

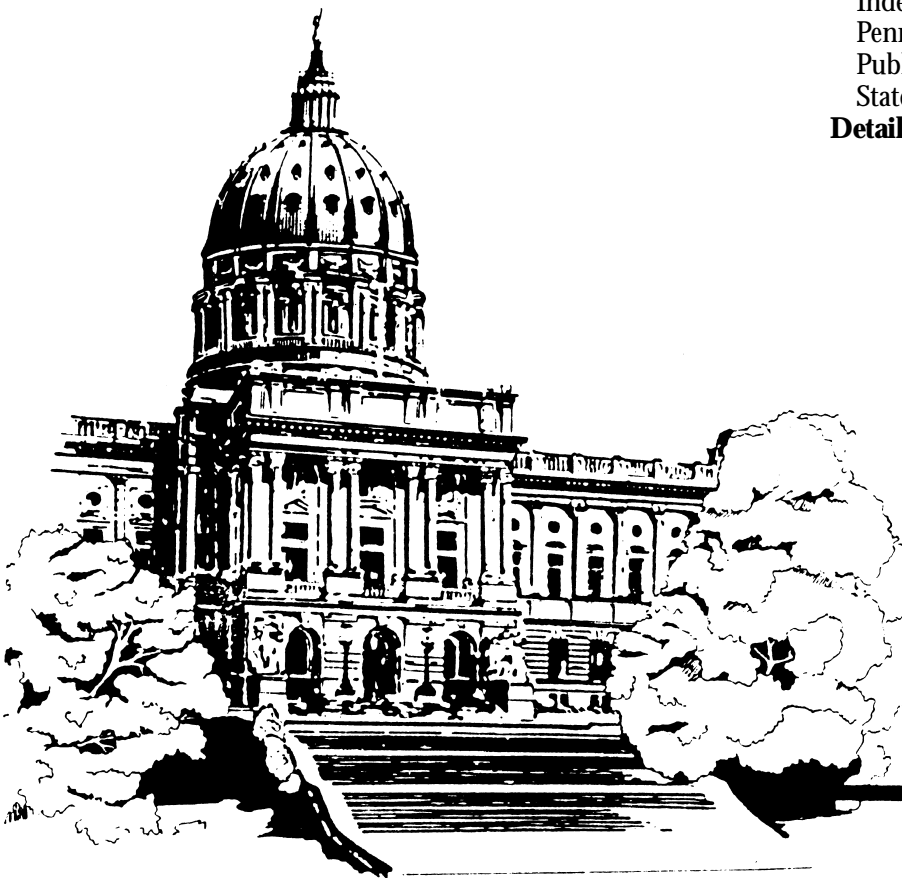
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Banking
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of Public Welfare
Environmental Hearing Board
Independent Regulatory Review Commission
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Employees' Retirement System

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No. 396, November 2007

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 210—APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

[210 PA. CODE CH. 65]

Amendments to the Superior Court Operating Procedures

The Superior Court of Pennsylvania has adopted amendments to its Internal Operating Procedures. These amendments are reflected in the Superior Court Internal Operating Procedures with amendments to Pa. Code 65.1 et seq.

These changes were approved on October 25, 2007, effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

CHAPTER 65. INTERNAL OPERATING PROCEDURES OF THE SUPERIOR COURT

§ 65.22. Motions Review Subject to Motions Panel Disposition.

A. Motions to Quash or Dismiss Appeals, Petitions for Permission to Appeal pursuant to Pa.R.A.P. 312, 1301—1323 and 42 Pa.C.S. § 702(b), and Petitions for Review pursuant to Pa.R.A.P. 1501 et seq. Shall be subject to review and disposition by a panel of three [**commissioned**] judges.

§ 65.25. Assignment of Judges to Motions Duty.

* * * * *

B. The President Judge shall set the motions panel. Each motions panel shall consist of three [**commissioned**] judges and shall serve for a period of two months. During each two-month period, the motions panel shall consider all Section 65.22 motions ready for disposition during the two-month period.

[Pa.B. Doc. No. 07-2111. Filed for public inspection November 21, 2007, 9:00 a.m.]

Title 225—RULES OF EVIDENCE

ARTICLE VI. WITNESSES

[225 PA. CODE ART. VI]

Order Approving Revision of Comment to Pennsylvania Rule of Evidence 601; No. 429; Supreme Court Rules; Doc. No. 1

Order

Per Curiam:

Now, this 2nd day of November 2007, upon the recommendation of the Committee on Rules of Evidence,

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Comment to Pa.R.E. 601 is hereby revised in the attached form.

This *Order* shall be processed immediately in accordance with Pa.R.J.A. 103(b), and shall be effective December 14, 2007.

Annex A

TITLE 225. RULES OF EVIDENCE

PART VI. WITNESSES

Rule 601. Competency.

* * * * *

Comment—2007

Pa.R.E. 601[(a)] differs from F.R.E. 601 and is **intended to preserve existing Pennsylvania law**. abolishes all existing grounds of incompetency except for those specifically provided in later rules dealing with witnesses and in civil actions governed by state law. [**Pa.R.E. 601(b) has no counterpart in the Federal Rules.**]

* * * * *

[**Pa.R.E. 601(a) does not recognize any decisional grounds for incompetency.**] At one time Pennsylvania law provided that neither a husband nor a wife was competent to testify to non-access or absence of sexual relations if the effect of that testimony would illegitimize a child born during the marriage. See *Commonwealth ex rel. Leider v. Leider*, 434 Pa. 293, 254 A.2d 306 (1969). [**This**] That rule was abandoned in *Commonwealth ex rel. Savruk v. Derby*, 235 Pa. Super. 560, 344 A.2d 624 (1975).

Pa.R.E. 601(b) **has no counterpart in the Federal Rules** and is consistent with Pennsylvania law concerning the **factors for determining competency of a person to testify, including persons with a mental defect and children of tender years.** See *Commonwealth v. Baker*, 466 Pa. 479, 353 A.2d 454 (1976) (standards for determining competency generally); *Commonwealth v. Goldblum*, 498 Pa. 455, 447 A.2d 234 (1982) (mental capacity); *Rosche v. McCoy*, 397 Pa. 615, 156 A.2d 307 (1959) (immaturity). In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court reiterated concern for the susceptibility of children to suggestion and fantasy and held that a child witness can be rendered incompetent to testify where unduly suggestive or coercive interview techniques corrupt or “taint” the child’s memory and ability to testify truthfully about that memory. See also *Commonwealth v. Judd*, 897 A.2d 1224 (2006).

The application of the standards in Pa.R.E. 601(b) is a factual question to be resolved by the Court[.] as a preliminary question under Rule 104. The party challenging competency bears the burden of proving grounds of incompetency by clear and convincing evidence. *Commonwealth v. Delbridge*, 578 Pa. at 664, 855 A.2d at 40. In *Commonwealth v. Washington*, 554 Pa. 559, 722 A.2d 643 (1998), a case involving child witnesses, the Supreme Court announced a per se rule requiring trial courts to conduct competency hearings outside the presence of the jury. Expert testimony has been used when competency

under these standards has been an issue. E.g., *Commonwealth v. Baker*, 466 Pa. 479, 353 A.2d 454 (1976); *Commonwealth v. Gaertner*, 355 Pa. Super. 203, 484 A.2d 92 (1984). [Pa.R.E. 601(b) is intended to preserve existing law and not to expand it.]

* * * * *

FINAL REPORT

Rule 601: Competency

Revision of Comment

As the Committee continues to scrutinize decisions that impact on Pa.R.E. 601, two decisions of the Supreme Court led the Committee to recommend revisions to the Comment to Pa.R.E. 601. Although not changing the text of the rule, these decisions are important interpretations of the rule. In *Commonwealth v. Delbridge*, 578 Pa. 641, 855 A.2d 27 (2003), the Supreme Court addressed the effect on a child's capacity to testify as a result of techniques that "taint" the child's memory and ability to testify truthfully. The issue of competency is decided outside the presence of the jury. *Commonwealth v. Washington*, 554 Pa. 559, 722 A.2d 643 (1998).

[Pa.B. Doc. No. 07-2112. Filed for public inspection November 21, 2007, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rules 227.4 Governing Entry of Judgment upon Praecept of a Party and 237 Governing Notice of Praecept for Final Judgment; No. 486 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 2nd day of November, 2007, Pennsylvania Rules of Civil Procedure 227.4 and 237 are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2008.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 227.4. Entry of Judgment upon Praecept of a Party.

In addition to the provisions of any Rule of Civil Procedure or Act of Assembly authorizing the prothonotary to enter judgment upon praecipe of a party and except as otherwise provided by Rule 1042.72(e)(3), the prothonotary shall, upon praecipe of a party:

(1) enter judgment upon a nonsuit by the court, the verdict of a jury or the decision of a judge following a trial without jury, if

* * * * *

Rule 237. Notice of Praecept for Final Judgment.

No praecipe for entry of judgment [on] upon a nonsuit by the court, a verdict of a jury or [for judgment on] a decision [in] of a judge following a trial without a jury shall be accepted by the prothonotary unless it includes a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action or to the attorney of record for each other party.

Explanatory Comment

Rule 227.4(1) provides for the entry of judgment upon a verdict of a jury or the decision of a judge without a jury when no motion for post-trial relief is filed or, if a motion is filed, the court does not timely dispose of it. Rule 237 provides that the prothonotary shall not accept any praecipe of judgment on a verdict or for judgment on a decision in a trial without a jury "unless it includes a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action or to the attorney of record for each other party." However, relief from a nonsuit entered by the court is also subject to a motion for post-trial relief (Rule 227.1(a)(3)), but Rule 227.4(1) and Rule 237 omit any reference to the nonsuit. The amendment remedies this omission by amending Rule 227.1(a)(1) and Rule 237 to include a nonsuit by the court together with the verdict of a jury and the decision of a judge.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-2113. Filed for public inspection November 21, 2007, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 1300 AND 3000]

Amendment of Rule 1307 Governing Compulsory Arbitration and Rule 3023 Governing Judgments; Amendment of Notes to Rules 3021(a)(1), 3022(a) and 3026.2(a); No. 487; Civil Procedural Rules; Doc No. 5

Order

Per Curiam:

And Now, this 2nd day of November, 2007, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 1307 and 3023 are amended to read as follows, and

2. Notes to Rules 3021(a)(1), 3022(a) and 3026.2(a) are amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective January 1, 2008.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1300. ARBITRATION

Subchapter A. COMPULSORY ARBITRATION

Rule 1307. Award. Docketing. Notice. [**Lien.**] Judgment. Molding the Award.

- (a) The prothonotary shall
 - (1) enter the award of record

[**(A)**] upon the proper docket, [**and**

(B) when the award is for the payment of money, in the judgment index.

Official Note: Rule 3021 governs the requirements for the entry in the judgment index.]

(2) immediately send by ordinary mail a copy of the award, with notice of the date and time of its entry on the docket and the amount of arbitrators' compensation to be paid upon appeal, to each party's attorney of record, or to the party if the party has no attorney of record[;], and

- (3) note in the docket the date of mailing the notice.

(b) [**The award for the payment of money when entered in the judgment index shall be a lien on real property located within the county, title to which is recorded in the name of the person against whom the award was entered. The lien shall continue during the pendency of an appeal or until extinguished according to law.] Rescinded.**

(c) If no appeal is taken within thirty days after the entry of the award on the docket, the prothonotary on praecipe shall enter judgment on the award.

Official Note: Rule 3021(a)(3) requires the prothonotary to immediately enter in the judgment index a judgment entered on praecipe of a party.

* * * * *

CHAPTER 3000. JUDGMENTS

Subchapter A. TRANSFER OF JUDGMENTS TO OTHER COUNTIES

Rule 3021. Verdict. Order. Judgment. Entry in Judgment Index.

(a) The prothonotary shall immediately enter in the judgment index

(1) a verdict or order for a specific sum of money with the notation "verdict" or "order." The entry shall state the amount of the verdict or order;

Official Notice: See also [**Rule 1307(a) governing the entry by the prothonotary of an award in compulsory arbitration and] Rule 3027(a) governing the entry by the prothonotary of a writ of revival.**

Rule 3022. Verdict or Order. Lien. Duration.

(a) A verdict or order for a specific sum of money when entered in the judgment index shall create a lien on real property located within the county, title to which at the time of entry is recorded in the name of the person against whom the verdict or order was rendered. The lien shall continue for five years unless the verdict is sooner reduced to judgment or the court sooner awards a new trial or enters a judgment notwithstanding the verdict.

Official Note: An order is defined by Section 102 of the Judicial Code, 42 Pa.C.S. § 102, to include, inter alia, a decision, a decree and an adjudication.

* * * * *

[An award of arbitrators in compulsory arbitration is a lien as provided by Rule 1307(b).]

* * * * *

Rule 3023. Judgment. Lien. Duration

* * * * *

(b) A judgment upon a verdict[,] or an order [**or an award in compulsory arbitration**], when entered in the judgment index, shall

(1) continue the lien upon real property located in the county which is subject to the lien of the verdict[,] or order [**or award**] upon which the judgment is entered, and

Official Note: The lien of a verdict or order dates from the time the verdict or order is entered in the judgment index. See Rule 3022(a).

[The lien of an award in compulsory arbitration dates from entry of the award in the judgment index. See Rule 1307(b).]

* * * * *

Rule 3026.2. Parties. Terre-Tenants.

(a) As used in Rule 3025 et seq., a terre-tenant is a person other than the original defendant in whom title to real property subject to a lien provided by the Rules of Civil Procedure has vested.

Official Note: The rules governing the action of mortgage foreclosure use the term "real owner" in a similar sense. See Rule 1144(a)(3).

See the following rules of civil procedure providing for liens upon real property: [**Rule 1307(b) (lien of an award in compulsory arbitration),] Rule 3022 (lien of a verdict or order), Rule 3023 (lien of a judgment), Rule 3027 (lien of a writ of revival or an agreement to revive), Rule 3131.1 (lien of a judgment of revival) and Rule 3104 (lien of a writ of execution).**

* * * * *

Explanatory Comment

The lien of an award of arbitrators in compulsory arbitration in Pennsylvania is statutory in origin, derived from the Act of June 16, 1836, P. L. 715, § 24. The Act of 1836 was repealed by the Judiciary Act Repealer Act in 1978 and the new provision of the Judicial Code, 42 Pa.C.S. § 7361, does not include the provision relating to the award as a lien. Rule 1307(b) promulgated in 1981 continued the prior practice. As the Civil Procedural Rules Committee stated in Paragraph 17 of its 1981 Explanatory Comment to the new rules governing compulsory arbitration, "The award when entered by the prothonotary on the docket has the effect of a verdict as a lien on real estate. The lien continues pending appeal. This continues the practice under the Act of 1836."

The rescission of Rule 1307(b) changes this practice. The award when entered on the docket no longer has the effect of a verdict on real estate and therefore there is no lien to continue pending an appeal for a trial de novo. Rather, there are two scenarios. First, if the defendant pursuant to Rule 1307(c) does not appeal the award of arbitrators within the time required, the plaintiff may enter judgment on the award and that judgment shall be entered in the judgment index as provided by Rule 3021(a)(3) and constitute a lien upon the real estate of the defendant as provided by Rule 3023(a) governing the lien of a judgment. Second, if the defendant does appeal an award for the payment of money, the lien will attach following the verdict of the jury or decision of the court

upon the trial de novo as provided by Rule 3022 governing the lien of a verdict or order.

There are three bases for the rescission. First, a lien should be the consequence of a verdict of a jury or a decision of the court. The award of arbitrators is neither of these. Second, the imposition of a lien presents difficulties to the court and to the defendant when on appeal the award is not sustained but the lien is not removed. If the defendant wishes to sell the real estate following a verdict or decision on the trial de novo in his or her favor, he or she must take action to have the lien removed if the court or the plaintiff has not done so. Finally, the statutes and rules of other states which have adopted compulsory or judicial arbitration do not provide for the award of the arbitrators to be a lien on real property. Thus, the rule conforms to the practice in other jurisdictions.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-2114. Filed for public inspection November 21, 2007, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

PART 1. GENERAL

[234 PA. CODE CH. 5]

Order Revising the Comment to Rule 581; No. 359 Criminal Procedural Rules; Doc. No. 2

Order

Per Curiam:

Now, this 2nd day of November, 2007, upon the recommendation of the Criminal Procedural Rules Committee; this proposal having been submitted without publication pursuant to Pa.R.J.A. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this Order:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amending of the Comment to Rule of Criminal Procedure 581 is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective February 1, 2008.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRAIL PROCEDURES IN COURT CASES

Rule 581. Suppression of Evidence.

* * * * *

Comment

The rule is designed to provide one single procedure for the suppression of evidence alleged to have been obtained in violation of the defendant's rights. The first revision of this rule extended its coverage to violation of the fourth, fifth, and sixth amendments of the Constitution of the United States; such as those proscribed by *Mapp v. Ohio*, 367 U. S. 643, 81 S.Ct. 1684 (1961); *Escobedo v. Illinois*,

378 U. S. 478, 84 S.Ct. 1758 (1964); *Jackson v. Denno*, 378 U. S. 368, 84 S.Ct. 1774 (1964); *Miranda v. Arizona*, 384 U. S. 436, 86 S.Ct. 1602 (1966); *United States v. Wade*, 388 U. S. 218, 87 S.Ct. 1926 (1967); and *Gilbert v. California*, 388 U. S. 263, 87 S.Ct. 1951 (1967). Later Pennsylvania cases such as *Commonwealth v. Futch*, 447 Pa. 389, 290 A.2d 417 ([Pa.] 1972), sanctioned the use of Rule 581 to test certain violations of Pennsylvania Rules of Criminal Procedure; however, *Commonwealth v. Murphy*, 459 Pa. 297, 328 A.2d 842 ([Pa.] 1974), questioned whether the rule in its earlier form permitted such a challenge. The rule was therefore further revised in 1977 to permit use of the suppression motion to test admissibility of evidence where the issue is the method by which the evidence was obtained. The rule merely provides a vehicle by which the court may determine the issues involved and sets the time at which the application is to be made. The rule and the 1977 revision do not purport to define or expand the basis on which suppression may be had. There is no longer a multi-county provision for suppression hearings because it is the opinion of the Committee that the prosecution county is the most interested forum for determining the admissibility of challenged evidence. In addition, the order of the judge determining admissibility is to be final and binding at trial, absent newly discovered and hitherto undiscoverable evidence.

* * * * *

In all cases, the burden of production is now upon the Commonwealth. See *Commonwealth ex rel. Butler v. Rundle*, 429 Pa. 141, 239 A.2d 426 ([Pa.] 1968). The burden of persuasion is there as well. See *Miranda v. Arizona*, 384 U. S. 436, 479, 86 S.Ct. 1602, 1630 (1966). See also, *Commonwealth ex rel. Butler v. Rundle, supra.*, which establishes a preponderance of the evidence as the standard of proof.

* * * * *

The law on closure of criminal proceedings is still developing. The 1985 amendments, therefore, are intended to remove the possibility that the rule will be mistaken to imply that the defendant has an absolute right to closure of a suppression hearing. It is intended that a suppression hearing will be held in open court unless the court orders all or part of the hearing closed in accordance with the existing case law. See, e.g., *United States v. Criden*, 675 F.2d 550 (3d Cir. 1982); *Commonwealth v. Hayes*, 489 Pa. 419, 414 A.2d 318 ([Pa.] 1980); *Commonwealth v. Buehl*, 316 Pa.Super. 215, 462 A.2d 1316 ([Pa. Super.] 1983), in which the courts recognized the public's general constitutional right to access to criminal proceedings, which right is to be balanced with the defendant's constitutional right to a fair trial. With regard to a court ordering part of a criminal proceeding closed, see *Commonwealth v. Contakos*, 499 Pa. 340, 453 A.2d 578 ([Pa.] 1982), in which a new trial was ordered because the public had been excluded from a portion of the trial although the press was present.

* * * * *

In *Commonwealth v. Millner*, 585 Pa. 237, 888 A.2d 680 (2005), the Court reiterated the importance of a specific and contemporaneous announcement of findings of fact and conclusions of law at the conclusion of the suppression hearing.

* * * * *

Official Note: Rule 323 adopted March 15, 1965, effective September 15, 1965; amended November 25, 1968, effective February 3, 1969. The 1968 amendment, suspended, amended, and consolidated former Rules 323, 324, 2000 and 2001 of the Pennsylvania Rules of Criminal Procedure. This was done in accordance with Section 1 of the Act of July 11, 1957, P. L. 819, 17 P. S. § 2084. Paragraph (f) amended March 18, 1972, effective immediately; amended June 29, 1977 and November 22, 1977, effective as to cases in which the indictment or information is filed on or after January 1, 1978; paragraphs (f) and (g) and Comment amended September 23, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 581 and amended March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; **Comment revised November 2, 2007, effective February 1, 2008.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the November 2, 2007 revisions to the Comment regarding the requirement for the judge to make findings of fact and conclusions of law at the conclusion of the suppression hearing published with the Court's Order at 37 Pa.B. 6204 (November 24, 2007).

FINAL REPORT¹

Revision of the Pa.R.Crim.P. 581 Comment

Findings of Fact and Conclusions of Law in Suppression Motions

On November 2, 2007, effective February 1, 2008, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the revision of the Comment to Rule 581 to include a cross-reference to the Supreme Court's opinion in *Commonwealth v. Millner*, 585 Pa. 237, 888 A.2d 680 (2005), reiterating the requirement for a trial judge to make findings of fact and conclusions of law at the time of issuing a decision on a suppression motions.

As part of its on-going review of caselaw as it impacts the rules, the Committee examined the Court's opinion in *Commonwealth v. Millner*, 585 Pa. 237, 888 A.2d 680 (2005). The issue in *Millner* that the Committee considered for rule change was the fact that the trial court had failed to issue findings of facts and conclusions of law when it ordered the suppression of evidence. The trial court waited until after the Commonwealth filed a timely appeal to the Superior Court to issue an opinion addressing the facts and law of the case but failing to address the

¹ The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

Commonwealth's question of whether the defendant had a reasonable expectation of privacy in the automobile in which evidence was found.

The Court noted that the trial court had clearly failed to meet the requirement of Rule 581(I) which mandates that, at the conclusion of the hearing in which it grants a motion to suppress, "the judge shall enter on the record a statement of findings of fact and conclusions of law." The Court, while recognizing that it is not uncommon for suppression judges to fail to comply with this requirement, emphatically reiterated the requirements of the rule, stating, "We stress, however, the essential purposes served by the Rule, and we disapprove of non-compliance with its unambiguous mandate." 888 A.2d at 688.

In view of the continued disregard of the clear mandate of the rule, the Committee added a citation to the *Millner* case to the Rule 581 Comment to emphasize the mandatory requirement in paragraph (I) that the judge provide timely findings of fact and conclusions of law.

[Pa.B. Doc. No. 07-2115. Filed for public inspection November 21, 2007, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorney to Inactive Status

Notice is hereby given that Patrick Joseph Donahue of Cape Coral, Florida, has been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated October 5, 2007, under Pennsylvania Rules of Disciplinary Enforcement 219, which requires that every attorney admitted to practice in any court of this Commonwealth must pay an annual assessment of \$175. The Order became effective November 4, 2007.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

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

[Pa.B. Doc. No. 07-2116. Filed for public inspection November 21, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 6, 2007.

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-1-07	First Keystone Corporation, Berwick, acquired 100% of Pocono Community Bank, Stroudsburg, through the merger of Pocono Community Bank with and into First Keystone National Bank, Berwick, a wholly-owned subsidiary of First Keystone Corporation.	Berwick	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-30-07	TriState Capital Bank Pittsburgh Allegheny County	Pittsburgh	Filed
	Purchase of assets/assumption of liabilities of one branch office of Sterling Bank, Mount Laurel, NJ, located at: 101 Gaither Drive Mount Laurel Burlington County, NJ		

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-30-07	Stonebridge Bank Exton Chester County	721 Skippack Pike Whitpain Township Montgomery County	Filed
10-31-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	273 DeKalb Pike North Wales Montgomery County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-25-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 6052 Ridge Avenue Philadelphia Philadelphia County <i>From:</i> 6060 Ridge Avenue Philadelphia Philadelphia County	Filed
10-31-07	Firsttrust Savings Bank Conshohocken Montgomery County	<i>To:</i> Butler Avenue and County Line Road Chalfont Bucks County <i>From:</i> 4275 County Line Road Chalfont Bucks County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-19-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>Into:</i> 338 West DeKalb Pike King of Prussia Montgomery County	Effective

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> 608 DeKalb Pike King of Prussia Montgomery County	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
11-6-07	Freedom Credit Union Warminster Bucks County	Amendment to Article 3 of the Articles of Incorporation provides for a change of address of the principal place of business <i>From:</i> 10400 Drummond Road, Philadelphia, PA 19154 <i>To:</i> 25 Jacksonville Road, Warminster, PA 18974. The former principal place of business will remain a branch office.	Approved and Effective

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-2117. Filed for public inspection November 21, 2007, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2007

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.68 to which was added 2.50 percentage points for a total of 7.18 that by law is rounded off to the nearest quarter at 7 1/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-2118. Filed for public inspection November 21, 2007, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources will hold a meeting on Wednesday, December 5, 2007, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-2119. Filed for public inspection November 21, 2007, 9:00 a.m.]

Pennypack Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Pennypack Creek Watershed Conservation Plan (Plan) and is placing the Pennypack

Creek Watershed and all tributaries covered in the Plan in Bucks, Montgomery and Philadelphia Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The City of Philadelphia Water Department submitted the Pennypack Watershed Conservation Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- 1. The watershed area of Pennypack Creek (Bucks, Montgomery and Philadelphia Counties) from the headwaters to its confluence with the Delaware River—56.1 square miles.
- 2. All tributary streams within the Pennypack Creek Watershed.

This action becomes effective November 24, 2007. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at City of Philadelphia Water Department, ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107-2994, www.phillyriverinfo.org/watersheds/Pennypack.aspx and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are available by contacting the City of Philadelphia Water Department.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-2120. Filed for public inspection November 21, 2007, 9:00 a.m.]

Redbank Creek Watershed Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Redbank Creek Watershed Conservation Plan (Plan) and is placing the Redbank Creek Watershed and all tributaries covered in the Plan in Armstrong, Clarion, Clearfield and Jefferson Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Western Pennsylvania Conservancy submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- 1. The watershed area of Redbank Creek (Armstrong, Clarion, Clearfield and Jefferson Counties) from the headwaters to its confluence with the Allegheny River—575 square miles.
- 2. All tributary streams within the Redbank Creek Watershed.

This action becomes effective November 24, 2007. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at Western Pennsylvania Conservancy, Freshwater Conservation Program, 246 South Walnut Street, Blairsville, PA 15717, (724) 459-0953, www.paconserve.org/rc/wac-rcp.html and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th Floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are available by contacting the Western Pennsylvania Conservancy.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-2121. Filed for public inspection November 21, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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

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>
PA0210404	Melvin J. Wachob 4916 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	UNT to the East Branch Clarion River 17-A	Y

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

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

PA0026000, Sewage, **City of Allentown**, 112 Union Street, Allentown, PA 18102. This proposed facility is located in Allentown City, **Lehigh County**.

Description of Proposed Activity: NPDES Renewal application to discharge 40 mgd of treated sewage.

The receiving stream, Lehigh River, is in the State Water Plan Watershed 2C and is classified for: WWF. The nearest downstream public water supply intake for Keystone Water Company is located on Delaware River is 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 40 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	5.0		10.0
(11-1 to 4-30)	15.0		
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Mean		
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.50		1.0
Cadmium	Monitor and Report		

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

1. Stormwater.
2. WETT.
3. Pretreatment.

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

PA0093076, Sewage, **S-2 Properties**, P. O. Box 24509, Pittsburgh, PA 15234. This application is for renewal of an NPDES permit to discharge treated sewage from Brookhaven Estates Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Chartiers 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 Western Pennsylvania Water Company.

Outfall 001: existing discharge, design flow of 0.02 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
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.15			0.35
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.

PA0096016, Sewage, **Rostraver Estates, Inc.**, 116 East Pittsburgh Street, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Rostraver Estates Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Speers 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 Western Pennsylvania Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.013125 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
Ammonia Nitrogen				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
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	0.09			0.22
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.

PA0097098, Sewage, **South Fayette Township School District**, 1300 Lt. Will Way, McDonald, PA 15057-2580. This application is for renewal of an NPDES permit to discharge treated sewage from the South Fayette Township School District in South Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Millers 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 West View Water Authority.

Outfall 001: existing discharge, design flow of 0.002 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
Ammonia Nitrogen (5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205711, Sewage, **Ernest Buck**, 1601 North Road, McDonald, PA 15057. This application is for renewal of an NPDES permit to discharge treated sewage from Buck SRSTP in North Fayette Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of North Branch Robinson 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 West View Municipal Water Authority on the Ohio River.

Outfall 001: existing discharge, design flow of 0.0004 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.

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

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

WQM Permit 4607201, Sewerage, Industrial, **Realen Valley Forge Greenes Associates**, 1000 Chesterbrook Boulevard, Suite 100, Bewyn, PA 19312. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Discharge of stormwater to groundwater through gravity drains directed to the Epikarstic Limestone Bedrock. This application was incorrectly published as an "action" at 37 Pa.B. 5303 (September 29, 2007), bulletin instead of an "application." This publication corrects that error.

WQM Permit No. 1507415, Sewerage, **Pocopson Township**, P. O. Box 1, 740 Denton Hollow Road, Pocopson, PA 19366. This proposed facility is located in Pocopson Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant with drip disposal for up to 77 single-family dwellings.

WQM Permit No. 1507416, Sewerage, **Utilities, Inc. of Maryland**, 3311 Village Drive North, Upper Marlboro, MD 20772. This proposed facility is located in West Bradford Township, **Chester County**.

Description of Action/Activity: Installation of a new 95,000 gallon solids holding tank.

WQM Permit No. 4607201, Industrial, **Smithfield Beef Group, Souderton, Inc.**, P. O. Box 395, Souderton, PA 18964-0395. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Upgrades to wastewater treatment system.

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

WQM Permit No. WQG016156, Sewerage, **Margaret Piernik**, 5991 Fox Hollow, North Ridgeville, OH 44039. This proposed facility is located in Sewickley Heights Borough, **Allegheny County**.

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

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

WQM Permit No. 2599420, Sewerage, Amendment, **The Borough of Edinboro Municipal Authority**, 124 Meadville Street, Edinboro, PA 16412-2502. This proposed facility is located in Borough of Edinboro, **Erie County**.

Description of Proposed Action/Activity: The proposed project involves expansion of the Edinboro WWTP to allow for acceptance of wastewater from the Washington Township's Angling Road WWTP, which is to be converted into a pump station.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

WQM Permit No. 6107201, Industrial Waste, **Titusville Oil and Gas Associates, Inc.**, 16889 Jerusalem Corners Road, Pleasantville, PA 16341. This proposed facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: Application for construction and operation of a new oil and gas wastewater treatment facility.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U170R	Sterling Oaks II, LLC Attn: Justin Huratiak 600 South Livingston Avenue Livingston, NJ 07039 Hidden Tall Oaks II, LP T.J.F. Land Development, LLC Attn: Timothy Faust 4562 Steuben Road Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 2350063, Public Water Supply.

Applicant **Greenfield Acres, LLC**
Greenfield Township
Lackawanna County

Responsible Official Alessandro Tuzze, Partner
Greenfield Acres, LLC
56 Cottage Street
Carbondale, PA 18407

Type of Facility PWS

Consulting Engineer N/A

Application Received Date October 30, 2007

Description of Action Application proposes the transfer of PWS Permit No. 2350063 from the Finch Hill MHP to Greenfield Acres, LLC. The new facility name proposed is Greenfield Acres, LLC MHP.

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.

Permit No. 3407502, Public Water Supply.

Applicant **Richfield Area Joint Authority**

Municipality Monroe Township

County **Juniata**

Responsible Official Richfield Area Joint Authority
Chairperson/Systems Operator
186 Seven Stars Road
Richfield, PA 17086

Type of Facility Public Water Supply

Consulting Engineer Edward J. Brown, P. E.
Larson Design Group
1000 Commerce Park Drive
Williamsport, PA 17701

Application Received: October 29, 2007

Description of Action This permit application is for the addition of the Mountain Road Well as a new well source. In addition to the new well source the Authority will be adding a chemical feed room to the existing treatment facilities and repainting an existing storage tank.

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

Application No. 1407504—Construction, Public Water Supply.

Applicant **Haines Woodward Municipal Authority**

Township or Borough Haines Township

County **Centre**

Responsible Official Dwight Orndorf, President
Haines Woodward Municipal Authority
P. O. Box 147
Woodward, PA 16882

Type of Facility Public Water Supply—Construction

Consulting Engineer David Swisher, P. E.
HRG, Inc.
474 Windmere Drive
Suite 100
State College, PA 16801

Application Received November 7, 2007

Description of Action Permitting Well No. 001 and constructing a water storage tank in Woodward Township. Well No. 001 will replace the existing spring source as the primary drinking water supply.

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

Application No. 1607502, Public Water Supply.

Applicant **Hawthorn Area Water Authority**

Township or Borough Hawthorn Borough
Redbank Township
Clarion County

Responsible Official Mark Wyant, Vice Chairperson

Consulting Engineer Michael C. Malak, P. E.
Senate Engineering Company
U-PARC, 420 William Pitt Way
Pittsburgh, PA 15238

Application Received Date November 1, 2007

Description of Action Water System Improvements, involving an interconnect with RVMA, and including booster pump station and a meter pit.

Application No. 3103-T1-MA3, Minor Amendment.

Applicant **Pennsylvania American Water Company**

Township or Borough Conewango Township
Warren County

Responsible Official Mary Munch, Network Supervisor
PA American Water Company
10 Willey Street
Warren, PA 16365

Type of Facility Public Water Supply

Application Received Date October 22, 2007

Description of Action Rehabilitation of 1,000,000 water storage tank, known as Tanner Hill Tank.

Responsible Official Paul Zilinski, Director,
Environment Management and Compliance
Pennsylvania American Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility McHenry Hill water storage tank

Consulting Engineer

Application Received Date October 22, 2007

Description of Action Rehabilitating the 2 MG McHenry Hill water storage tank.

MINOR AMENDMENT

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

Application No. 4506504MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**

Stroud Township
Monroe County

Responsible Official David Kaufman
Pennsylvania American Water
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer R. Michael Gephart, P. E.
SAIC
1129 Business Parkway South
Suite 10
Westminster, MD 21157

Application Received Date November 1, 2007

Description of Action Applicant proposes constructing an above-grade structure on top of an existing below-grade concrete vault to relocate treatment chemicals, piping and appurtenances. Also, PAW proposes replacing a previously approved triplex booster pumping arrangement with a duplex booster pumping system.

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

Application No. 3207502MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Township or Borough White Township

Application No. 0207503MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Township or Borough Union Township

Responsible Official Paul Zilinski, Director,
Environment Management and Compliance
Pennsylvania American Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility Water storage tank

Consulting Engineer

Application Received Date October 22, 2007

Description of Action Blasting and painting of the interior and exterior of the 932,000 gallon ground storage tank known as the Aldrich Washwater Tank No. 2.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101168. Bethayres Reclamation Corp., 2310 Terwood Drive, Huntingdon Valley, PA 19006-6029, Lower Moreland Township, **Montgomery County**. The application was received to reduce the permit area of the closed Bethayres Reclamation Corp. C & D Landfill. The application was received by Southeast Regional Office on October 30, 2007.

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

Permit ID No. 300876. Reliant Energy Northeast Management Company, 121 Champion Way, Suite 200,

Canonsburg, PA 15317. Conemaugh Generating Station Ash/Refuse Disposal Site, 1442 Power Plant Road, SR 2008, New Florence, PA 15944-9154. Application for permit renewal of a residual waste landfill in West Wheatfield Township, **Indiana County** was received in the Regional Office on November 5, 2007.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

37-243D: INMETCO (One INMETCO Drive, Ellwood City, PA 16117) for installation of a 156,000 acfm baghouse to replace the current venturi scrubber system for the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility.

37-243E: INMETCO (One INMETCO Drive, Ellwood City, PA 16117) for installation of two additional chambers to an existing inplant baghouse in Ellwood City Borough, **Lawrence County**. The baghouse will increase its capacity from 67,450 scfm to 87,060 scfm. This is a Title V facility.

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

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

46-0147B: Chemalloy Company, Inc.—Chemalloy (996 Railroad Avenue, P. O. Box 350, Bryn Mawr, PA 19010) for an increase of material throughputs of the metal grinding and milling processes at the Chemalloy metal and mineral manufacturing facility at 1301 Conshohocken Road, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. The increase of material throughputs may result in the emissions of 3.10 tpy of Chromium in a form of PM10. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

09-0186B: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) for modification of a Bulk Material Handling System (Source ID: 101), to have the option of unloading by means of self-unloading vessels in Falls Township, **Bucks County**. The only pollutants of concern from this operation are PM and HAP emissions. The use of self-unloading vessels will increase the potential-to-emit of total PM emissions from the Bulk Material Handling System from 73.32 tpy to 74.60 tpy. Likewise, PM10 emissions will increase from 19.98 tpy to 20.59 tpy and total HAP emissions will increase from 9.88 tpy to 10.0 tpy. This facility will continue to be a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers and barriers, as needed. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

01-05016K: ISP Minerals, Inc. (P. O. Box O, 1455 Old Waynesboro Road, Blue Ridge Summit, PA 17214-0914) for replacement of two screens and supporting conveyors and elevators. Replacement of existing equipment within existing sources will be controlled by the use of an existing fabric filter baghouse in Hamiltonban Township, **Adams County**. There will be a very slight increase in actual emissions of PM, and there will be no change to other emissions. This plan approval will include monitor-

ing, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

53-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for the modification of the Greenlick Compressor Station in Stewardson Township, **Potter County**.

The Greenlick Compressor Station consists of a number of natural gas-fired reciprocating internal combustion compressor engines and ancillary equipment used to transmit natural gas through pipelines. The Greenlick Compressor Station is considered to be a major source of NO_x, CO, VOCs and HAPs (primarily formaldehyde) for Title V permitting purposes and operates under Title V Operating Permit 53-00005.

The proposed modification is an increase in the allowable fugitive VOC emissions from the facility from the current limit of 2.9 tons in any 12-consecutive month period to a new limit of 21.0 tons in any 12-consecutive month period.

The increase in allowable fugitive VOC emissions is not expected to be accompanied by any increase in the actual VOC emissions from the facility as no physical change is occurring. The emission estimation procedures upon which the 2.9 ton per 12-consecutive month period emission limit was based are now believed to be inaccurate and to have resulted in an underestimation of the facility's true fugitive VOC emission potential. The proposed fugitive VOC emission limit of 21.0 tons per 12-consecutive month period reflects the use of current emission estimation procedures and is consequently believed to more accurately reflect the facility's true fugitive VOC emission potential.

The Department of Environmental Protection's (Department) review of the information submitted by Dominion Transmission, Inc. indicates that the respective compressor station will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the proposed modification, including the Reasonably Available Control Technology requirements of 25 Pa. Code §§ 129.91—129.95. Based on this finding, the Department proposes to issue plan approval for the proposed modification. Additionally, the Department subsequently intends to incorporate the increased emission limit into Title V Operating Permit 53-00005 by means of administrative amendment in accordance with 25 Pa. Code § 127.450.

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

1. The total combined fugitive VOC emissions from this facility shall not exceed 21.0 tons in any 12-consecutive month period.
2. The permittee shall perform monthly inspections of the indoor areas of the facility as well as annual Atmospheric Gas Loss inspections to determine the presence of fugitive VOC emissions and shall take corrective action, as necessary, to eliminate any fugitive VOC emissions detected during these inspections.
3. The permittee shall maintain accurate comprehensive records of the amount of fugitive VOCs emitted from the facility each month as well as the date, type (monthly

or annual) and results of each fugitive VOC emissions inspection. The inspection results shall identify the locations monitored, indicate the locations where fugitive VOC emissions were detected and summarize the corrective actions taken to eliminate these emissions. All records shall be submitted to the Department on an annual basis.

The fugitive VOC emissions from this facility are subject to the Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. The Department has made a preliminary determination to approve the revision requested by the permittee to the RACT plan previously submitted to, and approved by, the Department for this facility.

The preliminary determination to revise the previously-approved RACT plan for this facility will, if finally approved, be submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP). The SIP revision will not adopt any new regulations. It will contain the requirements established by the Department in its approval of the proposed RACT plan revision.

The paragraphs numbered 1—3 previously contain the Department's preliminary revised RACT determination for the facility's fugitive VOC emissions.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting the application must schedule an appointment in advance.

A public hearing may be held for the purpose of receiving comments on the Department's preliminary revised RACT determination for the facility's fugitive VOC emissions and the associated proposed plan approval issuance and SIP revision. The hearing will be held on January 7, 2008, at 1 p.m. at the Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to appear at this public hearing and provide comment.

Persons with a disability who wish to comment at the hearing and require an auxiliary aid, service or other accommodation to do so should contact Daniel Spadoni at (570) 327-3659 to discuss how the Department may accommodate their needs.

Anyone unable to attend the hearing, but wishing to comment, or anyone who wishes to protest the proposed plan approval issuance may do so by submitting their comments or protests, in writing, to the Department at the address listed. Comments or protests must be received by the Department by no later than January 17, 2008, to be considered. Each comment or protest should include the following: name, address and telephone number of the person submitting the comment or protest and a concise statement explaining the relevancy of the comment or protest being presented to the Department.

Written comments or protests should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

14-328-002: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for the construction of a natural gas compressor station (Center Compressor Station) near Pleasant Gap in Spring Township, **Centre County**.

The compressor station will incorporate two 5,876 horsepower natural gas-fired turbines and an 814 horsepower natural gas-fired auxiliary generator. The NOx emissions from the turbines will be controlled by integral proprietary combustion systems (SoLoNOx). The CO, VOC and VHAP emissions from the turbines will be controlled by oxidation catalysts.

The total combined air contaminant emissions from the compressor station are not expected to exceed 47.1 tons of NOx, 6.1 tons of CO, 24.6 tons of VOCs, 18.2 tons of PM/PM10, 7.8 tons of VHAPs (including a maximum of .12 ton of formaldehyde) and 1.5 tons of SOx per year.

The facility will not be a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Dominion Transmission, Inc. indicates that the proposed compressor station will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12 and Subpart KKKK of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420. Based on this finding, the Department proposes to issue plan approval for the construction of the compressor station.

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

1. The turbines and auxiliary generator shall be fired on pipeline quality natural gas only.
2. Each turbine shall be equipped with Solar SoLoNOx technology and an oxidation catalyst.
3. The NOx, CO and VOC (expressed as propane) emissions from a turbine shall not exceed 25, 2 and 12.5 parts per million, by volume, dry basis, corrected to 15% oxygen, respectively, at any time the turbine is operating in a SoLoNOx mode.
4. The NOx, CO and VOC (expressed as propane) emissions from a turbine shall not exceed 70, 320 and 400 parts per million, by volume, dry basis, corrected to 15% oxygen, respectively, at any time the turbine is operating in a non-SoLoNOx mode.
5. The PM/PM10 emissions from each turbine shall not at any time exceed .042 pound per million Btu of heat input and the formaldehyde emissions shall not exceed .0027 pound per million Btu of heat input.
6. The total combined NOx emissions, total combined CO emissions, total combined VOC emissions (expressed as propane), total combined VHAP emissions, total combined PM/PM10 emissions and total combined SOx emissions from both turbines shall not exceed 43.1, 2.84, 8.02, .17, 18.03 and 1.46 tons, respectively, in any 12-consecutive month period.
7. Each turbine shall operate in a non-SoLoNOx mode for no more than 20 hours in any 12-consecutive month period.
8. The turbines shall be equipped with instrumentation to continuously monitor whether they are operating in a SoLoNOx mode or non-SoLoNOx mode and the oxidation

catalyst shall be equipped with instrumentation to continuously monitor the catalyst bed inlet and outlet temperatures as well as the pressure differential across the catalyst bed.

9. The turbines shall comply with all applicable requirements specified in Subpart KKKK of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420.

10. The NOx, CO and VOC emissions from the auxiliary generator shall not exceed 2.0 gram per brake horsepower-hour, 1.6 grams per brake horsepower-hour and .25 gram per brake horsepower-hour, respectively.

11. The auxiliary generator shall not be operated more than 1,000 hours in any 12-consecutive month period.

12. Within 180 days of startup, each turbine shall be stack tested to determine the NOx, CO, VOC, formaldehyde and PM/PM10 emission rate while operating in a SoLoNOx mode as well as the CO emission rate while operating in a non-SoLoNOx mode. Each turbine shall subsequently be stack tested on an annual basis to determine the NOx and CO emission rates while operating in a SoLoNOx mode and every 3 years to determine the VOC and formaldehyde emission rates while operating in a SoLoNOx mode and the CO emission rate while operating in a non-SoLoNOx mode.

13. Within 180 days of startup, the auxiliary generator shall be stack tested to determine the NOx, CO and VOC emission rates.

14. The total combined fugitive VOC emissions from the compressor station shall not exceed 16.23 tons in any 12-consecutive month period and the total combined fugitive VHAP emissions shall not exceed 7.47 tons in any 12-consecutive month period.

15. The permittee shall perform monthly inspections of the indoor areas of the compressor station as well as annual Atmospheric Gas Loss inspections to determine the presence of fugitive VOC/VHAP emissions and shall take corrective action, as necessary, to eliminate any fugitive emissions detected during these inspections.

16. The permittee shall maintain comprehensive accurate records of the number of hours each turbine operates in a non-SoLoNOx mode during each month, the number of hours the auxiliary generator operates during each month, the amount of fugitive VOCs emitted from the facility during each month, the amount of fugitive VHAPs emitted from the facility during each month and the date, type (monthly or annual) and results of each fugitive VOC/VHAP inspection performed.

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

PA-04-00235G: FirstEnergy Generation Corp. (P. O. Box 128, Shippingport, PA 15077) to authorize the determination of an Alternative Opacity Limitation for Units Nos. 1 and 2 at the Bruce Mansfield Station, in Shippingport, **Butler County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval to the FirstEnergy Generation Corporation (P. O. Box 128, Shippingport, PA 15077) to authorize the determination of an Alternative Opacity Limitation for Units No. 1 and No. 2 at the Bruce Mansfield Station, in Shippingport, Butler County. The application was submitted in accordance with 25 Pa. Code § 123.45 and was received on July 23, 2007.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address listed.

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following conditions on the Plan Approval:

Special Conditions For Plan Approval PA-04-00235G

1) Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (act) (35 P. S. § 4003) and 25 Pa. Code § 121.1.

2) The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act or the act, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a) and (b)).

3) This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shutdown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permits; and relating to Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and proce-

dures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

4) The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

5) (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the Clean Air Act (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code § 127.12(c) and (d) and 35 P. S. § 4013.2)

6) (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- (i) A justification for the extension,
- (ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B and D (related to plan approval requirements; and to prevention of signifi-

cant deterioration of air quality), and Subchapter E (related to new source review) shall be submitted. (25 Pa. Code § 127.13)

7) (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

8) (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the act.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with the measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the act and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency to inspect or enter the premises of the permittee in accordance with Section 114 or other applicable provisions of the Clean Air Act. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

9) This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the Clean Air Act, the regulations promulgated under the act or the Clean Air Act, a plan approval or permit or in a manner that causes air pollution.

b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

c) The permittee fails to submit a report required by this plan approval.

d) The Environmental Protection Agency determines that this plan approval is not in compliance with the Clean Air Act or the regulations thereunder. (25 Pa. Code 127.13a)

10) (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the act or the regulations promulgated

thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

11) Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection
(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

12) (a) If required by section 112(r) of the Clean Air Act, the permittee shall develop and implement an accidental release program consistent with requirements of the Clean Air Act, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the Clean Air Act, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the Environmental Protection Agency (EPA) according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under § 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

13) This Plan Approval authorizes the determination of an Alternative Opacity Limitation (AOL) for Units No. 1 and No. 2 at the Pennsylvania Power, Bruce Mansfield Station, located in Shippingport, Beaver County. (25 Pa. Code § 123.45)

14) Stack testing shall be conducted on the Unit No. 1 and Unit No. 2 exhaust to determine the mass emission rate of PM (filterable and condensable) and SO₃. Testing shall be conducted within 12-months of final issuance of this Plan Approval. (25 Pa. Code §§ 123.45 and 139.11)

a) Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

b) At least 30 days prior to the test, the owner/operator shall submit to the Department two copies of the procedures for the stack test and drawings with dimensions indicating the location of sampling ports and other data to ensure the collection of representative samples.

c) At least 15 days prior to the test, the Regional Air Quality Manager shall be informed of the date and time of the test.

d) All relevant operating parameters (such as, boiler steam flow, air flow, gross megawatts, O₂; CEMS heat input and stack flue gas volumetric flow rate) shall be recorded at appropriate intervals throughout the duration of the stack tests. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices, including the SBS, are operating at normal operating conditions. A summary of the recorded operating parameters and values shall be included in the test report.

e) Within 60 days after the stack test, two copies of the complete test report, including all recorded operating parameters, shall be submitted to the Regional Air Quality Manager for approval.

15) Visible Emission readings shall be taken from each stack for the entire duration of the PM stack test. The Department will set the AOL at the opacity levels measured during the performance test, even if the mass emission rate is substantially less than those allowed under the regulations or permit conditions of the Department. In the event that valid opacity observations cannot be made, stack testing shall be postponed until valid opacity observations can be made. (25 Pa. Code § 123.45)

16) The procedures of 25 Pa. Code § 139.17 and § 139.18 shall be used to quantify the AOL. (25 Pa. Code § 123.45(h)(2))

17) Within 60 days of receiving Department approval of the stack test results for PM, FirstEnergy shall submit a report that quantifies the AOL. The report shall clearly identify each requirement of 25 Pa. Code § 139.17 and § 139.18 and shall explain in detail how those requirements have been fulfilled. (25 Pa. Code § 123.45)

18) In the event that FirstEnergy fails to demonstrate compliance with the PM emission limit of 0.1 lb/mmBtu during the VE readings and stack tests, an Alternative Opacity Limit will not be granted. (25 Pa. Code § 123.45)

19) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection. (25 Pa. Code § 127.12b)

20) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an administrative amendment to Title V Operating Permit (TVOP) at least 60 days prior to the expiration date of the Plan Approval. (25 Pa. Code § 127.12b)

21) The Owner/Operator may request an extension of the Plan Approval if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to expiration. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. The Plan Approval may be extended for

additional periods, each not to exceed 120-days, by submitting an extension request as described. (25 Pa. Code § 127.12b)

22) Unit No. 3 is subject to the NSPS requirements found in 40 CFR 60 Subpart D, and in accordance with 25 Pa. Code § 123.45 Appendix D, FirstEnergy must follow the procedures outlined in 40 CFR 60.11(e) in order to establish an Alternative Opacity Limit for Unit No. 3.

23) Best Available Retrofit Technology for Units No. 1—3 is determined to be compliance with the Clean Air Interstate Rule for NO_x and SO_x, and continued operation of the existing scrubbers for PM control.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in this newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines the notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to:

Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operation
400 Waterfront Drive
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Thomas J. Joseph, P. E.
Air Pollution Control Engineer III
Air Quality

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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

60-00007: United States Department of Justice (P. O. Box 1000, Lewisburg, PA 17837) for renewal of Title V Operating Permit 60-00007 for operation of their Lewisburg Penitentiary in Kelly Township, **Union County**.

The facility incorporates three 33.5 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers, a 16.7 mmBtu/hr natural gas/no. 2 fuel oil-fired boiler, 42 small natural gas-fired space heaters (rated between .12 and .68 mmBtu/hr each), four natural gas-fired powder coating ovens, two

natural gas-fired burnoff ovens, a 305 horsepower diesel fuel-fired fire pump and two 1,817 horsepower diesel fuel-fired emergency generators.

The facility has the potential to emit up to 151.24 tons of SO_x, 70.2 tons of NO_x, 38.28 tons of CO, 15.54 tons of PM/PM₁₀, 1.64 tons of VOCs and .16 ton of HAPs per year.

The Department of Environmental Protection (Department) proposes to renew Title V Operating Permit 60-00007. The Department intends to incorporate into this renewal all conditions currently contained in Title V Operating Permit 60-00007 with these exceptions and changes:

1. Conditions requiring the maintenance and reporting of fuel certification reports or fuel analyses records to verify the sulfur content of the No. 2 fuel oil delivered to the facility have been removed from the permit as the facility has not been using enough No. 2 fuel oil to warrant the burden of such a requirement and it has additionally been the Department's experience that the No. 2 fuel oil consistently being offered in the marketplace easily meets the applicable No. 2 fuel oil sulfur content limitation.

2. Conditions requiring a weekly inspection of the facility for the presence of visible air contaminants, visible fugitive air contaminants and malodorous air contaminants, and the maintenance of records of these inspections, have been removed from the permit as this facility does not contain the types of sources that are likely to produce such emissions.

3. A condition requiring malfunctions to be reported to the Department has been revised to exclude the reporting of malfunctions which do not result in, or potentially result in, air contaminant emissions in excess of an applicable air contaminant emission limitation and/or do not result in, or potentially result in, noncompliance with any operating permit condition.

4. A condition specifying the deadlines for the submission of the annual compliance certification report and semi-annual report has been added to the permit.

5. Conditions requiring the maintenance of records of "supporting documentation and calculations used to verify compliance" with the NO_x and CO emission limitations for two natural gas/No. 2 fuel oil-fired boilers (Sources 045 and 046) have been removed from the permit as it is not possible to verify compliance with the applicable emission limitations with "documentation and calculations."

6. The PM and SO_x emission limitations for four powder coating ovens (Sources CU041, CU042, CU043 and CU044) have been changed to reflect the regulations that actually apply to these sources (25 Pa. Code §§ 123.13 and 123.21) rather than those erroneously identified in the permit in the past (25 Pa. Code §§ 123.11 and 123.22).

7. A condition requiring the maintenance of records "of the documentation used to verify compliance with the burnoff and afterburner chamber cleaning frequency requirement and the water spray testing requirement" for a burnoff oven (Source P140) has been removed from the permit as there is no required burnoff and afterburner chamber cleaning frequency specified in the permit and the Department no longer feels that it is necessary to maintain records of burnoff chamber water spray testing.

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

32-00059: Reliant Energy Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) a Title V Operating Permit renewal for the facility's major sources of emissions which include two coal-fired boilers, each rated at 8,060 mmBtu/hr, that emit major quantities of CO, NO_x, PM and SO_x for their Conemaugh Plant, in West Wheatfield Township, **Indiana County**.

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.

23-00047: Degussa Corp. (1200 West Front Street, Chester, PA 19013) for a renewal of State-only (Synthetic Minor) Operating Permit No. 23-00047, in the City of Chester, **Delaware County**, which was originally issued on October 8, 2002, and amended on July 31, 2007. The State-only Operating Permit (SOOP) is for the operation of two boilers, three dryers, 14 storage silos, four mills and various packing, loading and recycling equipment, as well numerous dust collectors that control PM emissions from each of these sources. The main pollutants emitted from the facility are PM and NO_x. To maintain Synthetic Minor status, site-level PM and NO_x limits of 99.9 and 24.9 tpy, respectively, are listed in the SOOP. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. No major changes have occurred since the SOOP was amended.

09-00059: Saint Mary Medical Center (1201 Langhorne Newtown Road, Langhorne, PA 19047) for a renewal non-Title V Facility, State-only, Synthetic Minor Permit in Middletown Township, **Bucks County**. Saint Mary Medical Center is a general medical and surgical hospital. The facility has taken site level restrictions for natural gas and No. 2 fuel oil usage. The fuel restrictions will ensure that Saint Mary Medical Center remains under the emission thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

15-00098: Cephalon, Inc. (383 Phoenixville Pike, Malvern, PA 19355) for a non-Title V, State-only, Natural Minor Operating Permit in Charleston Township, **Chester County**. Cephalon operates a pharmaceutical research and development facility. The primary sources of emission at this facility are two 100-gallon reactors and two 50-gallon reactors. A secondary condenser and scrubbing system are used as control devices. Each reactor is equipped with its own process condenser. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

05-03006: Kennametal, Inc. (442 Chalybeate Road, Bedford, PA 15522) for operation of a foundry operation in Colerain Township, **Bedford County**. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements.

06-03009: Bally Block Co. (30 South Seventh Street, Bally, PA 19503) for operation of a hardwood countertop

manufacturing facility in the Borough of Bally, **Berks County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-03036: Cargill, Inc. (320 North 16th Street, Lebanon, PA 17046) for operation of an animal feed mill in the City of Lebanon, **Lebanon County**. This is a renewal of the facility wide permit that was issued in January of 2003.

67-003116: Surtech Industries, Inc. (915 Borom Road, York, PA 17404) for operation of their industrial manufacturing facility in York City, **York County**. This is a renewal of the original operating permit issued in 2002.

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

25-00360: The Electric Materials Co. (50 South Washington Street, North East, PA 16428) a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of natural gas process units, annealing furnace, four cold batch degreasing units, open-top vapor degreaser, four brazing units, three paint booths, four induction furnaces, three core sand molding presses and a burn-off oven for the secondary metal production in the Borough of North East, **Erie County**.

OPERATING PERMITS

PUBLIC HEARINGS

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

53-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for modification of the Greenlick Compressor Station in Stewardson Township, **Potter County**.

The Greenlick Compressor Station consists of a number of natural gas-fired reciprocating internal combustion compressor engines and ancillary equipment used to transmit natural gas through pipelines. The Greenlick Compressor Station is considered to be a major source of NOx, CO, VOCs and HAPs (primarily formaldehyde) for Title V permitting purposes and operates under Title V Operating Permit 53-00005.

The proposed modification is an increase in the allowable fugitive VOC emissions from the facility from the current limit of 2.9 tons in any 12-consecutive month period to a new limit of 21.0 tons in any 12-consecutive month period.

The increase in allowable fugitive VOC emissions is not expected to be accompanied by any increase in the actual VOC emissions from the facility as no physical change is occurring. The emission estimation procedures upon which the 2.9 ton per 12-consecutive month period emission limit was based are now believed to be inaccurate and to have resulted in an under-estimation of the facility's true fugitive VOC emission potential. The proposed fugitive VOC emission limit of 21.0 tons per 12-consecutive month period reflects the use of current emission estimation procedures and is consequently believed to more accurately reflect the facility's true fugitive VOC emission potential.

The Department of Environmental Protection's (Department) review of the information submitted by Dominion Transmission, Inc. indicates that the respective compressor station will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the proposed modification, including the Reasonably Available Control Technology (RACT) requirements of 25 Pa. Code §§ 129.91—129.95. Based on this finding, the Department proposes to issue plan approval for the proposed modification. Additionally, the Department subsequently intends to incorporate the increased emission limit into Title V Operating Permit 53-00005 by means of administrative amendment in accordance with 25 Pa. Code § 127.450.

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

1. The total combined fugitive VOC emissions from this facility shall not exceed 21.0 tons in any 12-consecutive month period.

2. The permittee shall perform monthly inspections of the indoor areas of the facility as well as annual Atmospheric Gas Loss inspections to determine the presence of fugitive VOC emissions and shall take corrective action, as necessary, to eliminate any fugitive VOC emissions detected during these inspections.

3. The permittee shall maintain accurate comprehensive records of the amount of fugitive VOCs emitted from the facility each month as well as the date, type (monthly or annual) and results of each fugitive VOC emissions inspection. The inspection results shall identify the locations monitored, indicate the locations where fugitive VOC emissions were detected and summarize the corrective actions taken to eliminate these emissions. All records shall be submitted to the Department on an annual basis.

The fugitive VOC emissions from this facility are subject to the RACT requirements of 25 Pa. Code §§ 129.91 through 129.95. The Department has made a preliminary determination to approve the revision requested by the permittee to the RACT plan previously submitted to, and approved by, the Department for this facility.

The preliminary determination to revise the previously-approved RACT plan for this facility will, if finally approved, be submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan (SIP). The SIP revision will not adopt any new regulations. It will contain the requirements established by the Department in its approval of the proposed RACT plan revision.

The paragraphs numbered 1—3 previously contain the Department's preliminary revised RACT determination for the facility's fugitive VOC emissions.

A copy of the plan approval application is available for public inspection during normal business hours at the address listed. Persons interested in inspecting the application must schedule an appointment in advance.

A public hearing may be held for the purpose of receiving comments on the Department's preliminary revised RACT determination for the facility's fugitive VOC emissions and the associated proposed plan approval issuance and SIP revision. The hearing will be held on January 7, 2008, at 1 p.m. at the Department of Environ-

mental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA. The public is invited to appear at this public hearing and provide comment.

Persons with a disability who wish to comment at the hearing and require an auxiliary aid, service or other accommodation to do so should contact Daniel Spadoni at (570) 327-3659 to discuss how the Department may accommodate their needs.

Anyone unable to attend the hearing, but wishing to comment, or anyone who wishes to protest the proposed plan approval issuance may do so by submitting their comments or protests, in writing, to the Department at the address listed. Comments or protests must be received by the Department by no later than January 17, 2008, to be considered. Each comment or protest should include the following: name, address and telephone number of the person submitting the comment or protest and a concise statement explaining the relevancy of the comment or protest being presented to the Department.

Written comments or protests should be directed to David W. Aldenderfer, Environmental Program Manager, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

For additional information regarding the respective plan approval application, contact Richard L. Maxwell, Jr., Chief, New Source Review Section, Air Quality Program, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448, (570) 327-3640.

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 Envi-

ronmental 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 30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville No. 2 Mine in Jackson and Gilmore Townships, **Greene County** to install 30 degasification boreholes. Surface Acres Proposed 24.7. No additional discharges. Application received May 1, 2007.

Permit Number 32971301 and NPDES Permit No. PA0215082, Rosebud Mining Company (301 Market Street, Kittanning, PA 16201), to renew the permit the Josephine No. 3 Mine in Center Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received October 19, 2007.

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

32980106 and NPDES No. PA0234770, M & S Mining, Inc., Box 343, Punxsutawney, PA 15767, revision of an existing bituminous surface mine to change land use from forestland to wildlife habitat in East Mahoning Township, **Indiana County**, affecting 81.4 acres. Receiving streams: UNTs to Dixon Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 1, 2007.

11060101 and NPDES No. PA0249882. CMT Energy, Inc., 108 South Twigg Street, Box 23, Smoke Run, PA

16681, revision of an existing bituminous surface mine to add blasting in Chest Township, **Cambria County**, affecting 33.1 acres. Receiving streams: UNTs to Chest Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 5, 2007.

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

40663031C6. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine operation to add coal refuse reprocessing in Foster Township, **Luzerne County** affecting 536.0 acres, receiving stream: none. Application received July 6, 2007.

54850202C16. B-D Mining Company (10 Gilberton Road, Gilberton, PA 17934), correction to an existing anthracite coal refuse reprocessing, refuse disposal and preparation facility to include surface mining in Mahanoy and West Mahanoy Townships, Shenandoah and Gilberton Boroughs, **Schuylkill County** affecting 1,590 acres, receiving stream: Mahanoy Creek, classified for the following use: CWF. Application received November 6, 2007.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

28010302 and NPDES Permit No. PA0224162, David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202-9655, renewal of NPDE Permit, Antrim Township, **Franklin County**. Receiving streams: UNT to Muddy Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 12, 2007.

07020301 and NPDES Permit No. PA0249289, Grannas Brothers Stone & Asphalt Company, Inc., P. O. Box 488, Hollidaysburg, PA 16648, renewal of NPDES Permit, Catharine Township, **Blair County**. Receiving streams: UNT to Frankstown Branch Juniata River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received October 12, 2007.

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.

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

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

E08-447. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 4024 Segment 0100 Offset 0000 Bridge Replacement Project in Athens Township, **Bradford County**, ACOE Susquehanna River Basin District (Bentley Creek, PA Quadrangle N: 21.5 inches; W: 1.7 inches).

Department of Transportation, Engineering District 3-0 proposes to remove an existing steel I-beam bridge and replace the bridge with a precast reinforced concrete box culvert, having a normal clear span of 17.0 feet and a skew of 70°, which carries SR 4024, a rural classified road, over Stone Lick Creek. This project is located in Athens Township, Bradford County. This project proposes to have a minimal impact on Stone Lick Creek, which is designated a WWF. This project does not propose to impact any jurisdictional wetlands.

E14-503. Craig Micklow, 913 San Saba Drive, Southlake, TX 76902. Micklow Residence Bridge, in Union Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 8.53 inches; W: 6.14 inches).

To construct and maintain a concrete bridge system with two 16-foot 2-inch wide by 5-foot 1-inch high arches over McCormick Run plus the associated approach ramps and right floodplain emergency spillway located 0.25 mile north on Bush Hollow Road from SR 220. This project proposes to impact 50 linear feet of McCormick Run, which is classified as a CWF.

E19-265. H. H. Knoebel and Sons Inc., P. O. Box 317, Route 487, Elysburg, PA 17824. Bridge and roadway construction, in Cleveland Township, Ralpho Township, **Columbia and Northumberland County**, ACOE Baltimore District (Danville, PA Quadrangle N: 40° 52' 37"; W: 76° 30' 23").

To construct and maintain a bridge and access roadway. The bridge will be a prestressed adjacent box beam bridge with a single clear span of 53.3 feet, a curb to curb width of 22 feet, a centerline underclearance of 3.96 feet and a skew of 62°. The bridge will have pile abutments with a reinforced concrete pile cap located outside the stream channel. The stream channel banks and abutments will be protected with R-6 Rip-Rap. The access road will be located in the floodway of the South Branch of Roaring Creek. The access road will lead from Knoebels Boulevard to the Knoebels Campground. The access road will cross a small UNT to the South Branch of Roaring Creek, which will utilize four 24 inch reinforced concrete pipes to maintain drainage flow. The South Branch of Roaring Creek is a HQ-CWF. (Danville, PA Quadrangle N: 40° 52' 37"; W: 76° 30' 23") Cleveland Township, Columbia County and Ralpho Township, Northumberland County. This permit also includes 401 Water Quality Certification.

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

E02-1570. Northern Holdings, LLC, 125 Warrendale-Bayne Road, Suite 325, Warrendale, PA 15086-7570. To place fill in wetlands in McCandless Township, **Allegheny County**, Pittsburgh ACOE District (Emsworth, PA Quadrangle N: 20.4 inches; W: 8.2 inches, Latitude: 40° 36' 45"; Longitude: 80° 03' 29"). The applicant proposes to place and maintain fill in 0.048 acre of wetlands adjacent to a UNT to Wexford Run (CWF) for the purpose of constructing the proposed North Meadows Office and Storage Buildings. The project is located on the north side of North Meadows Drive, just north from the intersection of North Meadows and Forest Oaks Drives and will impact 0.048 acre of wetlands.

E02-1572. PITG Gaming, Inc., 120 North Shore Drive, Pittsburgh, PA 15212. To construct an amphitheater and boat docking area in the City of Pittsburgh, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quadrangle N: 13.1 inches; W: 3.25 inches, Latitude: 40° 26' 52"; Longitude: 80° 01' 22"). The applicant proposes to construct and maintain the Majestic Star Casino, an amphitheater and boat docking area and to remove the existing dock and seawall along the right bank of the Ohio River (WWF) for the purpose of improving the North Shore River Front. The project is located just southwest from the intersection of Reedsdale and Fulton Streets and will impact approximately 1,040.0 linear feet of said stream.

E65-916. Kriebel Minerals, Inc., P. O. Box 765, Clarion, PA 16214. To construct a stream crossing in East Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District (Mount Pleasant, PA Quadrangle N: 8.65 inches; W: 14.0 inches, Latitude: 40° 10' 22"; Longitude: 79° 36' 1.7"). The applicant proposes to construct and maintain a stream crossing, consisting of two 60" corrugated plastic culvert sections, across Buffalo Run (WWF), for the purpose of providing access to a gas well site. The project is located approximately 1,800' southwest of the intersection of T-469 and T-471.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0070394 (Minor Industrial Waste)	Herceg Landfill 539 Roundtable Drive Nazareth, PA 18064	Bushkill Township Northampton County	UNT to East Branch Monocacy Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0043435 Sewage	L & S Wastewater, Inc. P. O. Box 254 Cecil, PA 15321	Washington County Cecil Township	UNT of Coal Run	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>
PA0217786 Sewage	New Eagle Borough Municipal Sewer Authority 157 Main Street New Eagle, PA 15067	Washington County New Eagle Borough	Monongahela River	Y
PA0218197 Sewage	Michael P. Baycura 131 Cardinal Drive New Brighton, PA 15066	Beaver County Daugherty Township	Drainage Swale Tributary to a UNT of Blockhouse Run	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. PA0030023, Sewage, **Bryn Athyn Borough**, P. O. Box 683, 2835 Buck Road, Bryn Athyn, PA 19009. This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the Academy of the New Church STP into a UNT to Huntingdon Valley Creek in Watershed 3J.

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

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

WQM Permit No. 1507413, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station with force main and associated appurtenances.

WQM Permit No. 4693430, Sewerage, Amendment, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Action/Activity: A rerate of the existing facilities to an annual average flow of 1.1 mgd and a maximum monthly average of 1.35 mgd.

WQM Permit No. 1506407, Sewerage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Gravity collection system, two pump stations, drip irrigation.

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

WQM Permit No. WQG016155, Sewerage, **Daniel Weaver**, 1531 Prospect Avenue, Erie, PA 16510. This proposed facility is located in West Carroll Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of 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

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>
PAI024807001	Weis Market Forks, Inc. 1000 South Second Street Sunbury, PA 17801	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403006 Phase VII Approval	Stearns Crossing, Phase VII Stearns Boal, LP 100 North Patterson Street State College, PA 16801	Centre	College Township	Spring Creek HQ-CWF

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

Westmoreland County Conservation District, Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056507002	Norwin School District 281 McMahon Drive North Huntingdon, PA 15642	Westmoreland	North Huntingdon Township	UNT to Long Run HQ/TSF

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 Groundwater 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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lehman Township Luzerne County	PAG2004007029	Charles D. Flack 359 Huntsville-Idetown Road Dallas, PA 18612	Huntsville Creek CWF	Luzerne County Conservation District (570) 674-7991
Rice Township Luzerne County	PAG2004007014	Eastern Communities, LP 7300 Derry Street Harrisburg, PA 17111	Wapwallopen Creek CWF	Luzerne County Conservation District (570) 674-7991
Eldred Township Monroe County	PAG2004507001	S & D Land Development Co., LP 875 Green Street Lehighton, PA 18235	Buckwha Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Delano Township Schuylkill County	PAG2005407015	MBC Development, LP P. O. Box 472 950 East Main Street Schuylkill Haven, PA 17972	North Mahanoy Creek CWF	Schuylkill County Conservation District (570) 622-3742
Centre County Milesburg Borough	PAG2001407016	Steve Stem Eagle Valley Personal Care Home 420 Railroad Street Milesburg, PA 16853	Bald Eagle Creek TSF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

*Facility Location:
Municipality &
County*Clearfield County
City of DuBois

Permit No.

PAG2001707016

*Applicant Name &
Address*City of DuBois
16 West Scribner Avenue
DuBois, PA 15801*Receiving
Water/Use*McCracken Run
a/k/a Beaver Run
CWF*Contact Office &
Phone No.*Clearfield County
Conservation District
650 Leonard Street
Clearfield, PA 16830
(814) 765-2629Columbia County
Franklin Township

Permit No.

PAG2001906012

Robert E. Krum
Peaceful Meadows
100 Orchard Drive
Catawissa, PA 17820UNT to Roaring Creek
CWFColumbia County
Conservation District
702 Sawmill Road
Suite 204
Bloomsburg, PA 17815
(570) 784-1310
Ext. 102Columbia County
Town of Bloomsburg

Permit No.

PAG2001907012

Eric Milner
Bloomsburg University
Buckingham
Maintenance
400 East Second Street
Bloomsburg, PA 17815Fishing Creek
WWFColumbia County
Conservation District
702 Sawmill Road
Suite 204
Bloomsburg, PA 17815
(570) 784-1310
Ext. 102*General Permit Type—PAG-4**Facility Location
County &
Municipality*West Carroll
Township
Cambria County

Permit No.

PAG046359

*Applicant Name &
Address*Daniel Weaver
1531 Prospect Avenue
Erie, PA 16510*Receiving
Water/Use*UNT of West Branch
Susquehanna River*Contact Office &
Phone No.*Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Stoneycreek
Township
Somerset County

Permit No.

PAG046358

James and
Phyllis Bandstra
1570 Causeway Drive
Friedens, PA 15541UNT to Lake
StoneycreekSouthwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Elk Creek Township
Erie County

Permit No.

PAG048862

Donna M. Steinle
10045 Richardson Road
Cranesville, PA
16410-9620UNT to the East Branch
of Conneaut Creek
15-CCDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942*General Permit Type—PAG-9**Facility Location &
County/Municipality*Mount Pleasant
Borough
Westmoreland
County

Permit No.

PAG096111

*Applicant Name &
Address*A Plus Affordable, LLC
P. O. Box 246
Donegal, PA 15628*Site Name &
Location*A Plus Affordable d/b/a
AA Septic Tank Service*Contact Office &
Phone No.*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.

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

Emergency Permit No. 3607516 E, Public Water Supply.
Applicant **Columbia Water Company**
Municipality Columbia Borough
County **Lancaster**

Type of Facility	Installation of a liner in Filter No. 4.
Consulting Engineer	David T. Lewis, P. E. Columbia Water Company 220 Locust Street Columbia, PA 17512
Permit to Construct Issued:	November 8, 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 to consist 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 October 22, 2007
Issued:

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.

**DRINKING WATER STATE REVOLVING FUND
SPECIAL NOTICE**

Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.

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

Uniform Environmental Review

Cresson Township Municipal Authority, 717 Portage Road, Cresson, PA 16630, Cresson Township, Cambria County.

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Applicant, Cresson Township Municipal Authority, Cresson Township, Cambria County, proposed the construction of a 750,000 gallon water storage tank and 11,000 feet of distribution lines which will serve the SCI Cresson Prison.

The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

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

Permit No. 0407509MA, Minor Amendment, Public Water Supply.

Applicant **Borough of Glasgow**
178 Route 68
Midland, PA 15059

Borough or Township Glasgow Borough

County **Beaver**

Type of Facility Water storage tank

Consulting Engineer Daniel C. Baker Associates, Inc.
6056 Tuscarawas Road
Beaver, PA 15009-9552

Permit to Construct November 1, 2007
Issued

Permit No. 0207502MA, Minor Amendment, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
6064 Route 30
P. O. Box 730
Greensburg, PA 15601

Borough or Township City of McKeesport

County **Allegheny**

Type of Facility Water storage tank

Consulting Engineer

Permit to Construct November 1, 2007
Issued

Permit No. 0407508MA, Minor Amendment, Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
1425 8th Avenue
P. O. Box 400
Beaver Falls, PA 15010

Borough or Township Eastvale Borough

County **Beaver**

Type of Facility Eastvale water treatment plant

Consulting Engineer

Permit to Construct November 1, 2007
Issued

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

Operations Permit issued to **Timbercrest Property, LLC**, PWSID No. 6200066, Vernon Township, **Crawford County**. Operation Permit issued November 7, 2007, for the operation of Well No. 3 as a secondary source of supply and supplement to Well No. 1, according to the submitted plans and specifications as approved under Construction Permit 2088506-T1-MA1, issued November 14, 2006.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Indiana Township	P. O. Box 788 Indianola, PA 15051	Allegheny
West Deer Township	P. O. Box 2 Russellton, PA 15076	Allegheny

Plan Description: The approved plan provides for sewer extensions to the Blanchard and Millerstown Road areas to the Bull Creek Interceptor for treatment at the Upper Allegheny Joint Sanitary Sewage Authority; sewer extension to the Culmerville and Bakerstown Road areas to the existing Little Deer Creek Interceptor for treatment at Allegheny Valley Joint Sewage Authority's Sewage Treatment Plant and sewer portions of Rawlins Run area to the existing Blue Run Interceptor for treatment at the Allegheny Valley Joint Sewage Authority and portions of Rawlins Run area to the Fox Chapel Squaw Run Interceptor for treatment at ALCOSAN. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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:

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

Bartorillo Residence, Rice Township, **Luzerne County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, Patrick Bartorillo, 260 Lakeview Drive, Mountaintop, PA 18707), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release. The Final Report was submitted in order to document attainment of the Residential Statewide Health Standard. The future use of the property will remain residential. A public notice regarding the submission of the final report was published in the *Mountaintop Eagle* on October 10, 2007.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Bethlehem Apparatus Company, Inc., Hellertown Borough, **Northampton County**. Vincent Carbone, HDR

Associates, Inc., 609 Hamilton Mall, The Sovereign Building, Allentown, PA 18101, submitted a Final Report (on behalf of his client, Bethlehem Apparatus Company, Inc., 890 Front Street, Hellertown, PA 18055), concerning the remediation of soils impacted with mercury as a result of historic fill materials located on the property. The report documented attainment of the Statewide Health Standard for soils and was approved on October 12, 2007.

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

National Freight Corp. I-80 MM 179 Accident, Lamar Township, **Clinton County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of National Freight Corp., c/o Bressler's Towing & Recovery, 2994 East Valley Road, Loganton, PA 17747 has submitted a 90 day Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard was approved by the Department of Environmental Protection on November 2, 2007.

Trans X Limited I-80 West MM 180 Accident, Lamar Township, **Clinton County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA on behalf of Trans X Limited, 2595 Inkster Boulevard, Winnipeg Manitoba, Canada R3C2E6A 17857 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard was approved by the Department of Environmental Protection on November 2, 2007.

Bond Release Proposal under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a solid waste processing or disposal area or site.

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

Chevron USA, 6001 Bollinger Canyon Road, San Ramon, CA 94583. The Department of Environmental Protection (Department) is proposing to release the remaining \$51,400 bond for the former Molycorp site in Canton Township, **Washington County** (owned by Chevron). Molycorp clean closed its former hazardous waste impoundments in 1996 and stopped groundwater monitoring (with the Department approval) for these impoundments in 2005. The site is closed. The proposed bond release follows 25 Pa. Code § 265a.165.

Comments will be accepted on this request for up to 45 days from the date of publication. Comments should be submitted to the Department office listed previously.

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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM028D001. PSA South Hills Landfill Gas Venture, LLC, 226 Lumber Street, Yukon, PA 15089-0485.

General Permit Number WMGM028D001 is for the processing and beneficial use of landfill gas (LFG), generated at the USA South Hills Landfill, located in Union Township, **Washington County**, for use as: (1) a substitute for high or medium Btu-LFG for natural gas or other fuel; (2) a substitute for natural gas or other fuel to be interconnected with another pipeline for consumer use; and (3) an alternative fuel for the electric generators to produce electricity. The general permit was issued by Central Office on November 1, 2007.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and 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.

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.

46-310-066GP: David Erb Contractors, Inc. (2930 Felton Road, East Norriton, PA 19401) on November 6, 2007, to operate a portable crusher/screener unit in Hanover Township, **Montgomery County**.

46-310-069GP: Reading Materials, Inc. (2052 Lucon Road, P. O. Box 1467, Skippack, PA 19474) on November 7, 2007, to operate a portable nonmetallic mineral processing plant in Lower Pottsgrove 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.

54-328-001GP: Stonegate Renewable Energy, LP (321 Spruce Street, Banks Towers, Suite 202, Scranton, PA 18503) on October 10, 2007, to install and operate two combustion turbines at the site in Foster, Reilly and Frailey Townships, **Schuylkill County**.

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

GP1-01-03028: Pilgrim's Pride Corp. (P. O. Box 38, New Oxford, PA 17350) on November 6, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in New Oxford Borough, **Adams County**. This is a renewal of the GP1 permit.

GP4-2-36-05028: CNH America, LLC (300 Diller Avenue, New Holland, PA 17557) on November 6, 2007, for Burn Off Ovens under GP4 in New Holland Borough, **Lancaster County**.

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

GP-25-997: North Coast Energy, Inc.—Gates Compressor Station (Lindsey Hallow Road, Erie, PA 16502)

on November 6, 2007, for a natural gas fired compressor engine BAQ/GPA/GP-5 in Concorde Township, **Erie County**.

GP-62-017: United Refining Co. (15 Bradley Street, Warren, PA 16365) on November 6, 2007, for a Witherup storage tank (Tank No. 246) BAQ/GPA/GP-2 in City of Warren, **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.

09-0179: Bucks County Furniture, Ltd. (174 Keystone Drive, Telford, PA 19869) on November 6, 2007, to operate a spray booth in West Rockhill Township, **Bucks County**.

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

38-03039B: Martin's Wood Products, LLC (650 Hourtztown Road, Myerstown, PA 17067-2196) on November 2, 2007, to install a paint spray booth for furniture finishing at their plant in Jackson Township, **Lebanon County**.

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

20-123B: Lord Corporation—Cambridge Springs (124 Grant Street, Cambridge Springs, PA 16403) on November 2, 2007, to construct a preheat oven/automated spray booth in Cambridge Springs Borough, **Crawford County**. This is a Title V facility.

25-179A: Erie Sewer Authority (68 Port Access Road, Erie, PA 16507) on November 7, 2007, to remove two 3.2 mmBtu/hr secondary burners (known as the afterburners) at the Erie Wastewater Treatment Plant in the City of Erie, **Erie County**. This is a Title V facility.

25-1006B: Lake Erie Biofuels, LLC (1001 State Street, Erie, PA 16501-1814) on November 6, 2007, to modify the two previously permitted boilers in City of Erie, **Erie County**. This is a State-only facility.

37-317A: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) on November 5, 2007, to construct a forge shop consisting of 12 natural gas-fired forge furnaces with a combined heat input of 207 mmBtu/hr and to construct a solvent parts washer in New Castle City, **Lawrence County**. This is a State-only facility.

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

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

46-0014F: Knoll, Inc. (1235 Water Street, P. O. Box 157, East Greenville, PA 18041) on November 5, 2007, to operate a cyclone dust collector in Upper Hanover Township, **Montgomery County**.

09-0174: Liberty Coating Co., LLC (21 South Steel Road, Morrisville, PA 19067-3614) on November 5, 2007, to operate a surface coating in Falls Township, **Bucks County**.

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

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

25-00326: Foamex, LP—Corry Plant (466 Shady Avenue, Corry, PA 16407) on November 5, 2007, the Department of Environmental Protection re-issued a Title V Operating Permit to operate a Flexible Polyurethane Foam Manufacturing Facility in Corry Borough, **Erie County**.

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

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

15-00073: United States Veterans Administration Medical Center (1400 Blackhorse Hill Road, Coatesville, PA 19320) on November 7, 2007, to renew a State-only, Synthetic Minor Operating Permit in Caln Township, **Chester County**. The facility operates boilers and generators having the potential to emit greater than 25 tpy of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00143: Naceville Materials—Sellersville Quarry (1028 Ridge Road, West Rockhill Township, PA 19446) on November 7, 2007, to operate the crushing and screening and wet suppression equipment at their quarry in West Rockhill 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 Nos. 09-0143 and 09-0143A. The permit will include monitoring, 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, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

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

37-00218: Young Galvanizing, Inc. (8281 Mercer Street, Pulaski, PA 16150) on November 1, 2007, the Department of Environmental Protection re-issued the State-only Operating Permit for operation of the facility's air contamination sources consisting of two zinc kettles for the process of galvanizing steel in Pulaski Township, **Lawrence County**.

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

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

23-00055: Cheyney University of PA (1837 University Circle, Cheyney, PA 19319) on November 6, 2007, for an administrative amendment to the State-only Operating Permit (Synthetic Minor) 23-00055 in Thornbury Township, **Delaware County**. The facility operates ten boilers, five A/C chiller units, 12 hot water heaters and 13 emergency generators firing natural gas, No. 2 or LPG as fuel.

The issued State-only Operating Permit has been amended to correct the source name and the capacity/throughput data for the Ellis Power Plant Boilers No. 1—3, in Sections A (Site Inventory) and D (Source Level Requirements).

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

41-305-009B: Keystone Filler and Manufacturing Co. (214 Railroad Street, Muncy, PA 17756) on November 6, 2007, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate conditions from Plan Approval 41-305-009E, issued on August 16, 2005, for the construction of a rotary coal dryer and ancillary equipment in Muncy Creek Township, **Lycoming County**.

47-00010: Kurt Weiss Danville, LLC (233 PPL Road, Danville, PA 17821) on November 6, 2007, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to reflect a change in ownership of a greenhouse facility from Hines Nurseries, Inc. to Kurt Weiss Danville, LLC in Anthony and Derry Townships, **Montour County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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.

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

17060113 and NPDES No. PA0256471. Allegheny Enterprises, Inc. (3563 Roller Coaster Road, Corsica, PA 15829). Commencement, operation and restoration of a bituminous surface mine in Brady Township, **Clearfield County**, affecting 60.9 acres. Receiving streams: Stump Creek and Limestone Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 15, 2006. Permit issued October 24, 2007.

17803094 and NPDES No. PA0127086. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Revision of an existing bituminous surface-auger mine for an Insignificant Permit Boundary Correction in Goshen Township, **Clearfield County**, affecting 295.0 acres. Receiving stream: Little Trout Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2007. Permit issued October 29, 2007.

Whitetail Contracting, GFCC No. 17-07-04, Morris Township, **Clearfield County** (Moshannon Creek—Upper West Branch Watershed): A Government-Financed Construction Contract has been awarded to Whitetail Contracting that will result in the reclamation of over 7.0 acres of underground mine subsidence in Morris Township, Clearfield County. The site will be reclaimed and regraded to approximate original contour. As a Best Management Practice alkaline addition in the form of waste lime will be added to the pit floor at a rate of 50 tons/acre. The value of this reclamation is estimated at \$45,000 (Contact: John Varner, (814) 342-8200, Moshannon).

Noncoal Permits Actions

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

31020301 and NPDES Permit No. PA0249190. U. S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of NPDES Permit, Brady Township, **Huntingdon County**. Receiving stream: Mill Creek, classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received September 17, 2007. Permit issued November 8, 2007.

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

35030301C. Pioneer Aggregates, Inc., (202 Main Street, Laflin, PA 19702), correction to an existing quarry operation to add 19.8 acres for mining and approve an alternate reclamation plan in Fell Township, **Lackawanna County** affecting 230.0 acres, receiving stream: none. Application received April 27, 2007. Correction issued November 5, 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

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

26074002, Hilltop Energy, Inc. (6978 Lindentree Road, Mineral City, OH 44656). Permit issued for excavation of trench for a conveyor belt at the Allegheny Energy Supply, Hatfield's Ferry Station, located in Masontown Borough, **Fayette County**, with an expected duration of approximately 4 months. Permit issued November 6, 2007.

65074007, Westmoreland Waste, LLC (901 Tyrol Boulevard, Belle Vernon, PA 15012). Permit issued for excavation of Cells S1—S3 at the Sanitary Landfill, located in Rostraver Township, **Westmoreland County**, with an expected duration of approximately 14 months. Permit issued November 6, 2007.

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

51074003, Controlled Demolition, Inc., (2737 Merymans Mill Road, Phoenix, MD 21131), National Building Implosion in the City of Philadelphia, **Philadelphia County** with an expiration date of December 31, 2007. Permit issued November 6, 2007.

35074138, Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Snow Mountain Montage in Moosic Borough, **Lackawanna County** with an expiration date of December 31, 2008. Permit issued November 6, 2007.

36074117, Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for UGI Landfill Gas Pipeline in Caernarvon and East Earl Townships, **Lancaster County** with an expiration date of October 31, 2008. Permit issued November 6, 2007.

36074118, Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Prudential Property Management in Ephrata Borough, **Lancaster County** with an expiration date of December 30, 2008. Permit issued November 6, 2007.

38074126, Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Parkview Estates in Jackson Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued November 6, 2007.

67074150, J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Board Street Subdivision in East Manchester Township, **York County** with an expiration date of November 5, 2008. Permit issued November 6, 2007.

36074119, Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling in Manheim Township, **Lancaster County** with an expiration date of November 1, 2008. Permit issued November 7, 2007.

45074156, Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for True Design Homes in Jackson Township, **Monroe County** with an expiration date of November 5, 2008. Permit issued November 7, 2007.

**FEDERAL WATER POLLUTION
CONTROL ACT SECTION 401**

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E08-445. Troy Area School District, 310 Elmira Street, Troy, PA 16947. Small Projects Water Obstruction and Encroachment Joint Permit, in Troy Township, **Bradford County**, ACOE Susquehanna River Basin District (East Troy, PA Quadrangle N: 4.1 inches; W: 14.8 inches).

To construct and maintain a 1.63-acre recreational site, to include 400 cubic yards of clean fill in the floodway and floodplain of Leonard Creek, all of which is located 1/2 mile north of the intersection of SR 0006 along Leona Road, in Troy Township, Bradford County. This permit was issued under Section 105.13(e) "Small Projects."

E17-433. Clearfield Foundation, P. O. Box 250, 125 East Market Street, Clearfield, PA 16830. Firemen's Industrial Park—South Parcel Commercial and Industrial Lot Development, Lawrence Township, **Clearfield County**, ACOE Baltimore District (Clearfield, PA Quadrangle Latitude: 41° 1' 49.64"; Longitude: 78° 23' 51.38").

The applicant has proposed to construct operate and maintain a stream enclosure of a UNT to the West Branch, Susquehanna River for development of industrial and commercial lots within the Firemen's Industrial Park—South Parcels. The stream enclosure shall be constructed and maintained with a minimum of 1,200-feet of 12-inch diameter perforated polyethylene pipe and 70-feet of 12-inch diameter solid polyethylene pipe. The entire 1,270-foot length of pipe enclosing the stream shall be constructed with a bedding of AASHTO Number 1 aggregate to encourage anoxic conditions and alkaline addition. The project is located approximately 3,150-feet east of SR 0879 and Industrial Park Road within the Firemen's Industrial Park. Construction of the stream enclosure results in permanent impact of 1,270-feet of stream channel and floodplain. As mitigation for permanent stream impacts, the applicant shall construct the stream enclosure to encourage anoxic conditions and provide alkaline addition for treatment of pre-existing acid mine drainage for water quality improvement of UNT at its confluence with the West Branch, Susquehanna River downstream of the project.

E19-261. James Marshall, 1856 Greymont Street, Philadelphia, PA 19116. Roberts Grove Cabin Elevation, in Orange Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 41° 5' 48"; W: 76° 22' 41").

To construct and maintain an elevated cottage on the floodway of Fishing Creek. The existing cottage will be raised 43.2 inches above the base flood elevation for Fishing Creek. The base flood elevation for this site is 605.9 feet. This permit was issued under Section 105.13(e) "Small Projects."

E19-262. Ernest Prosseda, 1200 Orange Street, Berwick, PA 18603. Hartmans Hollow Cabin Elevation, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle N: 41° 5' 58"; W: 76° 22' 7").

To construct and maintain an elevated cottage on the floodway of Fishing Creek. The existing cottage will be raised 43.2 inches above the base flood elevation for Fishing Creek. The base flood elevation for this site is 614.7 feet. This permit was issued under Section 105.13(e) "Small Projects."

E19-266. Sue A. O'Donnell, 155 West Third Street, Bloomsburg, PA 17815. Rumer Cottage Elevation, in Orange Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle N: 41° 5' 34"; W: 76° 23' 58").

To construct and maintain an elevated cottage on the floodplain of Fishing Creek. The existing cottage will be raised 88.8 inches above the base flood elevation for Fishing Creek. The base flood elevation for this site is 590.6 feet. This permit was issued under Section 105.13(e) "Small Projects."

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

E65-908. Dominion Exploration & Production, Inc., 1380 Route 286, Suite 303, Indiana, PA 15701. To construct and maintain structure in Washington Township, **Westmoreland County**, Pittsburgh ACOE District. (Vandergrift, PA Quadrangle N: 8.1 inches; W: 16.7 inches, Latitude: 40° 32' 39.6"; Longitude: 79° 37' 15.5"). To remove the existing temporary structure and to construct and maintain a ford crossing consisting of 12-inch thick clean rock in a UNT to Pine Run (WWF) on an access road to a gas well.

[Pa.B. Doc. No. 07-2122. Filed for public inspection November 21, 2007, 9:00 a.m.]

Laboratory Accreditation Advisory Committee; Meeting Cancellation

The Laboratory Accreditation Advisory Committee meeting scheduled for Tuesday, December 11, 2007, has been cancelled. Committee meetings for the 2008 calendar year have not been scheduled.

Questions concerning this meeting cancellation can be directed to Aaren S. Alger at (717) 346-8212 or aalger@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-2123. Filed for public inspection November 21, 2007, 9:00 a.m.]

Sewage Advisory Committee Meeting

The Sewage Advisory Committee has scheduled a meeting to discuss and formally forward its comments concerning the draft of an updated 25 Pa. Code Chapter 73 to be designated as 25 Pa. Code Chapter 73a, and other business. The meeting will be held on December 12, 2007, at 10:30 a.m., Department of Environmental Protection, Rachel Carson State Office Building, 2nd Floor Auditorium, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Kevin McLeary, Division of Planning and Permits, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-8184, kmcleary@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 787-8184

or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-2124. Filed for public inspection November 21, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program Fee Schedule; Addition of Telehealth Technology Code and Informational Modifier for Consultations Performed Using Telecommunication Technology

The Department of Public Welfare (Department) announces, effective December 1, 2007, it is adding a telehealth informational modifier and a telehealth technology procedure code to the Medical Assistance (MA) Program Fee Schedule for consultations related to high-risk obstetrical care and psychopharmacology that are rendered using telecommunication technology, including video conferencing and telephone.

Description of Services

The Department recognizes that some MA recipients may have limited access to consultations with maternal fetal medicine specialists and psychiatrists. This limited access may inhibit some MA recipients from receiving timely diagnosis, treatment and monitoring. While face-to-face consultations with the patient are preferred whenever possible, there are instances where, due to a shortage of providers, rural access issues or the patient's particular condition or disability, this is not possible. Telehealth, which is the use of electronic communication equipment for the delivery of medical services, has been found to be an effective tool in increasing patient access to specialists and mental health providers, improving quality of care and promoting better communication and coordination among providers.

There are fewer than 100 maternal fetal medicine specialists enrolled in the MA Program. The Department anticipates that in cases of high-risk pregnancy, increased access to maternal fetal medicine specialists will further improve birth outcomes and reduce neonatal intensive care unit admissions for the newborn child, as well as reduce costs to the MA Program.

Additionally, the Department has reviewed prescribing patterns of providers in the fee-for-service delivery system and found that the majority of all psychotropic medications are not being prescribed by psychiatrists. The Department anticipates that increased access to psychiatric consultations will enhance appropriate utilization of psychotropic medications.

Fee Schedule

Effective December 1, 2007, the Department is adding a telehealth informational modifier and a technology procedure code to the MA Program Fee Schedule for consultations related to high-risk obstetrical care and psychopharmacology that are rendered using telecommunication technology, including video conferencing and telephone.

The GT informational modifier is being added to the MA Program Fee Schedule for maternal fetal medicine specialists and psychiatrists, to be used in conjunction with consultation procedure codes 99241, 99242, 99243, 99244 and 99245, to bill for consultations rendered using telecommunication technology.

Procedure code Q3014 and the GT informational modifier are being added to the MA Program Fee Schedule for use by physicians, certified registered nurse practitioners and certified nurse midwives when a consultation, rendered using telecommunication technology, takes place as part of an office visit billed using office visit procedure codes 99213, 99214 and 99215. The procedure code description and MA fee are as follows:

<i>Procedure Code</i>	<i>Informational Modifier</i>	<i>Procedure Description</i>	<i>MA Fee</i>
Q3014	GT	Telehealth originating site facility fee	\$15.72

Specific instructions for the use of these procedure codes and modifiers will be included in an MA bulletin that will be issued to affected providers before December 1, 2007.

Fiscal Impact

It is estimated that the addition of these services to the MA Program Fee Schedule will result in costs to the Medical Assistance Outpatient Program of \$0.388 million (\$0.196 million in State funds) in Fiscal Year (FY) 2007-2008 and \$0.931 million (\$0.468 million in State funds) in FY 2008-2009. It is expected that in year 2 these additional costs will be offset by savings through the improved health outcomes of the affected populations, resulting in lower costs to the MA Program.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revision to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-533. (1) General Fund; (2) Implementing Year 2007-08 is \$196,000; (3) 1st Succeeding Year 2008-09 is \$468,000; 2nd Succeeding Year 2009-10 is \$468,000; 3rd Succeeding Year 2010-11 is \$468,000; 4th Succeeding Year 2011-12 is \$468,000; 5th Succeeding Year 2012-13 is \$468,000; (4) 2006-07 Program—\$671,472,000; 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; (7) Medical Assistance-Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-2125. Filed for public inspection November 21, 2007, 9:00 a.m.]

Medical Assistance Program Outpatient Fee Schedule Revisions for Speech Generating Devices

The Department of Public Welfare (Department) announces that it is revising fees on the Medical Assistance (MA) Program Outpatient Fee Schedule for select speech generating devices, effective with dates of service on and after December 1, 2007.

Background

Procedure codes E2504, E2506, E2508 and E2510 were added to the MA Outpatient Fee Schedule for services provided on or after October 1, 2005. Some of the speech generating devices that fit the procedure code descriptions contain options that increase their cost. In addition, for some of the procedure codes, there are various models of speech generating devices that are included in the code description, and the prices vary depending on screen size. The Department has received 1150 Administrative Waiver (Program Exception) requests seeking increased payment rates for certain models of speech generating devices. For these reasons, the Department is increasing the fee for procedure codes E2504 and E2508, and adding pricing modifiers to the MA Program Outpatient Fee Schedule to be billed with procedure codes E2506 and E2510.

Fee Schedule Revisions

Procedure Code	Description	MA Fee and Pricing Modifier	
		Current	Effective December 1, 2007
E2504	Speech generating device, digitized speech, using prerecorded messages, greater than 20 minutes but less than or equal to 40 minutes recording time	\$1,261.94 NU	\$1,419.68 NU
E2506	Speech generating device, digitized speech, using prerecorded messages, greater than 40 minutes recording time	\$1,850.37 NU	\$2,081.66 NU
E2506	Speech generating device, digitized speech, using prerecorded messages, greater than 40 minutes recording time	\$1,850.37 NU	\$2,312.96 N6
E2508	Speech generating device, synthesized speech, requiring message formulation by spelling and access by physical contact with the device	\$2,861.29 NU	\$3,218.95 NU
E2510	Speech generating device, synthesized speech, permitting multiple methods of message formulation and multiple methods of device access	\$5,414.60 NU	\$2,500.00 N6
E2510	Speech generating device, synthesized speech, permitting multiple methods of message formulation and multiple methods of device access	\$5,414.60 NU	\$6,091.43 NU
E2510	Speech generating device, synthesized speech, permitting multiple methods of message formulation and multiple methods of device access	\$5,414.60 NU	\$6,768.25 U7

An MA Bulletin will be issued to affected providers that contains specific instructions for the use of these pricing modifiers.

Fiscal Impact

It is estimated that these revisions will result in costs of \$0.019 million (\$0.009 million in State funds) in the Medical Assistance Outpatient Program in Fiscal Year (FY) 2007-2008 and annualized costs of \$0.046 million (\$0.021 million in State funds) in FY 2008-2009.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision to the MA Program Outpatient Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Services at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-534. (1) General Fund; (2) Implementing Year 2007-08 is \$9,000; (3) 1st Succeeding Year 2008-09 is \$21,000; 2nd Succeeding Year 2009-10 is \$21,000; 3rd Succeeding Year 2010-11 is \$21,000; 4th Succeeding Year 2011-12 is \$21,000; 5th Succeeding Year 2012-13 is \$21,000; (4) 2006-07 Program—\$671,472,000; 2005-06 Program—\$945,950,000; 2004-05 Program—\$842,991,000; (7) Medical Assistance—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-2126. Filed for public inspection November 21, 2007, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Appleton Partners, LLC v. DEP; EHB Doc. No. 2007-247-MG

Appleton Partners, LLC has appealed the denial by the Department of Environmental Protection of an NPDES permit to Appleton Partners, LLC for its Fox Hunt Farms project in Franklin Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2127. Filed for public inspection November 21, 2007, 9:00 a.m.]

B. K. Campbell, Inc. v. DEP; EHB Doc. No. 2007-248-MG

B. K. Campbell, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to B. K. Campbell, Inc. for the Reedville Village in Lower Oxford Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2128. Filed for public inspection November 21, 2007, 9:00 a.m.]

B. K. Campbell, Inc. v. DEP; EHB Doc. No. 2007-249-MG

B. K. Campbell, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to B. K. Campbell, Inc. for the Lower Oxford Township project in Lower Oxford Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2129. Filed for public inspection November 21, 2007, 9:00 a.m.]

B. K. Campbell, Inc. v. DEP; EHB Doc. No. 2007-250-MG

B. K. Campbell, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to B. K. Campbell, Inc. for the Reedville Business Park in Lower Oxford Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2130. Filed for public inspection November 21, 2007, 9:00 a.m.]

B. K. Campbell, Inc. v. DEP; EHB Doc. No. 2007-251-MG

B. K. Campbell, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to B. K. Campbell, Inc. for the Kings Mill II Subdivision in Upper Oxford Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2131. Filed for public inspection November 21, 2007, 9:00 a.m.]

The Cutler Group, Inc. v. DEP; EHB Doc. No. 2007-252-MG

The Cutler Group, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to The Cutler Group, Inc. for The Ridings at West Vincent Township, Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2132. Filed for public inspection November 21, 2007, 9:00 a.m.]

Anna B. Francis v. DEP; EHB Doc. No. 2007-244-MG

Anna B. Francis has appealed the denial by the Department of Environmental Protection of an NPDES permit to Anna B. Francis for a facility in Londonderry Township (the Thistlewood Subdivision), Chester County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2133. Filed for public inspection November 21, 2007, 9:00 a.m.]

Heritage Building Group, Inc. v. DEP; EHB Doc. No. 2007-246-C

Heritage Building Group, Inc. has appealed the denial by the Department of Environmental Protection of an NPDES permit to Heritage Building Group, Inc. for its Yoder Tract in Warwick Township, Chester County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-2134. Filed for public inspection November 21, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg. No.	Agency/Title	Close of	
		the Public Comment Period	IRRC Comments Issued
6-307	State Board of Education Special Education for Gifted Students 37 Pa.B. 4872 (September 8, 2007)	10/9/07	11/8/07

State Board of Education
Regulation #6-307 (IRRC #2635)
Special Education for Gifted Students
November 8, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the September 8, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

1. Section 16.6. General supervision.—Statutory authority; Legislative intent; Implementation procedures.

The Board is adding a new subsection that states the following:

The Department will conduct onsite monitoring of school entities to ensure school entity implementation of this chapter. The Secretary will outline the process and schedule for this monitoring in a Basic Education Circular (BEC).

We have two concerns. First, Section 1372(1) of the Public School Code (24 P. S. § 13-1372(1)) requires the Board to promulgate standards and regulations for the proper training of all exceptional children. We question if the Secretary of Education has the authority to develop the process and schedule for monitoring gifted education programs.

Our second concern relates to the inclusion of monitoring requirements in a non-regulatory document. We are aware that placing the monitoring requirements in a

non-regulatory document, such as a Basic Education Circular, provides the Department with more flexibility. However, commentators have noted that school districts have not complied with existing regulations and the Department has not provided appropriate monitoring of gifted education programs. One way to ensure that gifted education programs administered by school districts are in compliance is to include monitoring methods and frequencies in the regulations. Regulations have the full force and effect of law and are binding on both the regulated community and an agency.

Given the lack of oversight of gifted education programs provided by the Department since the original promulgation of these regulations in 2000, we recommend that monitoring and compliance provisions be added to the final-form regulation. This would also resolve our first concern noted above.

2. Section 16.32. GIEP.—Clarity.

Subsection (a) references “present education levels of educational performance.” This appears to be a typographical error. We recommend that the word “education” be deleted and the term “present levels of educational performance” be defined.

3. Section 16.41. General.—Economic or fiscal impact; Reasonableness.

Subsection (c) pertains to caseloads and class sizes for gifted students. Under Subsection (c)(3), an individual gifted teacher’s caseload is being reduced from a maximum of 75 to 60. Under Subsection (c)(4), an individual gifted teacher’s maximum class roster is being increased from 20 to 25. Commentators, including Representative Mundy, believe the increase in maximum class roster from 20 to 25 will have a detrimental effect on gifted students. Other commentators, including two school districts, believe these changes will increase costs and negatively effect the way their gifted education program is operated.

We have two questions. First, will a teacher with a class roster of 25 gifted students be able to provide the necessary instruction to all of those students? Second, if a school district is providing gifted students with an appropriate education, but does not meet the requirements of this subsection, can that school district receive an exemption from these requirements? If so, the criteria for granting an exemption should be included in the final-form regulation.

4. Section 16.63. Impartial due process hearing.—Implementation procedures; Clarity.

Subsection (r) requires a school entity to provide the Department with “assurances” of its implementation of an order to the Department. We recommend that the final-form regulation specify the types of assurances that will be acceptable. Also, will parents or others have access to these assurances?

5. Miscellaneous Clarity.

- Section 16.6(d) refers to the term “school entity.” The term is also used in Section 16.63(r). Other sections of the regulation use the term “school district.” We recommend that one term be used consistently throughout this Chapter.

- The phrase “but not be limited to” in Section 16.21(b) is not needed.

• Section 16.23(d) uses the term “evaluation.” To be consistent with the title of this section, “Gifted multidisciplinary reevaluation,” we recommend that the term “evaluation” be amended to “reevaluation.”

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2135. Filed for public inspection November 21, 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-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-699	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Licensure Technical Amendments	11/7/07	12/20/07

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2136. Filed for public inspection November 21, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 17, 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-00124189. James and Buffy Immel, t/a Immel’s Destination Services (35 Chickadee Circle, Leola, Lancaster County, PA 17540)—for the 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 Lancaster County, to points in Pennsylvania and return.

A-00124192. Amelia Carol Fogarino (1706 Johnston Street, Philadelphia, Philadelphia County, PA 17145)—for the 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 City and County of Philadelphia, 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-00120968. James Kirch, t/a Patriot Taxi (1110 Jenkins Street, Uniontown, Fayette County, PA 15401)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons upon call or demand, in the County of Fayette. *Attorney:* Robert L. Webster, Jr., 51 East South Street, Uniontown, PA 15401.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2137. Filed for public inspection November 21, 2007, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES’ RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees’ Retirement Code), in connection with the Public School Employees’ Retirement System’s (System) denial of Claimants’ requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees’ Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 9, 2008	David Phillip (D) (Death Benefit)	1 p.m.
January 23, 2008	Judith C. Farhy (Change of Option)	1 p.m.
January 28, 2008	Donald W. Johnson (Disability)	1:30 p.m.
February 6, 2008	Melanie A. Beaver (Purchase of Service)	1 p.m.
February 20, 2008	Jeffrey N. Shaeffer (D) (Death Benefit)	1 p.m.

March 5, 2008	Alison E. Brady (Disability)	1 p.m.
	Marylen A. Dreibelbis (Nonqualifying Part-Time Service)	2:30 p.m.
March 19, 2008	Regina G. Marsilio (Purchase of Service)	1 p.m.
April 9, 2008	Dazimae R. Carmo (Premium Assistance)	1 p.m.

Persons with a disability, who wish to attend the listed hearings and require an auxiliary aid, service or other accommodation to participate in the proceedings contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 07-2138. Filed for public inspection November 21, 2007, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

December 13, 2007	John D. Barringer (Age 50 Retirement Service Credit)	1 p.m.
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Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code, Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,
Acting Secretary

[Pa.B. Doc. No. 07-2139. Filed for public inspection November 21, 2007, 9:00 a.m.]

