0.5 mg storage tank, known as the Stony Garden Tank No. 1.

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

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

WA 16-1005, Water Allocations. **Paint Township Municipal Water Authority**, R. R. 2, Shippenville, PA 16254, Paint Township, **Clarion County**. The permittee has requested an allocation of 45,130 gpd from the PA American Water Company Clarion facility to provide a public water supply including fire protection to areas of the Township not currently served by a public water supply system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Jarettown Elementary School, Upper Darby Township, **Montgomery County**. Philip Donmoyer, Alternative Env., Solutions, 930 Pointview Avenue, Suite B, Ephrata, PA 17522 on behalf of Jim Donahue, Upper Dublin School District, 1580 Ft. Washington Avenue, Maple Glen, PA 19002 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with No. 2 fuel oil. The further use of the site is for a school.

Levittown Shopping Center Property, Tullytown Borough, **Bucks County**. Jeffery Smith, Langan Engineering & Env. Svc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Patrick Tandy, Levittown, LP, 580 Whie Plains Road, Tarrytown, NY 10591 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of chlorinated solvents. The future use of the site will be nonresidential for a retail shopping center. A summary so the Notice of Intent to Remediate was reported to been published in the *Bucks County Courier Times* on September 21, 2007.

Keystone Bank Site, Ridley Township, **Delaware County**. Joseph Diamadi, Marshall Geosciences, Inc., 170 East First, Collegeville, PA 19426 on behalf of Richard Weaver, Con Tech Svc., 23 East Front Street, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. At the present time, the intended future use of the property remains commercial. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on September 12, 2007.

500 Easton Road, Lot A, Warrington Township, **Bucks County**. Toby Kessler, Gilmore & Assoc., Inc., 350 East Butler Avenue, on behalf of Richard M. Gallivan, Restaurant Sites, 28 Somers Road, Hampden, MA 01036 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of pesticides. The proposed future of the site will be nonresidential for a restaurant. A summary of the Notice of Intent to Remediate was reported to have been published in the *Pennsylvania Bulletin* on October 9, 2007.

US Steel Fairless Work Facility, Fall Township, **Bucks County**. Francis Adams, Golder Assoc., Inc., 200 Century Parkway, Suite C, Mt. Laurel, NJ 08054 on behalf of Kathy Mayher, 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 chlorinated solvents. The proposed future use of the property will be nonresidential.

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

Mericle 112 Armstrong Road, LLC Property, Pittston Township, **Luzerne County**. Martin Gilgallon, P. G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, Mericle 112 Armstrong Road, LLC, 100 Baltimore Drive, Wilkes-Barre, PA 18702), concerning the remediation of site soils found to have been impacted by lead, arsenic, sulfate and residual explosive compounds (EGDN, NG, PETN). The applicant proposes to remediate the site to meet the Statewide Health Standard. 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.

Miguel's Nightclub, City of Lancaster, **Lancaster County**. GCE Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Miguel's Nightclub, 902 South Duke Street, Lancaster, PA 17602-4661 and SACA Development Corporation, 453 South Lime Street, Suite B, Lancaster, PA 17602-3652, submitted a Notice of Intent to Remediate site soils contaminated with heavy metals and SVOCs from historic fill. The property is formerly a nightclub and planned future use is both commercial and residential. The applicant seeks to remediate the property to the Site-Specific Standard.

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

UGI Penn Natural Gas Muncy Regulator Station, Muncy Borough, **Lycoming County**, UGI Penn Natural Gas, P. O. Box 12677, Reading, PA 19612-2677 has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet the Statewide Health Standard.

REGISTRATION FOR GENERAL PERMIT— INFECTIOUS AND CHEMOTHERAPEUTIC WASTE

Registration Approved 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 Infectious and Chemotherapeutic Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

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

General Permit Registration No. WMGI010R001. Pennsylvania University School of Veterinary Medicine, 382 West Street Road, Kennett Square, PA 19348-1692. Registration to operate under General Permit No. WMGI010 for infectious waste processing through digestion of biological tissues. The approved processing is limited to chemical and thermal digestion using sodium or potassium hydroxide. Central Office approved this registration for coverage under the general permit on September 8, 2003.

Persons interested in the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and 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 Services at (800) 654-5984.

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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. PAD003043353. Merck & Co., Inc., 100 Avenue C, Riverside, PA 17868, located in Riverside Borough, **Northumberland County**. The permit mod for ownership transfer from Merck & Co. Inc., to

Cherokee Pharmaceuticals, LLC was received by the Williamsport Regional Office on October 1, 2007.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3653. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Services at (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, Neal Elko, New Source Review Chief, (570) 826-2531.

66-310-013: Airport Sand and Gravel Co., Inc. (500 Swetland Lane, Wyoming, PA 18644) for construction of a crushing operation with watersprays at their facility in Nicholson Township, **Wyoming County**.

48-313-100A: Ecopax, LLC (3600 Glover Road, Easton, PA 18040) for construction of an additional polystyrene foam extrusion line at their facility located in Forks Township, **Northampton County**.

48-309-129: Hercules Cement Co. (501 Hercules Drive, Stockertown, PA 18083) for utilization of tire-derived fuel in cement kilns 1 and 3 and the installation of mixing fans for cement kilns 1 and 3 at their facility in Stockertown Borough, **Northampton County**.

48-304-034: Victaulic Co. (P. O. Box 31, Easton, PA 18044-0031) for replacement—installation of the melt department fabric collector at their facility in Forks Township, **Northampton County**.

39-309-072: Lafarge North America (5160 Main Street, Whitehall, PA 18052) for H1-H4 dust collector upgrade at their facility 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.

36-05123B: Corixa Corporation—d/b/a Glaxo-SmithKline Biologicals (325 North Bridge Street, Marietta, PA 17547-0304) for change in operation hours and emission limits of an existing engine at their biological manufacturing facility in East Donegal Township, **Lancaster County**.

67-03145A: Weldon Machine Tool, Inc. (1800 West King Street, York, PA 17404) for construction of a coating booth at their new facility in West Manchester Township, **York County**. The booth will be used for the painting of machine parts and assemblies.

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

26-00569A: Holt & Bugbee Hardwoods, Inc. (P. O. Box 37, 1600 Shawsheen Street, Tewksbury, MA 01876) for installation of wood fired boiler system at Mt. Braddock Site in North Union Township, **Fayette County**.

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

27-033B: National Forest Products, LTD (South Forest Street, Marienville, PA 16239) to construct a surface coating operation in Jenks Township, **Forest 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-0267: SmithKline Beecham Research Company, d/b/a GlaxoSmith Kline (1250 South Collegeville Road, Collegeville, PA 19426) for installation of eight 2000-kW diesel/No. 2 fuel oil fired electric generators at a new Corporate Data Center in Upper Providence Township, **Montgomery County**. The facility will be limited to 173,750 gallons of diesel/No. 2 fuel oil and 22.8 tons of NOx both on a 12-month rolling sum basis. This facility will be non-Title V. The primary purpose of the generators is emergency power generation. The new generator engines will be designed with aftercooling to minimize formation of NOx and electronic and computerized combustion controls to minimize emissions of nonmethane Hydrocarbons, PM and CO. The engines will be EPA Tier 2 compliant. The generators will comply with the sulfur content of 0.05% in the diesel/No. 2 fuel oil as required by 40 CFR Part 60, Subpart IIII. The owner/operator shall keep records of fuel usage and sulfur content to show compliance with the requirements of the Plan Approval.

23-0027A: 3M/Dyneon, LLC (50 Milton Drive, Aston, PA 19014) for installation of a Donaldson Torit—Dalamic baghouse and thermal oxidizer at their facility in Chester Township, **Delaware County**. 3M/Dyneon, LLC is a Synthetic Minor facility, operating under SMOP 23-00027. The new baghouse has a PM removal efficiency of 99.9%. The thermal oxidizer has VOC removal efficiency of 97.6%. Operation of both pieces of equipment will reduce both the PM and VOC emissions. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

46-0198M: Blommer Chocolate Co. (1101 Blommer Drive, East Greenville, PA 18041) for addition of an Aspiration Box to Production Line 4 and the connection of the Aspiration Box to the dust collector associated with the Line 4 Winnower in Upper Hanover Township, **Montgomery County**. The proposed source has a potential to emit 6.38 tpy PM after controls.

23-0108B: FPI Food Processing International, Inc. (903 Industrial Highway, Eddystone, PA 19022) for installation of a regenerative thermal oxidizer, to control emissions from a cocoa processing facility in Eddystone Borough, **Delaware County**. This plan approval incorporates and supercedes Plan Approval No. 23-0108A, which was for the installation of an alkalization process and a thermal oxidizer, and to increase production from 40% capacity to 100% capacity. This facility is a non-Title V facility. As the facility is requesting to increase their production from 40% capacity to 100% capacity, the proposed regenerative thermal oxidizer will be installed to reduce VOC emissions by 98% or to a maximum concentration of 7 ppm, as propane. The facility will continue to utilize various cyclones and a mist eliminator to control emissions of PM from the facility. PM emissions will be kept to less than 0.02 grain per dry standard cubic feet (filterable only), and less than 15 tpy (total PM). Total VOCs from the facility are not expected to exceed 18

tpy. NOx emissions from combustion sources shall not exceed 22 tpy. CO emissions from the facility will be less than 9 tpy and facility-wide emissions of SOx will be less than 5 tpy. The Plan Approval will contain monitoring, recordkeeping and operating conditions 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, Neal Elko, New Source Review Chief, (570) 826-2531.

48-322-006: Grand Central Sanitary Landfill, Inc. (910 West Pennsylvania Avenue, Pen Argyl, PA 18072) for construction of a landfill expansion (known as the southern expansion) at the previously approved municipal solid waste landfill with an active gas collection system with three existing enclosed landfill gas flares for methane gas collection and recovery in Plainfield Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Grand Central Sanitary Landfill, Inc., 910 West Pennsylvania Avenue, Pen Argyl, PA 18072 for their facility located in Plainfield Township, Northampton County. The facility currently has a Title V Operating Permit No. 48-00032. This Plan Approval No. 48-322-006 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. 48-322-006 is for the construction of a landfill expansion (known as the southern expansion) at the previously approved municipal solid waste landfill with an active gas collection system with three existing enclosed landfill gas flares for methane gas collection and recovery. The current permitted maximum daily waste tonnage limit of 3,000 tpy and the current permitted average daily waste disposal rate of 2,750 tpy will remain in effect. The VOC emissions from the landfill will be controlled by the three existing enclosed landfill gas flares and shall not exceed 50 tpy keeping the landfill below the major source threshold. The Plan Approval and Operating Permit will include stack testing requirements, emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, Bethlehem District Office, 4530 Bath Pike, Bethlehem, PA 18017. Appointments for scheduling a review may be made by calling (610) 861-2070.

Any persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

1. Name, address and telephone number of the person submitting the comments.
2. Identification of the proposed permit No. 48-322-006.
3. A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Mark J. Wejkszner, P.E., Air Quality Program Manager, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

39-309-069: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for installation of a "dust curtain" (splitter gate with ductwork) for the No. 3 cement kiln at the Whitehall Plant in Whitehall Township, **Lehigh County**. The facility currently has a Title V Operating Permit No. 39-00011. 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.

The installation of the "dust curtain" will lessen the dust build-up currently occurring in the preheater of the No. 3 cement kiln. The cement kiln can be fired by either a combination of coke and bituminous coal; or a combination of coke and bituminous coal with tire-derived fuel (TDF). The emissions will not exceed the following emission limits (unchanged from the issued Plan Approval No. 39-309-062 for the Cadence mixing fan and the current Title V permit) listed:

<i>Pollutant</i>	<i>Pounds/Hour</i>
Arsenic	0.00098
Cadmium	0.00131
Hexavalent Chromium	0.00088
Lead	0.043
Mercury	0.00482
Nickel	0.01225
Zinc	0.25076
TOTAL VOCs	5.7
SO ₂	195.0 (3-hr Block Average)
NOx (with TDF)	166.0 (30-day Rolling Average)
NOx (no TDF)	203.3 (30-day Rolling Average)
Particulates	7.3

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 for opacity, SO₂ and NOx. In addition the company is required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs, PM and CO due to the kiln being fired by TDF.

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

67-03043A: Envrite of Pennsylvania, Inc. (730 Vogelsong Road, York, PA 17404) for installing a filter cake dryer at their facility in the City of York, **York County**. A scrubber will control the dryer exhaust. Actual expected emissions are less than one-tenth tpy of PM. The facility is a State-only facility. The approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

24-131K: SGL Carbon, LLC (900 Theresia Street, St. Marys, PA 15857) for modification of plan approval 24-131J conditions for Reactors 6 and 7 and for modification of conditions for Reactor 5 in the City of St. Mary's, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. 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. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Source 7102:
 - Total PM emissions from the source, as measured from the scrubber stack, shall not exceed 0.04 grain/dscf.
 - The HCl emissions shall not exceed 0.02 lb/hr averaged over the reaction period (deposition cycle).
 - The permittee shall maintain records of the following: water flow readings to the control device, pressure drop at the reactor and maintenance performed on the control device.
 - The permittee shall maintain and operate this source and associated control device in accordance with the manufacturer's specifications and in a manner consistent with good air pollution control practices.
 - The scrubber shall be equipped with inlet water flow gauge. The reactor shall be equipped with a pressure drop gauge that can be used to calculate pressure drop from the discharge of the reactor through the control device and open to atmosphere. The gauges shall be mounted in easily accessible locations, and shall be maintained in good working conditions at all times. Water flow levels and pressure drop shall be maintained in accordance with manufacturer's specifications. Reactor pressure drop and scrubber water flow readings shall be taken daily when the source is in operation.

- Scrubber water flow shall be maintained at a minimum of 3.5 gallons/minute during all periods of operation.

- The permittee shall perform weekly preventative maintenance inspections of the control device and associated equipment.

- Source 7103:

- The source is subject to 25 Pa. Code § 123.13.

- The HCl emissions shall not exceed 0.02 lb/hr averaged over the reaction period (deposition cycle).

- The permittee shall limit the hours of operation for each reactor to less than 6,450 hours per year based on a 12-month consecutive period. (This permit condition replaces Condition No. 003(a) from Plan Approval 24-131J)

- The permittee shall limit the operation of both reactors to one reactor being operational at a time.

- The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall maintain records of the operational inspections. These records shall, at a minimum, contain the following: pressure drop across the scrubber, scrubber liquid flow rate and low flow alarm check.

- The records of the maintenance and operational inspections shall be maintained at the facility for a period of 5 years and shall be made available to the Department of Environmental Protection (Department) upon request.

- The permittee shall keep a record of the hours of operation for each reactor as follows: on a monthly basis and on a 12-month consecutive period basis.

- The permittee shall perform a weekly operational inspection of the control device, including but not limited to the following: inspect the low flow alarm by shutting off the fluid flow to the scrubber and verifying that the alarm in the control room triggers, monitoring pressure drop, and monitoring inlet water flow rate.

- The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device. The manometer or similar device shall be mounted in an accessible area and maintained in good operating conditions at all times.

- The permittee shall maintain an inlet water flow gauge. The manometer or similar device shall be mounted in an accessible area and maintained in good operating conditions at all times.

- Scrubber operating parameters, including inlet water flow rate and pressure drop shall be operated in a range defined by the manufacturer, or in a range developed during the initial stack test or the most recently approved stack test. The desired operating range shall be submitted to the Department for approval and inclusion into the facility-operating permit prior to the expiration of this plan approval.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

61-211A: Schake Industries, Inc. (673 Colbert Avenue, Oil City, PA 16301) for construction of a paint spray booth with filters in the Oil City, **Venango County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Subject to 25 Pa. Code § 129.52 for surface coating processes.

- The permittee shall maintain a record of all preventative maintenance inspections of the source and control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.

- The permittee shall maintain records of the following from the operational inspection:

- Pressure drop across the control device

- The permittee shall perform a daily operational inspection of the control device.
- The permittee shall maintain a manometer or similar device to measure the pressure drop across the control device. All gauges employed shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within plus or +/- 2% of full scale reading.
- The permittee shall operate the control device at all times that the source is in operation.
- The source and control device shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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.

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

06-05044: Department of Public Welfare (P. O. Box 300, Wernersville, PA 19565-0300) for operation of the Wernersville State Hospital in South Heidelberg Township, **Berks County**. The new oil fired boiler is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Sources. This action is a renewal of the Title V Operating Permit issued in 2003.

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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00105: Naceville Materials—Coopersburg Materials Asphalt Plant (438 Springfield Street, Springfield Township, PA 19474) for operation of the crushing and screening equipment at their batch mix asphalt plant in Springfield Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The proposed permit will incorporate conditions from the previously issued Plan Approval No. 09-0105B. 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, Neal Elko, New Source Review Chief, (570) 826-2531.

54-00007: Department of Corrections (1111 Altamont Boulevard, Frackville, PA 18201) for operation of a State correctional institution, Ryan Township, **Schuylkill County**. The State-only operating permit will include emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit.

40-00049: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104) for operation of a Facility State-only Natural Minor Operating Permit for quarry operation in Dorrance Township, **Luzerne County**.

13-00010: Ametek Corporation OFC (42 Mountain Avenue, Green Acres Industrial Park, Nesquehoning, PA 18240) for operation of a Facility State-only Natural Minor Operating Permit for a Plastic Material and Resins operation in Nesquehoning Borough, **Carbon County**.

48-00002: Stroehmann Bakeries (2400 Northampton Street, Easton, PA 18042) for operation of a Facility State-only Synthetic Minor Operating Permit for a Bread and Roll product operation in Palmer Township, **Northampton County**.

54-00001: Gold Mills, LLC (P. O. Box 26969, Greensboro, NC 27419-6969) for operation of a Facility State-only Synthetic Minor Operating Permit for operation of a Textile and fabric finishing mill in Pine Grove Borough, **Schuylkill County**.

54-00044: Middleport Materials, Inc. (P. O. Box 189, Telford, PA 18969) for operation of a Facility State-only Natural Minor Operating Permit for operation of a portable cone crusher in Walker Township, **Schuylkill County**.

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

06-03059: Charles Evans Cemetery Corp. (1119 Centre Avenue, Reading, PA 19606) for operation of two crematory units in the City of Reading, **Berks County**. This is a permit renewal of their existing operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-03019: Allied Veterinary Cremation, LTD (719 Woodlawn Road, Palmyra, PA 17078-9734) for operation of three crematories in South Londonderry Township, **Lebanon County**. This is a permit renewal of their existing operating permit. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

03-00026A: Eljer, Inc. (1301 Eljer Way, Ford City, PA 16226) for plumbingware manufacturing at Ford City Plant in Ford City, **Armstrong County**. This is a renewal application changing from a Title Five to a Synthetic Minor.

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

10-00152: Triangle Gasoline Co. (1100 North Main Street Extension, Butler, PA 16001-1958), to issue a renewal of the State-only Operating Permit for the bulk gasoline (three gasoline storage tanks) with vapor recovery system in Butler Township, **Butler County**.

20-00262: Generant Co., Inc. (18254 Technology Drive, Meadville, PA 16335) for a re-issuance of a Natural Minor Permit to operate a valves and pipe fittings manufacturing facility in the City of Meadville, **Crawford County**. The significant sources included: 1) Passivation and Brass bright dip line; 2) Lubrication booth; and 3) Miscellaneous degreaser units (2). This

facility is a natural minor because the emission levels for the affected pollutants are lower than the Title V threshold limits.

20-00272: Universal Stainless & Alloy Products, Inc. (121 Caldwell Street, Titusville, PA 16354) for re-issuance of a Natural Minor Permit to operate a cold rolling steel mill facility in the City of Titusville, **Crawford County**. The significant sources are included: 1) Rolling mill; 2) Annealing furnace; 3) Dip tank heater; 4) Vacuum pumps; 5) Grinding room; 6) Mold cleaning unit; 7) Miscellaneous natural gas usage; and 8) Degreaser units (4).

25-00958: Ridg-U-Rak, State Line Plant (12340 Gay Road, North East, PA 16428) for re-issuance of a State-only, Natural Minor Operating Permit to operate a Metal Shelving Manufacturing Facility in North East Township, **Erie County**. The emissions from this facility have been reduced to well below major source levels.

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. PA0041785, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201-9642), to revise the permit for the Mine 78 in Adams and Richland Townships, **Cambria County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 4,789.0, Subsidence Control Plan Acres Proposed 4,789.0. No additional discharges. Application received August 2, 2007.

Permit Number 03861601 and NPDES Permit No. PA0215449, McVile Mining Company (301 Market

Street, Kittanning, PA 16201), to renew the permit for the McVile Coal Preparation Plant in South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received October 10, 2007.

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

33070108 and NPDES Permit No. PA0258474. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in McCalmont Township, **Jefferson County** affecting 40.0 acres. Receiving streams: Six UNTs to Little Sandy Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received October 30, 2007

<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.

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

30070603. H & H Stone Co., LLC (P. O. Box 66, Blacksville, WV 26521). Application for commencement, operation and reclamation of a noncoal surface mine, located in Perry Township, **Greene County**, affecting 15 acres. Receiving streams: UNTs to Black Run and Hackelbender Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received October 10, 2007.

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

58070847. Victor R. Stanley (R. R. 5, Box 199, Montrose, PA 18801), Stage I and II bond release for a quarry in Rush Township, **Susquehanna County** affecting 3.0 acres on property owned by William Walters. Application received October 26, 2007.

8275SM5C7 and NPDES Permit No. PA0595381. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Cocalico Township, **Lancaster County**, receiving stream: Stony Run, classified for the following use: WWF. Application received October 31, 2007.

58910301C4 and NPDES Permit No. PA0595454. F. S. Lopke Contracting, Inc. (3430 SR 434, Apalachin, PA 13732), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Forest Lake Township, **Susquehanna County**, receiving stream: UNT to Middle Branch of Wyalusing Creek,

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

54851336R4 and NPDES Permit No. PA0223328. Summit Anthracite, Inc. (196 Vista Road, Klingerstown, PA 17941), renewal of an anthracite underground mine operation and NPDES Permit for discharge of mine drainage in Porter and Frailey Townships, **Schuylkill County** affecting 22.8 acres, receiving stream: Good Spring Creek. Application received October 22, 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:

classified for the following uses: CWF and WWF. Application received October 31, 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

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

E58-275. Charles R. Horvath, 4 Musconetcong Avenue, Hopatcong, NJ 07843, in Jackson Township, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a bridge, having a 21-foot span and a 5-foot underclearance, across Tunkhannock Creek (CWF). The project also includes a second bridge, having a 38-foot span and a 7-foot underclearance, across a tributary Tunkhannock Creek (CWF). The project is located off of SR 0092 approximately 0.2 mile south of intersection of SR 0092 and SR 0492 (Thompson, PA Quadrangle N: 15.6 inches; W: 12.3 inches).

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

E10-440. Butler County Commissioners, P. O. Box 1208, Butler, PA 16003-1208. T-323 Evergreen Mill Road Bridge Replacement, in Jackson Township, **Butler County**, ACOE Pittsburgh District (Evans City, PA Quadrangle N: 40° 48' 5"; W: 80° 6' 17").

To remove the existing single span pony truss bridge having a clear span of 83.0', a curb to curb width of 19.67', a minimum vertical underclearance of 11.76' on an 89° skew and to construct and maintain a pre-stressed concrete spread box beam bridge having a clear span of 90.0', a curb to curb width of 30.0' a minimum vertical clearance of approximately 12' and a skew of 90° carrying T-323 (Evergreen Mill Road) across the Little Conoquenessing Creek (CWF) 0.2 mile west of the intersection of Hartman and Evergreen Mill Roads.

E43-344. Douglas E. Thomas, 310 Diamond Road, Grove City, PA 16127. Cranberry Village Cul-De-Sac, in Pine Township, **Mercer County**, ACOE Pittsburgh District (Grove City, N: 40° 10' 57"; W: 80° 05' 40" inches).

The applicant proposes to construct and maintain two cul-de-sacs in the Cranberry Village Plan of lots at the ends of Blueberry Lane approximately 0.3 mile NE of the intersection of Gasper and Cranberry Roads involving: 1) to fill two PEM wetlands having areas of 0.14 acre and 0.04 acre respectively, and 2) to construct and maintain 0.37 acre of PEM wetland adjacent to an existing stormwater management pond. The project proposes to directly impact 0.18 acre of PEM wetland and to mitigate 0.37 acre of PEM wetland.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D15-411. Fat Chance Farm, 1340 Doe Run Road, Coatesville, PA 19320. To modify, operate and maintain Fat Chance Farm Dam across a tributary to Buck Run, (HQ-CWF), for the purpose of repairing a partially breached dam used for recreation (Coatesville, PA Quadrangle N: 5.1 inches; W: 6.85 inches) in West Marlboro Township, **Chester County**.

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 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

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>
PA0063487 (Minor Sewage)	Northside Heights Mobile Home Estates, Inc. 97 Sam Brooke Circle Lehighton, PA 18235-4226	East Penn Township Carbon County	UNT to Lizard Creek 02B	Y
PA0035611 (Minor Sewage)	Department of Transportation P. O. Box 3060 Harrisburg, PA 17105-3060	Lenox Township Susquehanna County	UNT of East Branch Tunkhannock Creek 4F	Y
PA0065170 (Minor Sewage)	Wolfington Companies Greystone—Benton I, LP 920 Matsonford Road West Conshohocken, PA 19428	Benton Township Lackawanna County	UNT to South Branch Tunkhannock Creek 5A	Y

Note: This facility was previously permitted to Northrop Grumman Corporation under NPDES Permit No. PA-0061484. Draft contains Chesapeake Bay Nutrient Monitoring Requirements.

<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>
PA0021580	Borough of Catasauqua 118 Bridge Street Catasauqua, PA 18032-2598	Catasauqua Borough Lehigh County	Lehigh River 2C	N

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>
PA0001201 Industrial Waste	Powerex, Inc. 173 Pavilion Lane Youngwood, PA 15697-1800	Westmoreland County Hempfield Township	Sewickley Creek	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. PA0036978 I, Amendment No. 1, Sewage, **Telford Borough Authority**, 122 Penn Avenue, Telford, PA 18969-1912. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to change copper limitation the discharge will be to Indian Creek in Watershed 3E.

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

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

WQM Permit No. 3206202, Industrial Waste, **Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701. This proposed facility is located in Center Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of two coal pile runoff treatment ponds.

WQM Permit No. 0207404, Sewerage, **West Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088. This proposed facility is located in West Elizabeth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sanitary sewer lines.

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

WQM Permit No. WQG018581, Sewerage, **Paul E. and Sharon A. Becker**, 8911 Old French Road, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie 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>
PAI011505058A1	LTK Associates, LP 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek HQ-TSF
PAI011506098	Malvern Hill Associates, LP 2701 Renaissance Boulevard Fourth Floor King of Prussia, PA 19406	Chester	East Whiteland Township	Little Valley Creek EV

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>
PAI025206007	Blue Heron, LLC 205 Windsor Way Moscow, PA 18444	Pike	Blooming Grove, Lackawaxen and Palmyra Townships	Decker Creek HQ-CWF, MF Blooming Grove Creek HQ-CWF, MF
PAI024807005	William Schneck 1330 South Fountain Street Apartment 2 Allentown, PA 18103	Northampton	Williams Township	Frya Run HQ-CWF, MF
PAI024005006	Land View Properties, Inc. 5 Manorview Drive Dallas, PA 18612	Luzerne	Bear Creek Village Borough	Bear Creek HQ-CWF
PAI024507005	Franconia Mennonite Camp Association, Inc. R. R. 1 Box 605 Canadensis, PA 18325-9749	Monroe	Barrett Township	Spruce Mountain Run HQ-CWF Tributary to Brodhead Creek HQ-CWF
PAI024806037	Polaris Dozen by its General Partner Polaris Properties, Inc. 7562 Penn Drive Allentown, PA 18106	Northampton	Hanover Township	Monocacy Creek HQ-CWF
PAI024505020	611 Commercial, Inc. R. R. 5 Box 5138A Stroudsburg, PA 18360	Monroe	Hamilton Township	McMichaels Creek HQ-CWF
PAI025205008	Krise Bus Service, Inc. 1325 Scotland Avenue Ext. Punxsutawney, PA 15767	Pike	Delaware Township	Adams Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033607008	Department of Transportation Engineering District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Lancaster	West Sadsbury Township	Pine Creek-Pine Creek Watershed TSF-MF

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 Nonexceptional 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>
Caln Township Chester County	PAG2001506078	Ken Socie 788 Tree Lane West Chester, PA 19380	Beaver Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Londonderry Township Chester County	PAR10G491R	Brian Campbell 402 Bayard Road Suite 100 Kennett Square, PA 19348	UNT Doe Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pocopson Township Chester County	PAG2001507050	BHO Investors, LP 20 Davidson Road West Chester, PA 19382	West Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107033	Progress Trust, Inc. 1501 North Broad Street Philadelphia, PA 19122	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106027	Bustleton Partners By Kimco c/o Kimco Realty Corporation 170 West Redgley Road Suite 210 Lutherville, MD 21093	Pennypack Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Glendon Borough Northampton County	PAG2004807018	Chrin Land Developers Attn: Gregory Chrin 635 Industrial Drive Easton, PA 18042	Lehigh River WWF	Northampton County Conservation District (610) 746-1971

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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>
City of Harrisburg Dauphin County	PAG2002207049	Joseph V. Link City of Harrisburg 123 Walnut Street Suite 212G Harrisburg, PA 17101-1695	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002207051	Glenn Chandler The Salvation Army 3650 Vartan Way Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Washington Township Franklin County	PAG2002807031	Bruce and Janis Foster 7780 Lyons Road Waynesboro, PA 17268	East Branch of Antietam Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Hamilton Township Franklin County	PAG200280687	Whiskey Run Vista Edwin Martin D-111, LLC 4961 Cumberland Highway Chambersburg, PA 17202	UNT Back Creek TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074 Ext. 5
Colebrookdale Township Berks County	PAG2000607027	Wayne Rosen Danny Jake Corp. 3625 Welsh Road Willow Grove, PA 19090	Swamp Creek CWF	Berks County Conservation Dist. 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Spring Township Berks County	PAG2000606025	Peter W. Carlino Carlino Development Group 875 Berkshire Boulevard Suite 102 Wyomissing, PA 19610	Cacoosing Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Spring Township Berks County	PAG2000607056	Pastor Brian Koch Glad Tidings Assembly of God Church 1110 Snyder Road West Lawn, PA 19609-1151	Cacoosing Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Exeter Township Berks County	PAG20006060811	Terry Manmiller Maidencreek Plaza Co. c/o Georgio Foods 1161 Park Road Reading, PA 19605	Trib. to Monocacy Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201

<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>
Ephrata Borough Lancaster County	PAG2003607049	Ephrata United Zion Church 408 East Fulton Street Ephrata, PA 17522	UNT to Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Lampeter Township Lancaster County	PAG2003607057	Ken Hornbeck P. O. Box 10008 Lancaster, PA 17605	Stauffer Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Mount Joy Borough Lancaster County	PAG2003607066	W. Lee Shertzer 76 Rosewood Drive Leola, PA 17540	Chiques Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Rapho Township Lancaster County	PAG2003607080	John A. Brubaker, Sr. 1093 Rettew Mill Road Ephrata, PA 17522	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Ephrata Township Lancaster County	PAG2003607081	Reading Road Corporation 529 Stevens Road Ephrata, PA 17522	UNT to Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
East Hempfield Township Lancaster County	PAG2003607082	STOBRO Co., LP P. O. Box 1500 Lititz, PA 17543	Brubaker Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003607085	Vision Property Mgmt./Legacy Home 245 Centerville Road Lancaster, PA 17603	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Bradford County South Creek Township	PAG2000807007	Francis Black Pennsylvania 4 Sector 2 Ltd. Partnership d/b/a Verizon Wireless 175 Calkins Road Rochester, NY 14623	Seeley Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6
Clearfield County City of Dubois Sandy Township	PAG2001707017	Rescar Companies, Inc. 450 Osborn Avenue DuBois, PA 15801	Sandy Lick Creek TSF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

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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>
Armstrong County North Buffalo Township	PAG2000307007	North Buffalo Township 149 McHaddon Road Kittanning, PA 16201	Glade Run TSF	Armstrong County CD (724) 548-3425
Somerset County Somerset Township	PAG2005607010	The Bowlby Family Limited Partnership 369 Cannel Drive Somerset, PA 15501	UNT to Coxes Creek WWF	Somerset County CD (814) 445-4652
Erie County City of Erie	PAG2002507017	Hamot Bayview Medical Office Building Hamot Medical Center 201 State Street Erie, PA 16550	Lake Erie CWF	Erie Conservation District (814) 825-6403
<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>
West Hazleton Borough Luzerne County	PAR232211	The Dial Corporation 125 Jaycee Drive West Hazleton, PA 18202	Black Creek CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Scranton City Lackawanna County	PAR232236	CPG International 801 Corey Street Scranton, PA 18505	Lackawanna River WWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Bedford County Bedford Township	PAR803649	Schneider National Carriers (064) P. O. Box 2545 Green Bay, WI 54306-2545	Dunning Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Amity Township	PAR603544	Chuck's Auto Salvage, Inc. 6867 Boyertown Pike Douglassville, PA 19518	UNT Manatawny Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Bern Township	PAR803612	Roadway Express, Inc. (Leesport Facility) 1077 Gorge Boulevard Akron, OH 44309	UNT Schuylkill River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Oakmont Borough Allegheny County	PAR116103	Triangle Circuits of Pittsburgh 931 Third Street Oakmont, PA 15139-1939	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Erie Erie County	PAR208368	Erie Press Systems, Inc. 1253 West 12th Street Erie, PA 16501	East Branch of Cascade Creek	DEP—NWRO Water Management 230 Chestnut Street Meadeville, PA 16335-3481 (814) 332-6942
East Lackawannock Township Mercer County	PAG048871	Thomas L. Waterloo 46 Autumn Drive Mercer, PA 16137-3104	UNT to Neshannock Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadeville, PA 16335-3481 (814) 332-6942

<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>
Shenango Township Mercer County	PAG048510	Robert W. Cheney 145 Grange Road New Wilmington, PA 16142-2123	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summit Township Erie County	PAG049381	Paul E. and Sharon A. Becker 8911 Old French Road Erie, PA 16509	LeBoeuf Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG048878	Andrea J. Weider 141 Watters Station Road Evans City, PA 16033	UNT to Breakneck Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<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>
City of Johnstown Cambria County		Redevelopment Authority for the City of Johnstown 241 Asphalt Road Johnstown, PA 15901	King Farm	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

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

Operations Permit issued to **Henrietta Mutual Water Association**, 4070026, North Woodbury Township, **Blair County** on October 23, 2007, for the operation of facilities approved under Construction Permit No. 0706502.

Permit No. 6706514, Public Water Supply.

Applicant	Dillsburg Area Authority
Municipality	Carroll Township
County	York
Type of Facility	Construction of Well No. 7 at 320 gpm with disinfection.
Consulting Engineer	William A. LaDieu CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued:	October 31, 2007

Permit No. 3606501, Public Water Supply.

Applicant	City of Lancaster— Susquehanna Water Treatment Plant
Municipality	West Hempfield Township
County	Lancaster

Type of Facility Installation of a membrane filtration system to replace the existing Susquehanna filtration plant.

Consulting Engineer Jason D. Wert, P. E.
Herbert Rowland & Grubic, Inc.
474 Windmere Drive
State College, PA 16801

Permit to Construct Issued: October 26, 2007

Permit No. 2806505, Public Water Supply.

Applicant **D-111 Group, LLC**

Municipality Hamilton Township

County **Franklin**

Type of Facility This is for a new PWS that will serve the Whiskey Run System. The system will consist of three wells, treatment consists of disinfection and greensand filtration for iron and manganese removal, finished water storage and distribution.

Consulting Engineer Lance S. Kegerreis, P. E.
Dennis E. Black Engineering, Inc.
2400 Philadelphia Avenue
Chambersburg, PA 17201

Permit to Construct Issued: October 15, 2007

Permit No. 0507502, Minor Amendment, Public Water Supply.

Applicant **Coaldale Six Mile Run Water Corporation**

Municipality Broad Top Township

County **Bedford**

Type of Facility This project includes the replacement of an existing well pump and installation of a new manganese greensand filtration system, new 37,000-gallon finished water storage tank, new grating railing for the slow sand system and a sand cleaning system.

Consulting Engineer Steve Sesack, P. E.
EADS
450 Aberdeen Drive
Somerset, PA 15501

Permit to Construct Issued: October 22, 2007

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

Permit No. 6430819, Public Water Supply.

Applicant **Signature Aluminum, Inc.**

Borough or Township Sugar Grove Township

County **Mercer County**

Type of Facility Permitted Noncommunity, Nontransient Water Supply

Consulting Engineer Dennis A. DeSilvey, P. E.
Creative Environmental Solutions, Inc.
211 Gearhart Road
Pulaski, PA 16143

Permit to Construct Issued: October 31, 2007

Operations Permit issued to **Municipal Water Authority of Adams Township**, PWSID No. 5100141, Adams Township, **Butler County**. Operation Permit issued November 2, 2007, for the operation of Warrendale Road Booster Station, built according to the submitted plans and specifications as approved under Construction Permit 1006501, issued January 16, 2007.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Public Notice of Proposed Consent Order and Agreement

Macoby Creek Site, 1400 Spring Valley Road, East Greenville, Upper Hanover Township, PA

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101–6020.1305), has entered into a Prospective Purchaser Consent Order and Agreement with Roy Repco, for reimbursement of certain response costs incurred to remediate hazardous substances released and threatened to be released at the Macoby Creek HSCA Site, located at 1400 Spring Valley Road in East Greenville, Upper Hanover Township, PA (the site). This site was the former location of an electroplating operation. The Department has performed response actions, including an investigation of the site and proposes to remove contaminated soil and sediment on the site and dispose of it at a permitted facility. The Department's future response actions at the site may include the demolition of the onsite building and its foundation as well as groundwater monitoring on the site.

Roy Repco purchased the site. However, prior to his purchase of the site, he entered into an agreement with the Department to resolve his potential liability for reimbursement of certain response costs incurred to investigate and remediate hazardous substances on the site. The Department has determined that it is in the public interest to resolve its claim against Roy Repco. Therefore, Roy Repco has agreed to reimburse the Department for certain response costs in the amount of \$25,000 and shall receive contribution protection from claims related to his ownership of this property.

This notice is provided under section 1113 of HSCA (35 P. S. § 6020.1113), which states that, "settlement shall become final upon the filing of the Department's response to the significant written comments." The Consent Order and Agreement, which contains the specific terms of the agreement is available for public review and comment. The agreement can be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, located at 2 East Main Street, Norristown, PA 19401, by contacting either Mark Conaron, at (484) 250-5730 or Gina M. Thomas, Esquire at (484) 250-5930. Mark Conaron and Gina M. Thomas may also be contacted electronically at mconaron@state.pa.us and githomas@state.pa.us, respectively. A public comment period on the Consent Order and Agreement will extend for 60 days from today's date. Persons may submit written comments regarding the

agreement within 60 days from today's date, by submitting them to Mark Conaron at the previous address.

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.

DryJet Services, LLC, Hatboro Borough, **Montgomery County**. Jim Galasso, GJA Construction Inc., P. O. Box 1118, Glenside, PA 19038 has submitted a 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 Standard.

US Steel Fairless Works 71-Acre Parcel KPC, Fall Township, **Bucks County**. Jeffrey Smith, Langan Engineering and Env. Svc., Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corp., 600 Grant Street,

Pittsburgh, PA 15219 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Worth & Worth, LP, Doylestown Borough, **Bucks County**. Daniel Erdman, Keystone E-Sciences Group, Inc., 967 East Swedesford Road, Suite 300, Exton, PA 19341 on behalf of Steven Worth, Joyce McFalls, Worth & Worth, LP, 6263 Keller Church Road, Pipersville, PA 18947 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 Standard.

USPS Eastwick VMF, City of Philadelphia, **Philadelphia County**. Raymond Scheinfeld, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380 on behalf of Paul Purcell, US Postal Service, 4301 Wilson Boulevard, Suite 300, Arlington, VA 22203 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics. 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.

RR Donnelley, Lancaster City, **Lancaster County**. AMO Environmental Decisions, Inc., 4327 Point Pleasant Pike, Danboro, PA 18916, on behalf of RR Donnelley, 1375 Harrisburg Pike, Lancaster, PA 17601, submitted a Final Report concerning remediation of site groundwater contaminated with VOCs and nickel. The report is intended to document remediation of the site to the Statewide Health Standard.

Former Tyco Electronics (AMP) Terminix Property, Swatara Township, **Dauphin County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Tyco Electronics Corporation, P. O. Box 3608, MS 140-42, Harrisburg, PA 17105-3608, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to the Site-Specific Standard.

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

GTE (Former GTE Products Corporation, Titusville Facility), Oilcreek Township, **Venango County**. Malcolm Pirnie, 43 British American Boulevard, Latham, NY 12110 on behalf of GTE Operations Support Inc., One Verizon Way VC34W453, Basking Ridge, NJ 07920-1097 has submitted a Remedial Investigation and Final Report concerning remediation of site soils and site groundwater contaminated with CIS-1,2-dichloroethylene, tetrachloroethylene, trichloroethylene 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.

Canada Residence, New Hanover Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Carlos Caneda, Paul Moyer, 2452 and 2450 Swamp Pike, Gilbertville, PA 19525 has submitted a Final Report concerning the remediation of site soil and groundwater 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 October 19, 2007.

Yang Property, City of Philadelphia, **Philadelphia County**. Phil Gray, Phoenix Geoenvironmental, LLC, 445 Bethlehem Pike, Suite 108, Colmar, PA 18915 on behalf of Hang Yang, c/o Arch Realty, LLC, 1001 South 11th Street,

Philadelphia, PA 19147 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with MTB and other organics. The Remedial Investigation/Final Report was approved by the Department of Environmental Protection on October 9, 2007.

Unitog Rental Service Facility, Bristol Borough, **Bucks County**. Pete Milionis, ARCADIS, 6 Terry Drive, Suite 300, Newtown, PA 18940 on behalf of Craig Eckstein, Lester Clock, LLC, 420 Howell Street, Bristol, PA 19067 has submitted a Final Report concerning the remediation of site groundwater contaminated with other organics. The Final Report demonstrated attainment of the Site-Specific Standards and was approved by the Department of Environmental Protection on October 2007.

Essington Avenue Property Redevelopment Project, City of Philadelphia, **Philadelphia County**. Gerald Kirkpatrick, Env. Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Kevin Kyle, Essington Avenue, Partners, LLP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with VOCs and PAHs and metals. The Remedial Investigation/Cleanup Plan was approved by the Department of Environmental Protection on February 5, 2007.

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

Essroc Cement Company's Packhouse, Lower Nazareth Township, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002 submitted a Final Report (on behalf of his client, Essroc Cement Company, 3938 Nazareth Easton Highway, Nazareth, PA 18064), concerning the remediation of soils found to have been impacted by diesel fuel as a result of an accidental release. The report documented attainment of the Statewide Health Standard for soils and was approved on October 31, 2007. The proposed future use of the property will be nonresidential. Public notification was not required since the Final Report was submitted within 90 days of the release. Future use of the property will remain nonresidential.

Richard McGarr Residence, Bethlehem City, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002 submitted a Final Report (on behalf of his client, Richard McGarr, 617 Elmhurst Avenue, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking underground storage tank that had corrosive holes in it. The report documented attainment of the Statewide Health Standard and was approved on November 1, 2007.

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

Former Sell's Garage, Arendtsville Borough, **Adams County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Arendtsville Borough, P. O. Box 508, Arendtsville, PA 17303-0508, submitted a Baseline Environmental Report concerning the remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The report was approved by the Department of Environmental Protection on October 29, 2007.

Reading Jewish Community Center. City of Reading, **Berks County.** Hafer Environmental Services, Inc., P.O. Box 4418, Reading, PA 19606, on behalf of The Reading Jewish Community Center, 1700 City Line Street, Reading, PA 19604, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on November 5, 2007.

Ward Trucking/Shipleigh Oil, Lower Allen Township, **Cumberland County.** Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Ward Trucking, Inc., P. O. Box 1553, Altoona, PA 16603 and Shipleigh Group, P. O. Box 1509, York, PA 17405, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on October 29, 2007.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Number WMGR047. Excell Minerals, 357 North Pike Road, Sarver, PA 16055-8633. General Permit Number WMGR047 authorizes beneficial use of "residual aggregate" generated from the extraction of stainless steel from the stainless steel slag as an agricultural liming agent and as an ingredient in specialty fertilizers. The permit was renewed by Central Office on November 1, 2007.

Persons interested in reviewing the general permit should contact 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 should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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 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.

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 No. WMGM034D001. G.A.S. Access Pioneer Crossing Energy, LLC, 2809 Boston Street, Numbered 340, Baltimore, MD 21224. The

general permit WMGM034D001 is for the processing and beneficial use of landfill gas, generated at the Pioneer Crossing Landfill located in Exeter Township, **Berks County**, as an alternate fuel for the power generators installed at this landfill. The electricity produced will be transmitted to the local electric utility grid for consumers use. The general permit was issued by Central Office on September 19, 2007.

Persons interested in obtaining more information about the general permit application should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

46-310-068GP: Bencardino Excavating, Inc. (1423 Wells Drive, Bensalem, PA 19020-4469) on November 1, 2007, to operate a diesel—No. 2 fuel internal combustion unit in Upper Moreland Township, **Montgomery County.**

46-329-024GP: Bencardino Excavating, Inc. (1423 Wells Drive, Bensalem, PA 19020-4469) on November 1, 2007, to operate a portable nonmetallic mineral processing plant in Upper Moreland Township, **Montgomery County.**

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

40-310-072GP3: Mericle Construction, Inc. (East Mountain Corporate Center, 100 Baltimore Drive, Wilkes-Barre, PA 18702) on November 2, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Hazle Township, **Luzerne County.**

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

GP3-05-03014B: WSI Sandy Run Landfill (995 Landfill Road, Hopewell, PA 16650) on October 31, 2007, for Portable Nonmetallic Mineral Processing Plant under GP3 in Broad Top Township, **Bedford County.**

GP9-05-03014B: WSI Sandy Run Landfill (995 Landfill Road, Hopewell, PA 16650) on October 31, 2007, for Fuel-fired Internal Combustion Engines under GP9 in Broad Top Township, **Bedford County.**

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

GP3-57-06: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on October 3, 2007, to construct and operate a portable nonmetallic mineral processing plant under the "General Plan Approval And/Or General

Operating Permit For Portable Nonmetallic Mineral Processing Plants" (BAQ-PGPA/GP-3) at their Dushore Materials site in Cherry Township, **Sullivan County**.

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

GP-25-1014: Atlas Pipeline McKean, LLC—Union City Station (Glade Run Road, Union City, PA 16438) on October 23, 2007, for a natural gas fired compressor engine BAQ/GPA/GP-5 in Union City Borough, **Erie County**.

GP-42-203: Atlas Pipeline McKean, LLC—Hamilton Township Station (Forest Road 455, McKean, PA 16426) on October 23, 2007, for a natural gas fired compressor engine BAQ/GPA/GP-5 in Hamilton Township, **McKean County**.

GP-62-159: Great Lakes Energy Partners, LLC—Spring Creek Station (Collins and Gleason Hollow Roads, Spring Creek Township, PA 16436) on October 31, 2007, for a natural gas fired compressor engine BAQ/GPA/GP-5 in Springcreek Township, **Warren 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0021B: MRI Flexible Package Co. (122 Penns Trail, Newtown, PA 18940) On October 30, 2007, to operate eight colorflexographic presses in Newtown Township, **Bucks County**.

46-0020E: Superior Tube Company, Inc. (3900 Germantown Pike, Collegeville, PA 19426) on October 31, 2007, to operate two flush and blow booths in Lower Providence Township, **Montgomery County**.

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

01-05025D: Valley Quarries, Inc. (P. O. Box J, Chambersburg, PA 17201-0809) on November 1, 2007, to use No. 4 and No. 5 oils for their drum mix asphalt plant, Gettysburg Quarry, Cumberland Township, **Adams County**.

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

17-00017B: Rescar, Inc. (407 Brentwood Street, Channelview, TX 77530) on October 30, 2007, to construct a railcar interior surface coating operation, a railcar exterior surface coating operation, a surface coating equipment cleanup operation, a railcar interior and exterior abrasive blasting operation, a railcar cleaning operation and associated air cleaning devices (spray booth filters, two fabric collectors, a flare, a packed bed scrubber and a carbon adsorption system) in a railcar refurbishing facility in the City of Dubois, **Clearfield County**.

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

25-066F: Accuride Corp. (10156 12th Street, Erie, PA 16503) on October 29, 2007, to resubmit a plan approval for installation of a 2006 Heat Treat Line for producing Aluminum Truck Wheels at the Erie Facility in the City of Erie, **Erie County**.

42-184H: Keystone Powdered Metal Co. (8 Hanley Drive, Lewis Run, PA 16738) on October 26, 2007, to install an induction heat treater with a smog hog type control device at their facility in the Borough of Lewis Run, **McKean County**. This is not a Title V facility.

61-210B: Glenn O. Hawbaker, Inc. (1041 Stevenson Road, Harrisville, PA 16823) on October 25, 2007, to modify a stack testing condition in a plan approval to construct an asphalt plant that will burn alternative fuels at Glenn O. Hawbaker, Inc. Harrisville Plant in Barkeyville Township, **Venango 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0110B: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on October 30, 2007, to operate a material handling system in Bristol Township, **Bucks County**.

46-0011D: ISG Plate, LLC (900 Conshohocken Road, Conshohocken, PA 19428) On November 1, 2007, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on November 1, 2007, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

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

01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) on October 21, 2007, to construct a natural gas fired electric generating facility at their Hunterstown Station in Straban Township, **Adams County**. This plan approval was extended.

38-05027A: Reading Materials, Inc.—Lebanon Materials Division (P. O. Box 1467, Skippack, PA 19474-1467) on October 16, 2007, to convert the existing rotary dryer burner to be capable of burning No. 2 fuel oil, No. 4 fuel oil and On-Specification Waste Derived Liquid Fuel in addition to natural gas in North Annville Township, **Lebanon County**. This plan approval was extended.

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

41-00010E: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on October 25, 2007, to operate two 1,000 pound capacity iron and steel electric induction furnaces and associated air cleaning device (a fabric collector) on a temporary basis until February 22, 2008, in Muncy Borough, **Lycoming County**. The authorization has been extended.

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

56-00025F: New Enterprise Stone & Lime (P. O. Box 77, New Enterprise, PA 16664) on October 29, 2007, for secondary crusher/two screens at Bakersville Quarry in Jefferson Township, **Somerset County**. This is a Plan Approval Extension.

11-00516A: Fiberblade, LLC (Cambria County Industrial Park, South Complex Commerce Drive, Ebensburg, PA 15391) on October 31, 2007, for the Windmill Rotor Blade Manufacturing Facility at the Fiberblade Rotor Blade Manufacturing Facility, Cambria Township, **Cambria County**. This plan approval was extended.

32-00040B: Reliant Energy Seward, LLC (121 Champion Way, Canonsburg, PA 15317) on October 30, 2007, this Plan Approval was issued to authorize the construction a net nominal 521 MW electric generating facility to replace the existing 200 MW Seward Station in East Wheatfield Township, **Indiana County**. Reliant Energy is seeking to modify this Plan Approval to account for the emissions from a portable diesel powered air compressor to be used at the facility. The following changes will be made to Plan Approval 32-00040B:

- A new source will be added to the site inventory list as follows: No. 109—Diesel Engines—Diesel Powered Equipment < 500 BHP

- A new condition (No. 15B) will be added limiting diesel engine emissions at this facility as follows: Total NOx missions from Diesel Engines (Source 109) shall be limited to less than 100 lbs/hr, 1,000 lbs/day, 2.75 tons per ozone season and 6.6 tons in any consecutive 12-month period.

- The facility-wide emission limits will be adjusted to account for the emissions from the Diesel Engines. Condition No. 14 will appear as follows:

14. Potential emissions for the facility in any consecutive 12-month period shall be limited as follows (25 Pa. Code §§ 127.1 and 127.12b):

Pollutant	tons/year
NOx	3,367.5
PM10	311.3
SO ₂	13,383.3
CO	3,342.6
NM VOC (as propane)	115.4

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

24-123E: Veolia ES Solid Waste of North America (635 Toby Road, Kersey, PA 15846) on October 31, 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

23-00084: FPL Energy MH50, LP (100 Green Street, Marcus Hook, PA 19061-0426) on November 2, 2007, to renew the Title V Operating Permit in the Borough of Marcus Hook, **Delaware County**. The initial permit was issued on November 7, 2001. The facility is primarily used for providing steam to processes at the Sunoco Refinery and electrical energy to the grid. As a result of potential emissions of NOx, the facility is a major station-

ary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

28-05005: Frick Co., Inc. (100 Cumberland Valley Avenue, Waynesboro, PA 17268) on October 30, 2007, to operate their commercial refrigeration and air conditioning equipment plant in the Borough of Waynesboro, **Franklin County**. This is a renewal of the Title V operating permit.

36-05027: R. R. Donnelley & Sons Co. (216 Greenfield Road, Lancaster, PA 17601-5885) on October 26, 2007, to install a printing press (Goss S-3000) to replace an existing unit in the City of Lancaster, **Lancaster County**. This Title V Operating Permit was administratively amended to incorporate plan approval 36-05027H. This is revision No. 3.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.

41-00019: Specialized Vehicles Corp. (914 Saegers Station Road, Montgomery, PA 17752) on October 23, 2007, to operate a truck and trailer manufacturing facility in Clinton Township, **Lycoming County**.

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

65-00840: Dominion Transmission, Inc., (445 West Main Street, Clarksburg, WV 26302-2450) on October 31, 2007, for a Title V Operating Permit renewal for major sources of emissions which include two compressor engines, an auxiliary power generating engine, a boiler, a glycol dehydration system, miscellaneous storage tanks and emissions from facility pumps, valves, flanges, and the like at their South Oakford Compressor Station located in Hempfield Township, **Westmoreland 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.

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

06-05082: Dietrich's Milk Products, LLC (100 McKinley Avenue, Reading, PA 19605-2199) on October 31, 2007, to operate a dried milk manufacturing facility controlled by fabric collectors in Muhlenberg Township, **Berks County**. This is a renewal of the State-only operating permit.

07-03014: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) on October 29, 2007, to operate a stationary limestone crushing plant, three portable limestone crushing plants and a concrete plant in Taylor Township, **Blair County**.

07-05032: New Enterprise Stone & Lime Company, Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) on October 29, 2007, to operate an asphalt plant and associated equipment in Taylor Township, **Blair County**.

21-05051: PA State System of Higher Education—Shippensburg University (1871 Old Main Drive, Reed Operations Center, Shippensburg, PA 17257-2299) on October 30, 2007, for major sources of emissions including coal and natural gas fired boilers for steam and heat, which primarily emit NO_x in Shippensburg Borough, **Cumberland County**.

36-05151: Superior Finishing, LLC (78 West Main Street, Reinholds, PA 17569-9513) on October 26, 2007, to operate two wood furniture surface coating booths at their facility in West Cocalico Township, **Lancaster County**.

67-03094: Rocher, Inc.—d/b/a Del-Wood Kitchens, Inc. (1856 Dubs Church Road, Hanover, PA 17331-8581) on October 29, 2007, to operate their wood kitchen cabinet manufacturing facility in Manheim Township, **York County**. This is a renewal of the State-only operating permit.

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

12-00009: Fansteel—American Sintered Technologies (513 East Second Street, Emporium, PA 15834) on October 16, 2007, to operate a sintered metal parts manufacturing facility in Emporium Borough, **Cameron County**.

41-00073: Penn Recycling, Inc. (2525 Trenton Avenue, Williamsport, PA 17701) on October 16, 2007, to operate an automobile—metal shredding facility in the City of Williamsport, **Lycoming County**.

49-00058: Central Builders Supply Co. (P. O. Box 152, Sunbury, PA 17801) on October 23, 2007, to operate a sand and gravel processing facility in West Chillisquaque Township, **Northumberland County**.

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

20-00256: Weyerhaeuser Choicewood (1117 Skyline Drive, Titusville, PA 16354-1375) on October 30, 2007, for a reissuance Natural Minor Permit to operate a hardwood dimension and flooring mill at their facility in Oil Creek Township, **Crawford County**. The significant sources included miscellaneous natural gas combustion, miscellaneous woodworking operations, spray booth, loading trailer with sawdust and degreaser unit.

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

S03-004: Smith-Edwards-Dunlap Co. (2867 East Allegheny Avenue, Philadelphia, PA 19134) on November 5, 2007, to operate an offset lithographic printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eight nonheatset lithographic printing presses, one 150 HP No. 2 oil-fired boiler and one 18 HP No. 2 oil-fired boiler.

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.

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

19-00023: Impress USA, Inc. (936 Barracuda Street, Terminal Island, CA 90731) on October 31, 2007, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate conditions from Plan Approval 19-00023A for two can side stripe coating operations in South Centre Township, **Columbia County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Applications Returned

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

49070102. Luke Shingara Coal (297 East Ridge Road, Sunbury, PA 17801) commencement, operation and restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 15.0 acres, receiving stream: Zerbe Run. Application received October 1, 2007. Application returned October 31, 2007.

Coal Permits Actions

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

Permit Number 56950702 and NPDES Permit No. PA0214914, PBS Coals, Inc., (P. O. Box 260, Friedens, PA 15541), to renew the permit for the Cambria Refuse Disposal Area in Stonycreek Township, **Somerset County** and related NPDES permit. No additional discharges. Application received July 3, 2007. Permit issued November 1, 2007.

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

65910103 and NPDES Permit No. PA0592447. Calvin W. Hepler (R. D. 1, Box 224, Smithton, PA 15479). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in South Huntingdon Township, **Westmoreland County**, affecting 42.4 acres. Receiving streams: UNTs to Barren Run. Application received November 17, 2006. Renewal issued November 1, 2007.

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

16070102 and NPDES Permit No. PA0258288. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Toby Township, **Clarion County** affecting 182.3 acres. Receiving streams: UNTs to Black Fox Run and Black Fox Run, UNTs to Catfish Run and Catfish Run. Application received March 21, 2007. Permit issued October 31, 2007.

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

54850202R4 and NPDES Permit No. PA0614611. B-D Mining Company (10 Gilberton Road, Gilberton, PA 17934), renewal of an anthracite coal refuse reprocessing, refuse disposal and coal preparation facility in Gilberton and Shenandoah Boroughs, West Mahanoy and Mahanoy Townships, **Schuylkill County** affecting 1,590 acres, receiving stream: Mahanoy Creek. Application received June 29, 2005. Renewal issued October 31, 2007.

Noncoal Applications Returned

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

25900301. Lakeland Aggregates, Inc. (13053 SR 89, Wattsburg, PA 16442) Transfer of an existing sand and gravel operation from Hoover Sand & Gravel Co., Inc. in Venango Township, **Erie County** affecting 18.0 acres. Receiving streams: None. Application received May 3, 2007. Application returned November 1, 2007.

25950301. Lakeland Aggregates, Inc. (13053 SR 89, Wattsburg, PA 16442) Transfer of an existing sand and gravel operation from Hoover Sand & Gravel Co., Inc. in Venango Township, **Erie County** affecting 109.4 acres. Receiving streams: None. Application received May 3, 2007. Application returned November 1, 2007.

Noncoal Permits Actions

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

Permit 7573SM1 and NPDES Permit No. PA0592722, Hempt Brothers, Inc., 205 Creek Road, P. O. Box 278, Camp Hill, PA 17001-0278, renewal of NPDES Permit, Dickinson Township, **Cumberland County**. Receiving streams: Mountain Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 27, 2007. Permit issued October 25, 2007.

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

61880806. G. L. Adams Excavating (140 Adams Road, Polk, PA 16342-3102) Transfer of an existing small noncoal sand and gravel operation from G. L. Adams Excavating in Mineral Township, **Venango County** affecting 4.0 acres. Receiving streams: UNT to Sandy Creek. Application received October 15, 2007. Permit issued October 25, 2007.

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

40870301C7 and NPDES Permit No. PA0593818. Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dorrance Township, **Luzerne County**, receiving streams: Balliet Run and Wapwalopen Creek. Application received September 10, 2007. Renewal issued November 1, 2007.

7775SM6C5 and NPDES Permit No. PA0119121. Glen-Gery Corporation, (P. O. Box 7001, Wyomissing,

PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County**, receiving stream: UNT to Schuylkill River. Application received September 13, 2007. Renewal issued November 1, 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.

44074104. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for manure pit development in Union Township, **Mifflin County**. Blasting activity permit end date is December 20, 2007. Permit issued October 25, 2007.

28074153. Warrens Excavating & Drilling, Inc., blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is November 1, 2008. Permit issued October 26, 2007.

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

13074108. Silver Valley Drilling & Blasting, Inc., (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for a single dwelling in Lower Towamensing Township, **Carbon County** with an expiration date of October 17, 2008. Permit issued October 27, 2007.

15074123. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Cowan Estates in Sadsbury Township, **Chester County** with an expiration date of October 31, 2008. Permit issued October 27, 2007.

35074134. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), construction blasting for Circuit City in Covington Township, **Lackawanna County** with an expiration date of August 30, 2008. Permit issued October 27, 2007.

35074135. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cherry Ridge in Newton Township, **Lackawanna County** with an expiration date of November 30, 2008. Permit issued October 27, 2007.

35074136. ER Linde Construction Corp., (9 Collan Park, Honesdale, PA 18431), construction blasting for Golden Oakes Estates in Covington Township, **Lackawanna County** with an expiration date of October 15, 2008. Permit issued October 27, 2007.

40074137. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for single dwelling in Lehman Township, **Luzerne County** with an expiration date of January 30, 2008. Permit issued October 27, 2007.

45074155. Silver Valley Drilling & Blasting, Inc., (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Sunrise Village in Smithfield Township, **Mon-**

roe County with an expiration date of October 18, 2008. Permit issued October 27, 2007.

46074124. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Cheswold Estate in Towamencin Township, **Montgomery County** with an expiration date of December 31, 2008. Permit issued October 27, 2007.

35074003. John Brainard, (R. R. 1, Box 275, Kingsley, PA 18826), construction blasting for John Stagus House Foundation in Benton Township, **Lackawanna County** with an expiration date of December 31, 2007. Permit issued October 31, 2007.

06074129. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Reedy Estates in Spring Township, **Berks County** with an expiration date of November 1, 2008. Permit issued October 31, 2007.

09074126. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Country Meadows Estates in Bedminster Township, **Bucks County** with an expiration date of December 31, 2008. Permit issued October 31, 2007.

360741116. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a manure pit in Earl Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued October 31, 2007.

38074125. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Swiss Dairy in West Cornwall Township, **Lebanon County** with an expiration date of November 1, 2008. Permit issued October 31, 2007.

40074136. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Ramblewood Estates in Dennison Township, **Luzerne County** with an expiration date of November 30, 2008. Permit issued October 31, 2007.

46074125. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Savani Circle in Horsham Township, **Montgomery County** with an expiration date of October 10, 2008. Permit issued October 31, 2007.

64074112. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in Lake Township, **Wayne County** with an expiration date of January 30, 2008. Permit issued October 31, 2007.

46074004. Explo-Craft, Inc., (P. O. Box 1332, West Chester, PA 19380), construction blasting at the WaWa Site/1860 Collegeville Avenue in Upper Providence Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued November 1, 2007.

35074137. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for a single dwelling in South Abington Township, **Lackawanna County** with an expiration date of February 28, 2008. Permit issued November 1, 2007.

39074128. Allan A. Myers, Inc. d/b/a Independence Construction Materials, (P. O. Box 98, Worcester, PA 19490), construction blasting for Alburdis Crossing in Lower Macungie Township, **Lehigh County** with an expiration date of October 1, 2008. Permit issued November 1, 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

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

E19-263. Bloomsburg Municipal Authority, 301 East Second Street, Bloomsburg, PA 17815. Wastewater Treatment Plant Upgrade, in the Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle N: 41° 59' 12"; W: 76° 27' 26").

Construct and maintain several structures as part of the wastewater treatment plant upgrade. The structures are located within the existing facility boundary. The structures include a new Filter Building, a new Blower

Building, a new flocculation Tank, a new Return Sludge Pumping Station and additions to the Chlorine Contact Tanks and the Control Building. The structures should total approximately 0.20 acre and 2,834 cubic yards of permanent impact to the Susquehanna River Floodway. According to the HEC-RAS Analysis for this site, there should be no change in flood elevations for the surrounding Town of Bloomsburg as a result of this project. This permit was issued under section 105.13(e) "Small Projects."

E59-482. Betterment Organization of Mansfield (BOOM), 46 North Academy Street, Mansfield, PA 16933. Water Obstruction and Encroachment Permit for a culvert crossing and wetland impacts associated with the Tioga County I-99 Business Park, in the Borough of Mansfield, **Tioga County**, ACOE Baltimore District (Mansfield, PA Quadrangle N: 41° 48' 5"; W: 77° 5' 15").

To construct and maintain a single span concrete arch culvert with clear span of 16 feet, a width of 112 feet and a minimum underclearance of 8 feet on a skew of 84° over Ellen Run. The project proposes to permanently impact 0.992 acre of wetlands while impacting 150-feet of waterway. The construction and maintenance of 1.845 acres of replacement wetland shall be performed as a requirement of this permit; an additional 2.325 acres of existing wetland shall be restricted from future impacts. The project is located along the eastern right-of-way of SR 6015 approximately 1.0-miles east of SR 0006 and SR 0015 intersection.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E25-404B, Erie—Western Pennsylvania Port Authority, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie—Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District and **E25-581, Erie—Western Pennsylvania Port Authority**, 208 East Bayfront Parkway, Suite 201, Erie, PA 16507-2405. Erie—Western Pennsylvania Port Authority Facility Maintenance Dredging Amendment Request in the City of Erie, **Erie County**, ACOE Pittsburgh District (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches).

The applicant is requesting an amendment to Permit No. E25-404A which authorizes the Erie—Western Pennsylvania Port Authority to perform maintenance dredging at the following in and along Presque Isle Bay and Lake Erie in the City of Erie, Erie County:

1. Chestnut Street launch ramp (Erie North, PA Quadrangle N: 1.25 inches; W: 13.25 inches).
2. West Canal Basin (Erie North, PA Quadrangle N: 2.0 inches; W: 12.2 inches).
3. East Canal Basin (Erie North, PA Quadrangle N: 2.4 inches; W: 12.3 inches).
4. Erie Marine, Inc., dock (Erie North, PA Quadrangle N: 2.5 inches; W: 11.7 inches).
5. The "ore dock" (Erie North, PA Quadrangle N: 2.6 inches; W: 11.3 inches).
6. Erie International Marine Terminal (Erie North, PA Quadrangle N: 4.5 inches; W: 11.0 inches).
7. Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches).

8. East Avenue launch ramp (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches).

9. Perry's Landing Marina between Piers I and II (Erie North, PA Quadrangle N: 0.7 inch; W: 15.0 inches) and between Piers II and III (Erie North, PA Quadrangle N: 0.7 inch; W: 14.7 inches) totaling approximately 10 acres.

10. Bay Harbour Marina (Erie North, PA Quadrangle N: 1.0 inch; W: 14.4 inches) approximately 6 acres.

11. Commodore Perry Yacht Club (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) approximately 14 acres.

12. Cherry Street Marina (Erie North, PA Quadrangle N: 1.1 inches; W: 13.9 inches) approximately 9 acres.

13. Walnut Street Marina (Erie North, PA Quadrangle N: 1.3 inches; W: 13.7 inches) approximately 7 acres.

14. Jolly Rodgers Marina (Erie North, PA Quadrangle N: 1.4 inches; W: 13.5 inches) approximately 14 acres.

15. Chestnut Street Marina (Erie North, PA Quadrangle N: 1.6 inches; W: 13.3 inches) approximately 4 acres.

16. Sassafras Street Pier, two locations (Erie North, PA Quadrangle N: 1.9 inches; W: 13.0 inches) and (Erie North, PA Quadrangle N: 2.3 inches; W: 12.9 inches) totaling approximately 6 acres.

17. Holland Street Pier (Erie North, PA Quadrangle N: 2.2 inches; W: 11.9 inches) approximately 3 acres.

18. Grain Elevator Slip (Erie North, PA Quadrangle N: 2.6 inches; W: 11.7 inches) approximately 5 acres.

19. Graving Dock Slip (Dry Dock) (Erie North, PA Quadrangle N: 2.7 inches; W: 11.5 inches) approximately 3 acres.

20. Access area to Grain Elevator Slip, Graving Dock (Dry Dock) Slip and Coal Ore Dock Slip ("ore dock") (Erie North, PA Quadrangle N: 3.1 inches; W: 11.6 inches) approximately 10 acres.

Special Condition C of Permit E25-404A requires the permittee to obtain individual Federal Water Pollution Control Act, Section 401 Water Quality Certification from the Department of Environmental Protection (Department) for disposal of dredged material into the United States Army Corps of Engineers Confined Disposal Facility prior to each dredging and disposal event.

Special Condition D of Permit E25-404A requires the following: Prior to any dredging activity, all dredged material for disposal into the CDF shall be sampled and tested, in situ, in accordance with Attachment A, "Sample Collection and Testing Protocol." The permittee shall notify the Water Quality Manager of the Department's Northwest Region Office at least 10 days prior to the anticipated date of in situ sampling. To support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay, the permittee shall provide for review and approval the request for Section 401 Water Quality Certification to the Water Quality Manager of the Department's Northwest Region Office including a work schedule to contain the following information:

1. The facility to be dredged.
2. The extent to which the facility is to be dredged (that is, entire facility, specific area, spot removal, and the like).

3. An estimate of the amount of material to be removed.

4. Results of sampling and testing of the material to be dredged.

5. Method to be used to dredge.

6. Disposal area where dredge material is to be sent.

Items 1—4 of Attachment A require the following:

1. Prior to dredging, a grid pattern will be established from the area to be dredged for the collection of samples from the undisturbed bottom sediments of the area to be dredged.

2. A total composite sample volume of 2 gallons is required for dredging amounts up to 500 cubic yards. The total composite sample will be obtained from one grab sample for each 50 cubic yards of material to be dredged, up to 500 cubic yards (ten grab samples).

3. For dredging between 500 and 1,000 cubic yards of material, two composite samples, each having a volume of 2 gallons, will be obtained with one grab sample for each 50 cubic yards of material for half of the total volume to be dredged. For example, if the total volume to be dredged is 800 cubic yards, then two composite samples will be collected with each 2-gallon composite sample consisting of eight grab samples of 0.25 gallon.

4. For dredging in excess of 1,000 cubic yards of material, follow the sampling requirements of items 2 and 3 mentioned previously.

The amendment to Permit No. E25-404A would authorize the Erie—Western Pennsylvania Port Authority to perform maintenance dredging at the following in and along Presque Isle Bay and Lake Erie in the City of Erie, Erie County in the following management units (See attached Management Unit Inventory, received by the Department on March 12, 2007, for further description of the units):

1. Perry's Landing Marina (Erie North, PA Quadrangle N: 0.7 inch; W: 15.0 inches) approximately 10 acres.

2. Bay Harbour Marina (Erie North, PA Quadrangle N: 1.0 inch; W: 14.4 inches) approximately 6 acres.

3. Commodore Perry Yacht Club (Erie North, PA Quadrangle N: 1.1 inches; W: 14.1 inches) approximately 14 acres.

4. Cherry Street Marina (Erie North, PA Quadrangle N: 1.1 inches; W: 13.9 inches) approximately 9 acres.

5. Walnut Street Marina (Erie North, PA Quadrangle N: 1.3 inches; W: 13.7 inches) approximately 7 acres.

6. Jolly Rodgers Marina (Erie North, PA Quadrangle N: 1.4 inches; W: 13.5 inches) approximately 14 acres.

7. Chestnut Street Marina (Erie North, PA Quadrangle N: 1.6 inches; W: 13.3 inches) approximately 4 acres.

8. Sassafras Street Pier (Erie North, PA Quadrangle N: 2.3 inches; W: 12.9 inches) approximately 6 acres.

9. West Canal Basin (Erie North, PA Quadrangle N: 2.2 inches; W: 12.2 inches) approximately 7 acres.

10. East Canal Basin (Erie North, PA Quadrangle N: 2.4 inches; W: 12.0 inches) approximately 12 acres.

11. Dobbins Landing (Erie North, PA Quadrangle N: 2.4 inches; W: 12.3 inches) approximately 15 acres.

12. Holland Street Pier (Erie North, PA Quadrangle N: 2.2 inches; W: 11.9 inches) approximately 3 acres.

13. Grain Elevator Slip (Erie North, PA Quadrangle N: 2.6 inches; W: 11.7 inches) approximately 5 acres.

14. Graving Dock (Dry Dock) (Erie North, PA Quadrangle N: 2.7 inches; W: 11.5 inches) approximately 3 acres.

15. Access for Dry Dock (Erie North, PA Quadrangle N: 3.1 inches; W: 11.6 inches) approximately 10 acres.

16. Coal/Ore dock (Erie North, PA Quadrangle N: 2.6 inches; W: 11.3 inches) approximately 4 acres.

17. Captain John E. Lampe Marina (Erie North, PA Quadrangle N: 4.2 inches; W: 10.0 inches) approximately 7 acres.

18. East Avenue Boat Launch (Erie North, PA Quadrangle N: 3.6 inches; W: 8.9 inches) approximately 2 acres.

19. Erie International Marine Terminal/Mountfort Terminal (Erie North, PA Quadrangle N: 4.5 inches; W: 11.0 inches) approximately 14 acres.

The proposed amendment would replace the Special Conditions to:

A. This permit authorizes maintenance dredging in order to maintain the dredging management units in their original configuration. The management units are described in the "Management Unit Inventory," received by the Department of March 12, 2007, and attached to this permit. The Management Unit Inventory consists of a dredging table and Czop/Specter Inc. Drawing C-101 dated January 23, 2007. Changes to the "Management Unit Inventory" or modifications to management units listed on the "Management Unit Inventory" must be approved in writing by the Department.

B. Dredging shall only take place from October 1 through May 15 unless authorized in writing by the Department.

C. This permit authorizes disposal of dredged material to the Erie Harbor Confined Disposal Facility in accordance with this condition of this permit and the conditions of DEP Permit No. E25-581.

1. Except as provided in C(3) below, management units dredged between January 1, 1998 and the date of issuance of this permit amendment where elutriate data is available and individual Federal Water Pollution Control Act Section 401 Water Quality Certification has been issued by the Department shall not be required to receive additional individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for a period of 5 years from the issuance of this permit amendment.

The permittee shall notify the Department's Northwest Region Office in writing at least 10 days prior to the anticipated date of dredging and included a work schedule and contain the following information:

a. The management unit to be dredged.

b. The extent to which the management unit is to be dredged (that is, entire management unit, specific area, spot removal, and the like.) and the dimensions of the dredging and the elevation to which the unit is to be dredged.

c. An estimate of the amount of material to be removed.

d. Method to be used to dredge.

e. Disposal area where dredge material is to be sent.

Dredging shall not exceed the depth below low water datum at sites that were previously dredged.

2. Management units not dredged between January 1, 1998, and the date of issuance of this permit amendment or where individual Federal Water Pollution Control Act Section 401 Water Quality Certification issued after the date of issuance of this permit amendment has expired shall conduct "in situ" sediment sampling in accordance with Attachment A, "Sample Collection and Testing Protocol." The sample shall consist of a composite sample of ten individual samples per management unit.

The permittee shall notify Department's Northwest Region Office at least 10 days prior to the anticipated date of sampling. The permittee shall submit a report documenting the testing results and analysis to support a conclusion that the dredging and disposal of dredged material into the CDF will not degrade the water quality of Lake Erie or Presque Isle Bay with the request for individual Federal Water Pollution Control Act Section 401 Water Quality Certification to the Watershed Program Manager of the Department's Northwest Region Office for review and approval. This analysis should be conducted in accordance with attachment A. The report shall include a work schedule and contain the following information:

a. The management unit to be dredged.

b. The extent to which the management unit is to be dredged (that is, entire management unit, specific area, spot removal, and the like) and the dimensions of the dredging and the elevation to which the unit is to be dredged.

c. An estimate of the amount of material to be removed.

d. Method to be used to dredge.

e. Disposal area where dredge material is to be sent the material to be dredged.

f. Modeling of data and comparison to Water Quality Standards.

Individual Federal Water Pollution Control Act Section 401 Water Quality Certification for dredging these management units shall be granted for a period of 5 years from the date of issuance of Individual Federal Water Pollution Control Act Section 401 Water Quality Certification.

Dredging shall not exceed the depth below low water datum at sites that were previously dredged.

3. In the event that the Department determines that spills, discharges, sediment deposition, or other pollution events may have occurred in management units subject to Section C(1) and that these pollution events may have adversely affected sediment quality, the Department may require sediment sampling and analysis in these management units consistent with Section C(2) and Attachment A of this Permit.

D. This permit authorizes disposal of dredged material at the Lake View Landfill to be used as cover material. This shall be done in accordance with this condition of this permit and in accordance with Solid Waste Permit No. 100329, as modified on February 1, 1994. The permittee shall notify Department's Northwest Region Office at least 10 days prior to the anticipated date of dredging. The report shall include a work schedule and contain the following information:

a. The management unit to be dredged.

b. The extent to which the management unit is to be dredged (that is, entire management unit, specific area, spot removal, and the like) and the dimensions of the dredging and the elevation to which the unit is to be dredged.

c. An estimate of the amount of material to be removed.

d. Method to be used to dredge.

e. Disposal area where dredge material is to be sent.

Dredging shall not exceed the depth below low water datum at sites that were previously dredged.

E. This permit authorizes disposal of dredged material at an upland disposal site. This shall be done in accordance with this condition of this permit and the Department's Management of Fill Policy. The disposal of this material will not be in any wetland, watercourse, floodway, floodplain or other body of water. The permittee shall notify Department's Northwest Region Office at least 10 days prior to the anticipated date of dredging. The report shall include a work schedule and contain the following information:

a. The management unit to be dredged.

b. The extent to which the management unit is to be dredged (that is, entire management unit, specific area, spot removal, and the like) and the dimensions of the dredging and the elevation to which the unit is to be dredged.

c. An estimate of the amount of material to be removed.

d. Method to be used to dredge.

e. Disposal area where dredge material is to be sent.

Dredging shall not exceed the depth below low water datum at sites that were previously dredged.

F. The permittee shall submit a dredging report to the Department within 30 days after completion of dredging. The report shall contain the following information:

a. The management unit that was dredged.

b. The extent to which the management unit was dredged (that is, entire management unit, specific area, spot removal, and the like) and the dimensions of the dredging and the elevation to which the unit was dredged.

c. An estimate of the amount of material removed.

d. Method used to dredge.

e. Disposal area where dredge material was to be sent.

G. The permittee shall notify the Fish and Boat Commission's Northwest Region Office at (814) 337-0444 2 weeks prior to any dredging event.

H. At least 1 month prior to dredging, the permittee shall post signs at the management unit to be dredged notifying water users that may be affected by turbidity and other water quality changes or by restricted access of the intended dredging activity. These signs shall remain in place until dredging has been completed.

I. The work area shall be enclosed using a turbidity barrier that shall have a float on the top of the water and be weighted at the bottom to limit the passage of sediments and silts out of the dredging area.

J. This permit is not to be considered an approval of the dredging operations in relation to the stability of

structures within and adjacent to the dredging management units that may be affected by the dredging operations.

K. This permit does not relieve the permittee of the responsibility to comply with all applicable local codes and ordinances, including floodplain and stormwater management.

The applicant is also requesting an amendment to Permit E25-581 which authorizes Erie—Western Pennsylvania Port Authority to place a total of approximately 500,000 cubic yards of material dredged from the bed of Presque Isle Bay and local Lake Erie waters into the Erie Harbor Confined Disposal Facility (CDF) to create an upland public recreational area located south of the entrance channel to Presque Isle Bay (Erie North, PA Quadrangle N: 4.7 inches; W: 10.3 inches) in the City of Erie, Erie County.

The amendment would replace Special Conditions A and B with the following special condition:

A. The permittee is required to obtain individual Federal Water Pollution Control Act Section 401 Water Quality Certification from the Department for disposal of dredged material into the CDF. The procedure for obtaining individual Federal Water Pollution Control Act Section 401 Water Quality Certification shall be in accordance with Permit E25-404A.

Presque Isle Bay and Lake Erie are perennial bodies of water classified as WWF.

ENVIRONMENTAL ASSESSMENTS

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

EA17-003. The Clearfield Foundation, P. O. Box 250, Clearfield, PA 16830. Wetland restoration project at the former SB Elliott State Tree Nursery in Pine Township, **Clearfield County**, ACOE Baltimore District (Elliott Park Quadrangle; Latitude N: 41° 7' 24"; Longitude W: 78° 31' 45").

To restore 4.8 acres of wetlands at the former SB Elliott State Tree Nursery near SB Elliott State Park, within the Stony Run Watershed (HW-CWF). The wetland restoration also includes 0.5 acre of wetland enhancement and 3.8 acres of terrestrial/wetland fringe enhancement through vegetative plantings. Wetland restoration will result in 0.1 acre of permanent PEM wetland impact due to the placement of water level control structures and 0.2 acre of temporary PEM wetland impact due the placement of access roads.

SPECIAL NOTICES

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

**Public Notice of Reopening
of Administrative Record
Department of Environmental Protection
Forward Township Ash Slide Site
Forward Township, Allegheny County**

Under sections 506(g) and (h) of the Pennsylvania Hazardous Sites Cleanup Act, (35 P. S. §§ 6020.101—6020.1305) (HSCA), notice is hereby given that the Department of Environmental Protection (Department) is reopening the administrative record (Administrative Record) in support of its response at the Forward Township Ash Slide site (Site) in Forward Township, Allegheny County. Notice of the response and of the availability of the Administrative Record was previously published on January 7, 2006. The Administrative Record and response were available for public review and comment through April 7, 2006.

The Department is reopening the Administrative Record because: (a) under Section 506(g)(1) of HSCA, the Department has obtained additional information during the implementation of the response action and has determined it to be of central relevance to the selected action; and (b) under Section 506(g)(3) of HSCA, the Department wishes to document its response costs.

The Administrative Record will be available for public review and comment for 60 days beginning the date of publication of this notice. During this time, the Administrative Record will be available for review at the Department's Southwest Regional Office, which is located at 400 Waterfront Drive, Pittsburgh, PA 15222 and which can be reached at (412) 442-4000.

Comments on the Administrative Record, including in particular the information being added as part of the reopening, may be submitted in writing to Terry Goodwald, Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront Drive, Pittsburgh, PA 15222. The Department may hold a public hearing and receive oral comments if the Department receives written request within 30 days of the date of publication of this notice. All comments, as well as the Department's responses thereto, will be filed in the Administrative Record.

Further information may be obtained by contacting Terry Goodwald at (412) 442-4000. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of October 2007, the Department of Environmental Protection under the authority contained in the Radon Certification Act (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below 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>
Douglas Adams	1341 North Delaware Avenue Suite 205 Philadelphia, PA 19125	Testing
Kevin Adams Adams Environmental Services, Inc.	113 North Main Street Washington, PA 15301	Testing
Amerispec Home Inspections	233 Broad Street Montoursville, PA 17754	Testing
Benjamin Burd	1153 Boyer's Road Boyers, PA 16020	Mitigation
Bryan Cole	317 McWilliams Road Level Green, PA 15085	Testing
Kenneth Cush	P. O. Box 273 Gilbert, PA 18331	Testing
Patrick Dean	40 Morris Avenue Suite 140 Bryn Mawr, PA 19010	Testing
Mark Desmond	4 Lindberg Avenue Wilmington, DE 19804	Testing
Chris Duphily	R. R. 1, Box 1107 Dingmans Ferry, PA 18328	Testing
Christopher Ford	2450 Brookdale Avenue Abington, PA 19001	Testing
Juan Luis Lluna-Garces	1324 Crestmont Drive Downingtown, PA 19335	Testing and Mitigation
Timothy Gentry	474 Easton Road Horsham, PA 19044	Testing
Albert Gordon	106 Lyric Way Warrington, PA 18976	Testing
Bo Hopkins	3692 Sheramy Drive Fairview, PA 16415	Testing
Daniel Howard Howard Building, Testing & Inspections, LLC	251 River Landing Freeport, PA 16229	Testing
Christopher Hunt	2115 Dunhill Drive Wilmington, DE 19810	Testing
Greg Kopenhaver	P. O. Box 902 Blue Bell, PA 19422	Testing
John McDermott, III	590 Centerville Road No. 134 Lancaster, PA 17601	Testing
Joseph Miloser, Jr.	160 Rustic Ridge Fombell, PA 16123	Mitigation
James Painter	780 Pierson Run Road Pittsburgh, PA 15239	Testing
Kenneth Schaeffer, Jr.	105 Macintosh Drive Newport, PA 17074	Testing
Rebecca Lane Selko	1276 Bethel Green Drive Bethel Park, PA 15102	Testing
Charles Smith	11 West Grant Street Houston, PA 15342	Mitigation
Maria Stinger	P. O. Box 15811 Pittsburgh, PA 15244	Testing
Donald Stoltenberg	10522 High Rock Road Airville, PA 17302	Testing
Kenneth Struder	P. O. Box 72722 Thorndale, PA 19372	Laboratory
Mark Swartwood	475 Thomas Street Mountaintop, PA 18707	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Wayne Treible	19108 Spring Run Road Spring Run, PA 17262	Testing
John Trusa	454 Dana Street Wilkes-Barre, PA 18702	Testing and Mitigation
William Whiting	11879 Lake Drive Conneaut Lake, PA 16316	Testing
Gary Winterrowd	1765 Cambridge Drive State College, PA 16803	Testing

[Pa.B. Doc. No. 07-2090. Filed for public inspection November 16, 2007, 9:00 a.m.]

Bid Opportunity

BOGM 07-9, Cleaning out and plugging six orphan gas wells (Cook Forest State Park, Mr. and Mrs. Edward Sepan, John Thompson and Mr. and Mrs. Harold Daum Properties), Farmington Township, Clarion County. The principal items of work include cleaning out and plugging six orphan gas wells, estimated to be 2,500 feet each in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on November 16, 2007, and bids will be opened on December 11, 2007. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid conference. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-2091. Filed for public inspection November 16, 2007, 9:00 a.m.]

Proposed Fine Particulate Nonattainment Designation Recommendations; Public Meetings

The Department of Environmental Protection (Department) is seeking public comment on its proposed recommendations to the United States Environmental Protection Agency (EPA) for the designation of areas not meeting the revised 24-hour health-based National Ambient Air Quality Standards (NAAQS) for fine particulates (PM_{2.5}). Reducing concentrations of this pollutant is important because levels above the health-based standard are a serious human health threat and also can cause or contribute to other negative environmental impacts.

The EPA established a revised NAAQS for PM_{2.5} in October 2006. The daily (24-hour) standard for PM_{2.5} was made more protective and changed from 65 micrograms per square meter of air ($\mu\text{g}/\text{m}^3$) to 35 $\mu\text{g}/\text{m}^3$. An area does not attain the 24-hour standard if the 98th percentile 24-hour concentration averaged over 3 years is more than 35 $\mu\text{g}/\text{m}^3$. Following promulgation of new or revised air standards, states are given the opportunity to submit recommendations for attainment/nonattainment areas, supported by most recent quality-assured monitoring data.

The Department will be submitting recommendations based on air quality monitoring data for 2004-2006, in December 2007. The Commonwealth proposed to recommend to the EPA that boundaries for the designated nonattainment areas generally follow the existing planning areas for the annual fine particulate standard with some exceptions. Where additional areas are recommended for designation because their air quality is above the 24-hour standard, the Department has taken air quality monitoring, emissions sources and demographic data into account in its recommendations for the boundaries of the areas. The EPA is expected to make final designations in December 2009. The Department would then have 3 years to develop a plan for any areas designated as nonattainment to meet the NAAQS. This proposal is available on the Department's website at www.depweb.state.pa.us (DEP Keywords: Air Quality Home) or through the contact persons listed.

The Department will hold informational meetings to discuss its proposed recommendations at the following times and locations:

Monday, November 26, 2007, at 10 a.m.
Department of Environmental Protection
Southcentral Regional Office
909 Elmerton Avenue
Harrisburg, PA 17110

Tuesday, November 27, 2007, at 1 p.m.
Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Wednesday, November 28, 2007, at 1 p.m.
Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

Persons with a disability who wish to attend a meeting and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or yhouse@state.pa.us. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Written comments on the recommendations should be sent to Tim Leon-Guerrero, Air Resource Management Division, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, tleonguerr@state.pa.us (preferred), by 4 p.m. on December 7, 2007. Written comments and

e-mail submittals must include the name, affiliation (if any), mailing address and telephone number of the interested person.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-2092. Filed for public inspection November 16, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of St. Luke's Hospital and Health Network for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital and Health Network has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazard).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2093. Filed for public inspection November 16, 2007, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
PSP Contractors, Inc.	P. O. Box 34569 Philadelphia, PA 19101-4569	11/1/2007

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-2094. Filed for public inspection November 16, 2007, 9:00 a.m.]

Prevailing Wage Appeals Board Public Meeting

The Prevailing Wage Appeals Board will hold a public meeting on Tuesday, November 20, 2007, at 10 a.m. in the Capitol Associates Building, 901 North Seventh Street, 3rd Floor Conference Room, Harrisburg, PA.

The Americans With Disability Act contact is Gina Meckley, (717) 783-9276.

STEPHEN M. SCHMERIN,
Secretary

[Pa.B. Doc. No. 07-2095. Filed for public inspection November 16, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2007

The Department of Transportation (Department), Bureau of Aviation (Bureau), is accepting applications for tax reimbursement grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2007.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grant), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as that indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 2007, is the close of business on February 1, 2008. Applications shall be filed with the Department of Transportation, Bureau of Aviation, P. O. Box 3457, Harrisburg, PA 17101-3457.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Karen Hnatuck at khnatuck@state.pa.us or (717) 705-1205.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-2096. Filed for public inspection November 16, 2007, 9:00 a.m.]

Sale of Land No Longer Required for Transportation

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The following is a list of the properties available for sale by the Department in the City of Chester, in Delaware County. The parcels contain a total of 17,957.58 square feet of unimproved ground, situated on North Side of 4th and East of Upland Streets.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of this notice to Dave Scott, District Administrator, Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-2097. Filed for public inspection November 16, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, November 1, 2007, and announced the following:

Regulations Approved:

Insurance Department #11-155: Objections and Procedures for Hearings on Reports of Examination (deletes 31 Pa. Code Chapter 58)

Department of General Services #8-12: Death Benefits for Survivors of Emergency and Law Enforcement Personnel (amends 4 Pa. Code Chapter 89)

*Regulation Deemed Approved Under Section 5a(e) of the Regulatory Review Act—Comment Not Yet Issued**

Department of Revenue #15-429: Realty Transfer Tax Amendments (amends 61 Pa. Code Chapter 91)

* Will advise when comment is issued.

Approval Order

Public Meeting held
November 1, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; David J. DeVries, Esq.; John F. Mizner, Esq.

*Insurance Department—Objections and Procedure for Hearings on Reports of Examination;
Regulation No. 11-155 (#2642)*

On September 28, 2007, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department. This rulemaking deletes 31 Pa. Code, Chapter 58 (Chapter 58). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

Chapter 58 specifies procedures for filing objections and conducting hearings related to Department examination reports. Act 177 of 1992 established specific statutory procedures to challenge the Department's examination reports and thus superseded Chapter 58 of the Department's regulation.

We have determined this regulation is consistent with the statutory authority of the Insurance Department (71 P. S. § 186 and 40 P. S. § 323.5) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 1, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of General Services—Death Benefits for Survivors of Emergency and Law Enforcement Personnel;
Regulation No. 8-12 (#2643)*

On October 1, 2007, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of General Services (Department). This rulemaking amends 4 Pa. Code Chapter 89. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation revises and updates Chapter 89 to bring it into consistency with recent amendments to the Emergency and Law Enforcement Personnel Death Benefits Act (53 P. S. §§ 891—892.1).

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. §§ 186 and 631.1, as implemented by 4 Pa. Code § 1.191) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2098. Filed for public inspection November 16, 2007, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our website at www.irrc.state.pa.us for updates.

Final-Omit

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-239	Insurance Department Fees and Collection Procedures	11/2/07	12/6/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2099. Filed for public inspection November 16, 2007, 9:00 a.m.]

2008 Meeting Schedule

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2008 as follows:

January 10, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
January 31, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
February 21, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
March 6, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
March 20, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
April 3, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
April 17, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
May 1, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
May 15, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
June 5, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
June 19, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
July 10, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
July 24, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street

August 7, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
August 21, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
September 4, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
September 18, 2008	10:00 a.m.	14th Floor Conference Room 333 Market Street
October 2, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
October 16, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
November 6, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
November 20, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
December 4, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street
December 18, 2008	10:30 a.m.	14th Floor Conference Room 333 Market Street

Individuals planning on attending or speaking at a public meeting, notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to the website at www.irrc.state.pa.us. If an executive session is deemed necessary, it shall be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg. Individuals in need of special accommodations as provided for in the Americans With Disabilities Act of 1990, should contact Kristine Shomper at (717) 783-5419.

ALVIN C. BUSH,
Chairperson

[Pa.B. Doc. No. 07-2100. Filed for public inspection November 16, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Liberty Mutual Fire Insurance Company; The First Liberty Insurance Corporation; Homeowners Rate and Rule Filing; Rate Filing

On October 31, 2007, the Insurance Department (Department) received from the Liberty Mutual Fire Insurance Company and The First Liberty Insurance Corporation a filing for rate level changes for Homeowners insurance.

The companies request an overall 1.33% increase amounting to \$1,446,121 annually, to be effective February 18, 2008, for new business and March 24, 2008, for renewal business.

Unless formal administrative action is taken prior to December 30, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Gang (Eric) Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2101. Filed for public inspection November 16, 2007, 9:00 a.m.]

Pennsylvania National Mutual Casualty Insurance Company; Homeowners Rate and Rule Filing; Rate Filing

On October 22, 2007, the Insurance Department (Department) received from the Pennsylvania National Mutual Casualty Insurance Company a filing for rate level changes for Homeowners insurance.

The company requests an overall rate level change of 0.0% on owners forms to be effective February 1, 2008, for new business and March 17, 2008 for renewal business.

Unless formal administrative action is taken prior to December 21, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on Department's website at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Gang (Eric) Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2102. Filed for public inspection November 16, 2007, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar

month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-07-268, Dated October 9, 2007. Authorizes the Collective Bargaining Agreement between the Commonwealth and the UGSOA for the security nonsupervisory unit (R1). The Collective Bargaining Agreement provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period September 1, 2007, through August 31, 2011.

Resolution #CB-07-269, Dated October 9, 2007. Authorizes the Memorandum of Understanding between the Commonwealth and the UGSOA for the security supervisory unit (R2). The Memorandum of Understanding provides for the establishment of rates of pay, hours of work, and other conditions of employment for the period September 1, 2007, through August 31, 2011.

Resolution #CB-07-277, Dated October 17, 2007. Attached is the Executive Board Resolution that authorizes the side letter between the Commonwealth and AFSCME concerning the salary, working conditions and the Articles of the aster Agreement which are applicable to all temporary clerical pool employees and temporary adjunct custodial pool employees for the period July 1, 2007 through June 30, 2011.

Resolution #CB-07-278, Dated October 17, 2007. The attached Executive Board Resolution authorizes the Memorandum of Understanding between the Commonwealth and the Independent State Store Union (ISSU) for the first level supervisory unit (M2). Memorandum of Understanding provides for the establishment of rates of pay, hours of work and other conditions of employment for the period July 1, 2007, through June 30, 2011. This Memorandum of Understanding was previously authorized by the Executive Board in CB-07-222. There was a revision to page 5 of the Memorandum of Understanding, necessitating this resubmittal to the Executive Board.

Resolution #OR-07-267, Dated October 9, 2007. Authorizes the addition of the Commonwealth Office of Travel Operations; a change in title from the Office of Enterprise Records Management and Directives to Office of Enterprise Records Management; the establishment of the Executive Deputy Chief Information Officer; a change in title from the Project Planning and Customer Support Division to the Program Management Division in the Bureau of Integrated Enterprise System; the establishment of the Bureau of Classification and Compensation; the establishment of the Bureau of Employee Benefits and Services and the Divisions of Absence and Safety, Group Insurance, and Workplace Support Services; and abolishes the Bureau of Classification, Compensation and Workplace Support.

Resolution #OR-07-274, Dated October 9, 2007. Authorizes the reorganization of the Pennsylvania Game Commission. This request renames the Deputy Executive Director for Law Enforcement, Land Management and Regional Operations to the Deputy Executive Director for Regional Operations and Wildlife Protection, and renames the Technical Services Division within the Bureau to the Special Permit Enforcement Division; renames the Personnel Services Division to the Human Resources Divi-

sion and moves it from under the Deputy Executive Director for Administration, Communications, and Wildlife Management to the Bureau of Administrative Services; creates the Fiscal Management Division; renames the Automotive and Procurement Division to the Contracts and Procurement Division; renames the Bureau of Land Management to the Bureau of Wildlife Habitat Management and moves it under the Deputy Executive Director for Administration, Communications, and Wildlife Management; renames the Engineering and Contract Management Division to the Engineering Division; combines the Federal Aid and Public Access, Federal/state Coordination, and Game Lands Planning and Development Division into a newly created Habitat Planning and Development Division; abolishes the Support Services Division; abolishes the Research and Propagation Divisions in the Bureau of Wildlife Management and reorganizes the functions into three new divisions named Game Management, Wildlife Diversity and Wildlife Services; renames the Conservation Education Division to the Conservation Education and Outreach Division; renames the Game News and Publications Division to the Publications Division; creates the Marketing and Merchandising Division; combines the Public Information and the Audio Visual services Divisions into the new Public Information and Media Services Division.

Resolution #OR-07-296, Dated October 29, 2007. Authorizes the renaming of the Division of Application Development and Delivery to the Division of Enterprise Applications, and creates the Division of Enterprise Program and Portfolio Management, which is currently the Client and Support Services Division.

Governor's Office

Management Directive No. 505.15—Employee Mobility Information Program Amended, October 3, 2007.

Administrative Circular No. 07-12—Holidays—2008, Dated October 4, 2007.

MARY JANE PHELPS,
Director
Pennsylvania Bulletin

[Pa.B. Doc. No. 07-2103. Filed for public inspection November 16, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Service

P-00072342. West Penn Power Company, d/b/a Allegheny Power. Petition of West Penn Power Company, d/b/a Allegheny Power for approval of its retail electric default service program and competitive procurement plan for service at the conclusion of the restructuring transition period.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before December 3, 2007. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

Applicant: West Penn Power Company, d/b/a Allegheny Power

Through and By Counsel: John L. Munsch, Esquire, Jeffrey P. Trout, Esquire, Allegheny Energy, 800 Cabin Hill Drive, Greensburg, PA 15601-1689

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2104. Filed for public inspection November 16, 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 December 10, 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-00124184. Lawrence L. Williams, Sr. (2 Scotrun Acres, Lot 3-5, Henryville, Monroe County, PA 18332)—persons, upon call or demand, in the Townships of Mt. Pocono, Tobyhanna, Stroudsburg and East Stroudsburg, Monroe County.

A-00124186. Peter Equere, t/a Peace Taxi Company (P. O. Box 13039, Harrisburg, Dauphin County, PA 17110)—persons upon call or demand, in the City of York, located in York County and the Borough of Gettysburg, located in Adams County.

A-00124187. McHenry's Transportation, LLC (220 Reinaker Road, Danville, Montour County, PA 17821)—a limited liability company of the Commonwealth—persons, in paratransit service, from points in the Counties of Montour and Columbia, to points in Pennsylvania, and return.

A-00124188. Michelle Gugliotti, t/a Gugliotti Transportation (40 Watkins Street, Swoyersville, Luzerne County, PA 18704)—persons in paratransit service, between point in Luzerne County, subject to the following conditions: (1) That, service shall be limited to transportation of ambulatory passengers; (2) That, service is to be limited to the use of vehicles that have not been modified to handle wheelchairs; (3) That, service is limited to or from United Rehabilitation Centers and/or Day Development programs within the City of Wilkes-Barre and surrounding communities in Luzerne County.

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-00118146, F3. John D'amico, t/a First Class Luxury Limos (P. O. Box 1555, Delran, NJ 08075)—for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Philadelphia, Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania and return.

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-00120856. Charles C. Roberts, III (353 Sawmill Road, Strasburg, Lancaster County, PA 17579)—discontinuance of service—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the County of Lancaster, and from points in said county, to points in Pennsylvania, and return.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Windstar Transport, Inc.; Doc. No. A-00118950C

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 all authority issued to Windstar Transport, Inc. (respondent) is under suspension effective 07/23/2007 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at Windstar Transport, Inc., P. O. Box 493, Tannersville, PA 18372.
3. That respondent was issued a Certificate of Public Convenience by this Commission on 1/13/2004 at Application Docket No. A-00118950.
4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00118950 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Com-

mission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, 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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

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 (3) 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 an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord*

Certificates of Insurance and Faxed Form Es and Hs Are Unacceptable as Evidence of Insurance.

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 an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the 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.

Public Meeting held
May 19, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

Pennsylvania Public Utility Commission v.
Travel With Comfort, Inc.;
A-00115561C0401; A-00115561, F.3

Order

By the Commission:

On January 22, 2004, the Bureau of Transportation and Safety instituted a Complaint against Travel With Comfort, Inc., Respondent, alleging failure to maintain evidence of bodily injury and property damage liability insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that, unless its insurer files evidence of insurance with this Commission, Respondent must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order which cancels Respondent's Certificate of Public Convenience.

The Complaint was published in the January 22, 2004, *Pennsylvania Bulletin*. To date, more than twenty days later, Respondent has failed to file an Answer to the Complaint and has failed to have its insurer file evidence of insurance with this Commission.

Therefore, it is Ordered That:

1. The allegations in the Complaint are deemed to be admitted.
2. The Complaint is hereby sustained.
3. The Certificate of Public Convenience, issued to Respondent at A-00115561, F.3, is hereby cancelled.
4. Respondent is assessed a fine in the amount of \$250 for failing to comply with the provisions of 66 Pa.C.S. § 512. Payment must be made by certified check or money order payable to the PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

5. Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of Respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

6. Should Respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, Respondent must file a Petition for Reinstatement of its Certificate for good cause, in accordance with the provisions of 52 Pa. Code § 5.41(a) and 1 Pa. Code § 35.17. An original and three copies shall be filed within 15 days of receipt of this letter. The Petition shall be filed with the Secretary, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of the Petition must also be served on the Bureau of Transportation and Safety and all other parties to the proceeding. The Commission will either grant or deny the Petition. If the Petition is denied or a timely Petition is not filed, Respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Commission will assess the following five factors in deciding whether to grant or deny a Petition for Reinstatement: (1) Respondent's violation history of Commission rules and regulations, (2) Respondent's outstanding obligations to the Commission, such as monetary penalties, assessments, and insurance filings, (3) the timeliness of Respondent's filing of the Petition from the date of cancellation of its Certificate, (4) Respondent's rationale given for the violation resulting in the cancellation of its Certificate, and (5) Respondent's solution to prevent future violations of Commission rules and regulations. Respondent's Petition for Reinstatement should address each of these five factors. Further, the Petition must be accompanied by an Affidavit or Verification stating: "that the facts above set forth are true and correct to the best of my knowledge, information and belief. 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" as set forth at 52 Pa. Code § 1.36. The Verification must be signed and dated. Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement. Payment must be made by certified check or money order payable to the PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

By the Commission,

Public Meeting held
July 11, 2007

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Terrance J.
Fitzpatrick; Tyrone J. Christy; Kim Pizzingrilli

Pennsylvania Public Utility Commission v. Bruce R.
Patterson, Jr., t/a B and D Mailing Services;
A-00114047C0701; A-00114047

Order

By the Commission:

On April 9, 2007, the Bureau of Transportation and Safety instituted a Complaint against Bruce R. Patterson, Jr., t/a B and D Mailing Services, respondent, alleging failure to pay outstanding assessments of \$1,169, a violation of the Public Utility Code at 66 Pa.C.S. § 510(c).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that it must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order cancelling respondent's Certificate of Public Convenience, requesting the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations and notifying the Pennsylvania Department of Revenue and respondent's insurance carriers that respondent's Certificate is revoked.

The Complaint was served on respondent on May 2, 2007. To date, more than twenty days later, respondent has failed to file an Answer to the Complaint.

Therefore, it is Ordered That:

1. The allegations in the Complaint are deemed to be admitted.
2. The Complaint is hereby sustained.
3. The Certificate of Public Convenience, issued to respondent at A-00114047 is hereby cancelled.
4. Commission will request Pennsylvania Department of Transportation to put an administrative hold on respondent's vehicle registrations. Respondent will NOT be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

and on respondent's insurance carriers:

Allstate Insurance Company
3075 Sanders Road
Suite H1A
Northbrook, IL 60062-7127

State Auto National Insurance Company
518 East Broad Street
Columbus, OH 43215-3976

5. Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

6. Should respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The respondent must pay all outstanding assessments and fines before this Commission will act on an application for authority. Payment must be made by certified check or money order payable to the PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

By the Commission,

Public Meeting held
May 19, 2005

Commissioners Present: Wendell F. Holland, Chairperson;
Robert K. Bloom, Vice Chairperson; Kim Pizzingrilli

*Pennsylvania Public Utility Commission v.
Travel With Comfort, Inc.;*
A-00115561C0401; A-00115561, F.3c

Order

By the Commission:

On January 22, 2004, the Bureau of Transportation and Safety instituted a Complaint against Travel With Comfort, Inc., Respondent, alleging failure to maintain evidence of bodily injury and property damage liability insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that, unless its insurer files evidence of insurance with this Commission, Respondent must file an Answer to the Complaint within twenty days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty days, the Bureau of Transportation and Safety would request the Commission issue an order which cancels Respondent's Certificate of Public Convenience.

The Complaint was published in the January 22, 2004 *Pennsylvania Bulletin*. To date, more than twenty days later, Respondent has failed to file an Answer to the Complaint and has failed to have its insurer file evidence of insurance with this Commission.

Therefore, it is Ordered That:

1. The allegations in the Complaint are deemed to be admitted.
2. The Complaint is hereby sustained.
3. The Certificate of Public Convenience, issued to Respondent at A-00115561, F.3, is hereby cancelled.
4. Respondent is assessed a fine in the amount of \$250 for failing to comply with the provisions of 66 Pa.C.S. § 512. Payment must be made by certified check or money order payable to the PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.
5. Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq. In view of the cancellation of Respondent's Certificate of Public Convenience, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.
6. Should Respondent wish to again begin transportation operations in the Commonwealth of Pennsylvania, Respondent must file a Petition for Reinstatement of its Certificate for good cause, in accordance with the provisions of 52 Pa. Code § 5.41(a) and 1 Pa. Code § 35.17. An original and three copies shall be filed within 15 days of receipt of this letter. The Petition shall be filed with the Secretary, PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. A copy of the Petition must also be served on the Bureau of Transportation and Safety and all other parties to the proceeding. The Commission will either grant or deny the Petition. If the

Petition is denied or a timely Petition is not filed, Respondent must file a new application for authority in order to obtain a Certificate of Public Convenience. The Commission will assess the following five factors in deciding whether to grant or deny a Petition for Reinstatement: (1) Respondent's violation history of Commission rules and regulations, (2) Respondent's outstanding obligations to the Commission, such as monetary penalties, assessments, and insurance filings, (3) the timeliness of Respondent's filing of the Petition from the date of cancellation of its Certificate, (4) Respondent's rationale given for the violation resulting in the cancellation of its Certificate, and (5) Respondent's solution to prevent future violations of Commission rules and regulations. Respondent's Petition for Reinstatement should address each of these five factors. Further, the Petition must be accompanied by an Affidavit or Verification stating: "that the facts above set forth are true and correct to the best of my knowledge, information and belief. 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" as set forth at 52 Pa. Code § 1.36. The Verification must be signed and dated. Respondent must pay all outstanding assessments and fines before this Commission will act on a Petition for Reinstatement. Payment must be made by certified check or money order payable to the PA Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2105. Filed for public inspection November 16, 2007, 9:00 a.m.]

Telecommunications

A-311462F7002. The United Telephone Company of Pennsylvania, d/b/a Embarq and Telequality Communications, Inc. Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq and Telequality Communications, Inc. for approval of a master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq and Telequality Communications, Inc., by its counsel, filed on November 2, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection and collocation 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 The United Telephone Company of Pennsylvania, d/b/a Embarq and Telequality Communications, 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. 07-2106. Filed for public inspection November 16, 2007, 9:00 a.m.]

Telecommunications

A-311435F7001. Verizon North, Inc. and Neutral Tandem-Pennsylvania, LLC. Joint petition of Verizon North, Inc. and Neutral Tandem-Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Neutral Tandem-Pennsylvania, LLC, by its counsel, filed on October 26, 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 Neutral Tandem-Pennsylvania, 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. 07-2107. Filed for public inspection November 16, 2007, 9:00 a.m.]

Telecommunications

A-311435F7000. Verizon Pennsylvania, Inc. and Neutral Tandem-Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, Inc. and Neutral Tandem-Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Neutral Tandem-Pennsylvania, LLC, by its counsel, filed on October 26, 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 Neutral Tandem-Pennsylvania, 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. 07-2108. Filed for public inspection November 16, 2007, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bid

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 07-139.1, Dual Pallet Drive-In Racking and Pressurization until 2 p.m. on Thursday, December 6, 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 November 20, 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 hrs 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 November 29, 2007, 11 a.m. at Columbus Boulevard and Entrance Gate North of Snyder, Philadelphia, PA.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 07-2109. Filed for public inspection November 16, 2007, 9:00 a.m.]

STATE ATHLETIC COMMISSION

Public Meetings for 2008

The State Athletic Commission (Commission) of the Department of State announces its schedule for regular meetings to be held at least once every 2 months in 2008 under 5 Pa.C.S. § 103 (relating to duties of commission). Meetings will be held in Room 303, North Office Building, Harrisburg, PA 17120, at 11 a.m. These meetings are open to the public and are scheduled as follows:

February 25, 2008
April 28, 2008
June 30, 2008
August 25, 2008
October 27, 2008
December 15, 2008

Individuals having questions regarding these meetings should contact the Commission at (717) 787-5720.

GREGORY P. SIRB,
Executive Director

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