

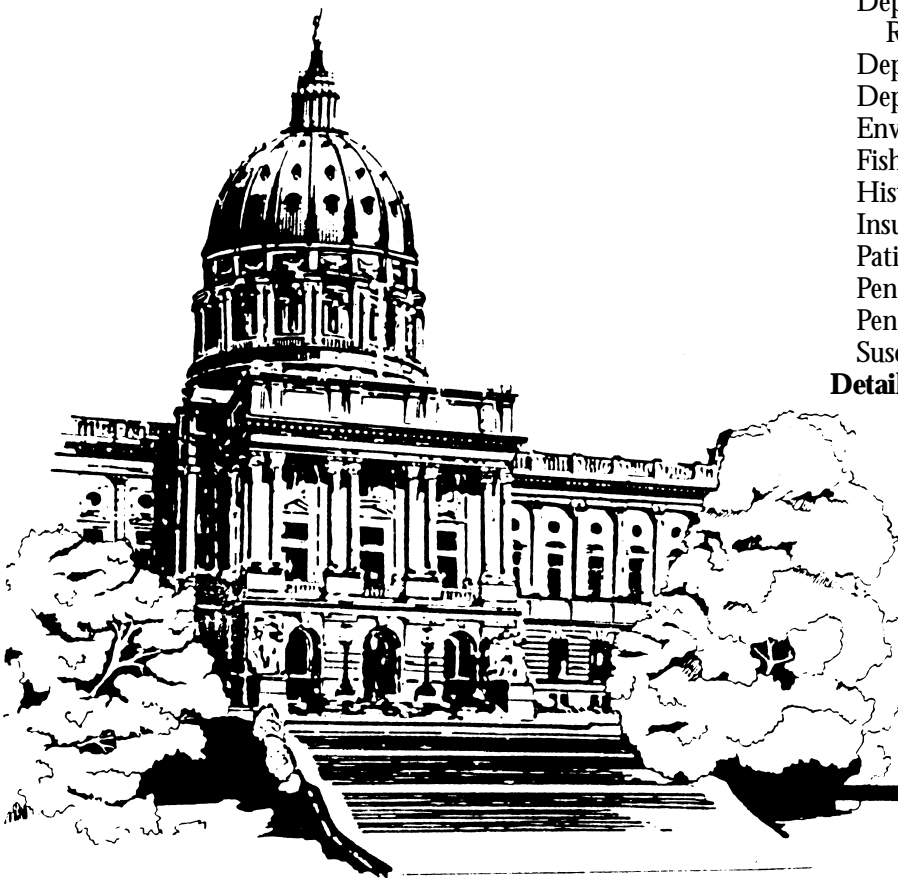
PENNSYLVANIA BULLETIN

Volume 37
Number 48
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Pages 6245—6372

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The Courts
Delaware River Basin Commission
Department of Agriculture
Department of Banking
Department of Community and Economic
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Department of Conservation and Natural
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Department of Environmental Protection
Department of Health
Environmental Hearing Board
Fish and Boat Commission
Historical and Museum Commission
Insurance Department
Patient Safety Authority
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Susquehanna River Basin Commission

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 397, December 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

THE GENERAL ASSEMBLY

Cost-of-Living Factor Under the Public Official Compensation Law

Under section 4(d) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2007, through November 30, 2008, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 2006, through October 31, 2007.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

The cumulative percentage change in the CPI-U for November 1, 2006, through October 31, 2007, equals 3.4636%. The new salary amount equals \$76,163.31.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2007, through November 30, 2008, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all CPI-U for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 2006, through October 31, 2007.

The percentage increase and the new compensation amounts have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

| <i>Leadership Position</i> | <i>% Increase</i> | <i>New Compensation</i> |
|----------------------------------|-------------------|-------------------------|
| Speaker/President pro tempore | 3.4636% | \$42,732.48 |
| Majority Floor Leader | 3.4636% | \$34,187.60 |
| Minority Floor Leader | 3.4636% | \$34,187.60 |
| Majority Whip | 3.4636% | \$25,945.76 |
| Minority Whip | 3.4636% | \$25,945.76 |
| Majority Caucus Chairman | 3.4636% | \$16,177.41 |
| Minority Caucus Chairman | 3.4636% | \$16,177.41 |
| Appropriations Chairman | 3.4636% | \$25,945.76 |
| Minority Appropriations Chairman | 3.4636% | \$25,945.76 |
| Majority Caucus Secretary | 3.4636% | \$10,683.93 |
| Minority Caucus Secretary | 3.4636% | \$10,683.93 |
| Majority Caucus Policy Chairman | 3.4636% | \$10,683.93 |
| Minority Caucus Policy Chairman | 3.4636% | \$10,683.93 |
| Majority Caucus Administrator | 3.4636% | \$10,683.93 |
| Minority Caucus Administrator | 3.4636% | \$10,683.93 |

W. RUSSELL FABER,
Chief Clerk
Senate of Pennsylvania
ROGER NICK,
Chief Clerk
House of Representatives

[Pa.B. Doc. No. 07-2140. Filed for public inspection November 30, 2007, 9:00 a.m.]

THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ART. IV]

Proposed Amendment of Rule 408 and Revision of Comment

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

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

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

This proposal is *Republished* to reflect the change in the third paragraph of the Comment as published in Vol. 37, No. 28, July 14, 2007.

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

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

no later than December 21, 2007.

By the Committee on Rules of Evidence

SANDRA D. JORDAN,
Chair

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 408. Compromise and Offers to Compromise.

[Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. Evidence of conduct or statements made in compromise negotiations is likewise not admissible. This rule does not require the exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

Comment

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

The 2000 amendments abolish the common law rule that distinct admissions of fact made during settlement discussions are admissible, see *Rochester*

Marine Corp. v. Mulach Steel Corp., 449 A.2d 1366 (Pa. 1982) (plurality), bringing Pennsylvania in line with F.R.E. 408 and most of the states.

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

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

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

§ 6141. Effect of certain settlements

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

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

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

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

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

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

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

(2) conduct or statements made in compromise negotiations.

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

Comment

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

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

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

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

Admissibility of conduct and statements in mediations pursuant to the Mediation Act of 1996, 42 Pa.C.S. 5949, are governed by that statute.

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

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

§ 6141. Effect of certain settlements

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

(b) *Damages to Property.* Settlement with or any payment made to a person or on his behalf to others for damages to or destruction of property shall not constitute an admission of liability by the

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

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

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

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

REPORT

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

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

The second change in the rule is the language at the end of the first paragraph, prohibiting the use of the prohibited evidence to impeach through a prior inconsistent statement or contradiction. This had been a question in the federal courts. May a witness (usually a party) be impeached with a statement made during compromise negotiations that is arguably inconsistent with the witness's trial testimony? The federal courts had been split on this question. The federal drafters amended the rule, so that it now prohibits the use of statements made in negotiations as inconsistent statements. The drafters believed this was most consistent with the purpose of the rule, which is to encourage parties to engage in frank and open negotiations in order to compromise disputes. There is no authority on this question in Pennsylvania. We think that the federal drafter's approach is better, and, therefore, recommend adoption of this portion of the rule.

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

tions in civil cases. We do not recommend the adoption of this portion of the federal rule, because we believe it will deter parties in civil matters from frank and open negotiations with government regulators, if there is a risk that their statements will then be used in criminal prosecutions.

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

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

We are republishing this proposal to reflect the change in paragraph three of the Comment as published in Vol. 37, No. 28, July 14, 2007.

[Pa.B. Doc. No. 07-2141. Filed for public inspection November 30, 2007, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 2950]

Amendment of Rule 205.4 Governing Electronic Filing and Service of Legal Papers, Amendment of Notes to Rules 2951 and 2952 Governing Confession of Judgment, and Promulgation of New Rule 239.9 governing Local Rules; No. 488 Civil Procedural Rules; Doc. No. 5

Order

Per Curiam:

And Now, this 14th day of November, 2007, the Pennsylvania Rules of Civil Procedure are amended as follows:

- I. Rule 205.4 is amended to read as attached hereto.
- II. The Notes to Rules 2951 and 2952 are amended to read as attached hereto.
- III. New Rule 239.9 is promulgated to read as attached hereto.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 205.4. Electronic Filing and Service of Legal Papers.

(a)(1) A court by local rule may permit or require electronic filing of legal papers with the prothonotary and shall specify the actions and proceedings and the legal papers subject to the rule.

Official Note: This rule does not require the implementation of electronic filing by a local court. If a court determines that legal papers may be filed electronically with the prothonotary, Rule 239.9(a)

requires the court to promulgate Local Rule 205.4 which shall describe the electronic filing system program and set forth the practice and procedure for the matters required by this rule.

If a court provides that electronic filing is mandatory, it must also provide the necessary technical assistance to those parties who lack the capability to file legal papers electronically.

(2) As used in this rule, the following words shall have the following meanings:

“electronic filing,” the electronic transmission of legal papers by means other than facsimile transmission,

“filing party,” an attorney, party or other person who files a legal paper by means of electronic filing, and

“legal paper,” a pleading or other paper filed in an action, **including exhibits and attachments. [but not including**

(1) a writ of summons or a complaint that is original process naming an original defendant or an additional defendant, unless the court by local rule provides otherwise, or

(2) a notice of appeal from an award of a board of arbitrators or a notice of appeal or other legal paper, the filing of which is prescribed by the Rules of Civil Procedure Governing Actions and Proceedings before Magisterial District Judges.

(b) A party may file a legal paper with the prothonotary by means of electronic filing if electronic filing is permitted by general rule, rule of court or special order of court. The filing shall be in the format of Adobe PDF, WordPerfect for Windows or Microsoft Word for Windows. Except as otherwise provided by law, a legal paper filed electronically shall be deemed the equivalent of the original document.

(1) The electronic filing of a legal paper constitutes

(i) a certification by the filing party that the original hard copy was properly signed and, where applicable, verified, and

(ii) a certification as provided by the signature to a legal paper under Rule 1023.1(c), the violation of which shall be subject to the sanction provision of Rule 1023.1(d).

(2)(i) The filing party shall maintain the original hard copy of the document filed.

(ii) Any other party at any time may require the filing party to file the original hard copy by filing with the prothonotary and serving upon the filing party a notice to file the original hard copy with the prothonotary within fourteen days of the filing of the notice.]

(b)(1) Legal papers shall be presented for filing in portable document format (“pdf”) or any other electronic format, if any, that the court by local rule designates. A paper presented for filing in a format other than portable document format shall be converted to portable document format and maintained by the prothonotary in that format.

Official Note: Rule 239.9(b)(2) requires that subdivision (b)(1) of Local Rule 205.4 specify the electronic format for presenting legal papers for filing.

(2) A legal paper filed electronically shall be deemed the original document.

(3) The electronic filing of a legal paper constitutes a certification

(i) by the filing party that a hard copy of the legal paper was properly signed and, where applicable, verified, and

(ii) as provided by Rule 1023.1(c) governing the signature to a legal paper, the violation of which shall be subject to the sanction provision of Rule 1023.1(d).

(4) The filing party shall maintain the signed hard copy of the document filed for two years after the later of

(i) the disposition of the case,

(ii) the entry of an order resolving the issue raised by the legal paper, or

(iii) the disposition by an appellate court of the issue raised by the legal paper.

(5) Any other party at any time may serve upon the filing party a notice to produce for inspection the signed hard copy within fourteen days of the service of the notice. The court upon motion may grant appropriate sanctions for failure to produce the signed hard copy pursuant to the notice.

(c)(1) The prothonotary when authorized to accept filings by electronic transmission shall provide electronic access at all times. [The time and date of filing and receipt shall be that registered by the prothonotary's computer system.]

(2) The prothonotary may designate a website for the electronic filing of legal papers. Access to the website shall be available by the attorney identification number issued by the Court Administrator of Pennsylvania [or an identification number issued by the website administrator]. The court by local rule shall designate the manner of access to the website for a filing party who is not an attorney.

Official Note: Rule 239.9(b)(3) requires that subdivision (c)(2) of Local Rule 205.4 specify the manner of access to the website by a filing party who is not an attorney.

(3) The time and date of filing submission and receipt of the legal paper to be filed electronically shall be that registered by the electronic filing system. The prothonotary shall provide, through the electronic filing system's website, an acknowledgement that the legal paper has been received, including the date and time of receipt, in a form which can be printed for retention by the filing party.

(d)(1) A filing party shall pay the cost of the electronic filing of a legal paper by [depositing with the prothonotary, in advance, sufficient funds or by authorizing payment by credit or debit card] approved credit or debit card, or by advance deposit of sufficient funds with the prothonotary if the court by local rule so provides.

(2) A filing party who presents the legal paper for electronic filing in person at the office of the prothonotary shall pay the cost by a method prescribed by paragraph (1) or by check or cash.

(3) If a court has designated a third party to operate the electronic filing system, the filing party shall pay the cost of the electronic filing to the prothonotary or to the third party operator in the manner provided by local rule.

Official Note: Rule 239.9(b)(4) requires that subdivision (d)(1) of Local Rule 205.4 list the credit and debit cards approved by the court or the prothonotary, and state whether the filing fee may be paid by depositing, in advance, sufficient funds with the prothonotary.

Rule 239.9(b)(5) provides for subdivision (d)(3) of Local Rule 205.4 to govern the payment of the filing fee to a third party operator, if applicable.

(e)(1) A filing party shall be responsible for

[(i)] any delay, disruption, interruption of the electronic signals and [readability] legibility of the document electronically filed, except when caused by the failure of the electronic filing system's website. [and

(ii) the maintenance of sufficient funds deposited with the prothonotary or of a credit or debit account to cover the cost of electronic filing.]

Official Note: The filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the prothonotary.

(2) [The filing party accepts the risk that a document filed by means of electronic filing may not be properly or timely filed with the prothonotary.]

No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the prothonotary or the electronic filing system based upon a requirement of a local rule or local administrative procedure or practice pertaining to the electronic filing of legal papers.

Official Note: See also Rule 205.2 governing filing legal papers with the prothonotary.

(3) If a pleading or other legal paper is not accepted upon presentation for filing or is refused for filing by the electronic filing system, the prothonotary or the electronic filing system, as may be appropriate, shall immediately notify the party presenting the legal paper for filing of the date of presentation, the fact that the document was not accepted or refused for filing by the system, and the reason therefor.

(4)(i) The court upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.

(ii) If a party makes a good faith effort to electronically file a legal paper but it is not received, accepted or filed by the electronic filing system, the court may order that the paper be accepted and filed nunc pro tunc upon a showing that reasonable efforts were made to timely present and file the paper.

(f) When electronic filing is permitted as set forth in subdivision [(b)] (a)(1), the court by local rule shall provide for

(1) a filing status message to the filing party,

(2) the maintenance by the prothonotary of an electronic file only, or of such electronic and such hard copy files as set forth in the rule,

Official Note: A hard copy file is not required by this rule. If the local rule requires a hard copy file, the requirement may extend to all cases or only to certain specified cases. For example, the court may require hard copy files for cases listed for trial or scheduled for argument while maintaining only electronic files for all other cases.

(3) additional procedures, if necessary, to ensure the security of the web site and the electronic files,

(4) procedures for the payment of prothonotary's fees and costs, and

(5) such other procedures and matters necessary to the operation of a system of electronic filing.

Official Note: Rule 239.9(b)(6) provides that subdivision (f) of Local Rule 205.4 must set forth the practice and procedure with respect to the matters required by subdivision (f) of this rule.

(g)(1) Copies of all legal papers other than original process filed in an action or served upon any party to an action may be served

[(1)] (i) as provided by Rule 440 or

[(2)] (ii) by electronic transmission, other than facsimile transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action. **[Service is complete when the legal paper is sent.]**

A paper served electronically is subject to the certifications set forth in subdivision (b) [(1)] (3).

(2) Service by electronic transmission is complete when a legal paper is sent

(i) to the recipient's electronic mail address, or

(ii) to an electronic filing system website and an e-mail message is sent to the recipient by the electronic filing system that the legal paper has been filed and is available for review on the system's website.

Official Note: Upon the electronic filing of a legal paper other than original process, the electronic filing system may automatically send notice of the filing to all parties who have agreed to service by electronic transmission or whose e-mail address is included on an appearance or prior legal paper filed in connection with the action. If the electronic filing system sends notice of such filing, the party filing the legal paper only need serve those parties who are not served by the electronic filing system.

An electronic mail address set forth on letterhead is not a sufficient basis under this rule to permit electronic service of legal papers.

See Rule 236(d) providing for the prothonotary to give notice of orders and judgments, and also other matters, by facsimile transmission or other electronic means.

See Rule 440(d) governing service of legal papers other than original process by facsimile transmission.

Rule 239.9. Electronic Filing. Local Rule 205.4.

(a) If a court permits or requires the electronic filing of legal papers with the prothonotary, the court must promulgate a local rule designated Local Rule 205.4 which

sets forth in detail the practice and procedure to file a legal paper electronically and includes the matters set forth in this rule.

(b) Local Rule 205.4 shall include the following subdivisions as required by Pa.R.C.P. No. 205.4:

(1) subdivision (a)(1) stating whether the electronic filing system is permissive or mandatory and specifying the actions and proceedings and the legal papers subject to the rule,

(2) subdivision (b)(1) setting forth one or more formats in which legal papers shall be submitted to the prothonotary for filing. The formats shall include portable document format (pdf) and such other electronic format, if any, that the court may designate,

(3) subdivision (c)(2) providing a method of access to the electronic filing website for persons who are not attorneys,

(4) subdivision (d)(1) listing the credit and debit cards approved by the court or the prothonotary, and stating whether the filing fee may be paid by depositing, in advance, sufficient funds with the prothonotary,

(5) subdivision (d)(3) providing the manner of payment when the court has designated a third party to operate the electronic filing system, and

(6) subdivision (f) providing the practice and procedure to govern the matters provided for in Rule 205.4(f).

(c) Local Rule 205.4 may contain such additional subdivisions as the court deems necessary to provide a full and complete description of the electronic filing system.

(d) Local Rule 205.4 shall be promulgated in accordance with the provisions of Rule 239.8(b) through (d).

CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY

Rule 2951. Methods of Proceeding.

(a)(1) Upon filing of the documents by subparagraph (2), the prothonotary shall enter judgment by confession on a note, bond or other instrument confessing judgment or authorizing confession by an attorney at law or other person against the person who executed it in favor of the original holder or, unless expressly forbidden in the instrument, in favor of the assignee or other transferee, without the agency of an attorney and without the filing of a complaint, for the amount which may appear to be due from the instrument. The judgment may include interest computable from the instrument.

(2) The documents to be filed in support of the entry of judgment are

(i) the instrument,

(ii) an affidavit that the judgment is not being entered by confession against a natural person in connection with a consumer credit transaction, and

(iii) a certificate of residence of the plaintiff and of the defendant.

Official Note: Section 2737(3) of the Judicial Code provides that the prothonotary shall have the power and the duty to "enter all civil judgments, including judgments by confession."

A judgment by confession may be entered only in the name of a holder, assignee or other transferee. See Rule 2954.

For collection of attorneys' fees under such a judgment see Rule 2957. If an instrument authorizes confession for a penal sum, judgment may be entered in that amount.

If a judgment by confession on an instrument is to be entered in a judicial district which has implemented electronic filing, an electronic copy of the instrument should be filed in support thereof. Should an issue arise concerning the instrument, any party at any time may request the production of the original instrument for inspection pursuant to Pa.R.C.P. No. 205.4(b)(5).

* * * * *

Rule 2952. Complaint; Contents.

(a) The complaint shall contain the following:

* * * * *

(2) the original or a photostatic copy or like reproduction of the instrument showing the defendant's signature; if the original is not attached, an averment that the copy attached is a true and correct reproduction of the original; if neither the original nor a reproduction can be attached, an explanation why they are not available;

Official Note: If the original instrument is not attached to the complaint, a method of securing inspection thereof is provided by Discovery Rule 4009.1 et seq.

If the complaint is to be filed in a judicial district which has implemented electronic filing, an electronic copy of the instrument should be attached to the complaint. Should an issue arise concerning the instrument, any party at any time may request the production of the original instrument for inspection pursuant to Pa.R.C.P. No. 205.4(b)(5).

* * * * *

Explanatory Comment

Rule 205.4 governing electronic filing of legal papers has been amended to give greater flexibility to the courts of common pleas in creating a program of electronic filing. In addition, new Rule 239.9 mandates that any court that by local rule permits or requires electronic filing adopt Local Rule 205.4 that fully explains the program.

Rule 205.4—Electronic Filing and Service

Subdivision (a)

Subdivision (a) has been amended by adding new subdivision (a)(1) authorizing local courts to institute a program of electronic filing and by designating the definitions found in former subdivision (a) as subdivision (a)(2).

New subdivision (a)(1) is derived from the introductory paragraph to former subdivision (b) and provides that a court by local rule "may permit or require electronic filing of legal papers with the prothonotary. . . ." The note advises that the rule does not require that the court implement electronic filing; this is left to the discretion of the court.

The court must determine whether electronic filing shall be permissive or mandatory and the scope of electronic filing "with respect to the actions and proceedings and the legal papers subject to the rule." These matters must be set forth in Local Rule 205.4(a)(1) to be promulgated by the court.

Subdivision (a) prior to its amendment defined the term "legal papers." The definition excluded (1) original process and (2) notices of appeal from both awards in compulsory arbitration and judgments of magisterial district courts.

Former subdivision (a) has been redesignated subdivision (a)(2) and has been revised in two respects. First, the term "legal papers" now specifically includes "exhibits and attachments." Second, the two exceptions noted above have been deleted so that "legal paper" encompasses all documents to be filed in an action or proceeding. However, the local court is given discretion under new subdivision (a)(1) to determine the scope of the rule with respect to legal papers that may be filed electronically.

Subdivision (b)

Subdivision (b) has been revised as to both substance and structure. The introductory paragraph to former subdivision (b) has been transferred to subdivision (a) as paragraph (1). The remaining text of present subdivision (b) has been deleted and replaced although the subject matter of the rule remains unchanged.

New subdivision (b)(1) names only one format for electronic filing, "pdf" or portable document format, but it allows the court by local rule to specify other formats, whether as alternatives to or in place of "pdf." However, the rule recognizes portable document format as the standard by providing that legal papers presented for filing in other electronic formats must be "converted to portable document format and maintained by the prothonotary in that format."

New subdivision (b)(2) is derived from the last sentence of former subdivision (b)(1). Whereas the former rule provided that a paper filed electronically is deemed to be "the equivalent of the original document," new subdivision (b)(2) states that a paper filed electronically "shall be deemed the original document."

Usually, the original instrument is filed with the prothonotary when seeking a judgment by confession under Rules 2951 and 2952. The note to both rules is revised to accommodate electronic filing since the "original instrument," i.e. the signed hard copy, probably will not be filed.

New subdivision (b)(3) contains the text of former subdivision (b)(1) without change. It provides that the electronic filing of a legal paper constitutes a certification that the paper was properly signed and verified and also a certification as prescribed by Rule 1023.1 et seq. governing the signing of legal papers.

New subdivision (b)(4) continues the requirement of former subdivision (b)(5) that the filing party retain possession of the "original hard copy of the document filed." Only the terminology has changed from "original" hard copy to "signed" hard copy. The new subdivision is modeled on Supreme Court Orphans' Court Rule 3.7(c)(3) but adopts a two-year period following specified events for maintaining the legal document rather than the five-year period of the Orphans' Court rule.

New subdivision (b)(5) replaces former Rule 205.4(b)(2)(ii) and is concerned with those occasions when it is necessary to see the signed hard copy of a document. The prior rule provided for service upon the filing party of a notice to file the original hard copy with the prothonotary. The new subdivision provides for service upon the filing party of a motion to produce the signed hard copy for inspection. The signed hard copy will not be filed.

Subdivision (c)

Subdivision (c)(1) has been revised by deleting the second sentence relating to the date and time of filing and receipt by the prothonotary's computer system. That subject is governed by new subdivision (c)(3).

Revised subdivision (c)(2) provides that access to a website by an attorney shall be by the attorney's identifi-

cation number issued by the Court Administrator of Pennsylvania. However, the local court shall “designate the manner of access to the website for a filing party who is not an attorney.”

New subdivision (c)(3) requires the prothonotary to provide an acknowledgement that a legal paper presented for filing has been received. This notice is in addition to the filing status notice under subdivision (f)(1).

Subdivision (d)

Subdivision (d) governing the payment of the cost of electronic filing has been substantially revised.

Subparagraph (1) is directed to the party who files electronically from a remote location, i.e., a location other than the prothonotary’s office. It lists two methods of payment: an approved credit or debit card and the advance deposit of funds with the prothonotary if the court has approved that method of payment. The court must promulgate Local Rule 205.4(d)(1) specifying the approved card(s) or authorizing the advance deposit of funds.

Subdivision (d)(2) recognizes that a filing party may appear in person at the prothonotary’s office to electronically file a legal paper. That party may pay by a method provided by subdivision (d)(1) and also by cash or check.

If the court has designated an entity other than the prothonotary to operate the electronic filing system, new subdivision (d)(3) provides for the court to promulgate a local rule, Local Rule 205.4(d)(3), authorizing payment of the filing fee to either the prothonotary or to the entity operating the system.

Subdivision (e)

Subdivision (e) relating to problems encountered with the electronic transmission of a legal paper being presented for filing has been substantially revised:

Former subparagraph (1)(i) has been designated subparagraph (1) and continues to provide that a filing party is responsible for delay, disruption and legibility of a document electronically filed. However, an exception has been added when the problem is “caused by the failure of the electronic filing system’s website.”

Former subparagraph (1)(ii) relating to the responsibility of maintaining a debit or credit card account or depositing sufficient funds with the prothonotary has been deleted as unnecessary. If a filing party is to pay the cost of filing by credit or debit card, or the advance deposit of sufficient funds, then it is presupposed that the party will maintain a credit or debit account or sufficient funds on deposit. The presupposition need not be stated.

Former subdivision (e)(2) provided that the filing party accepts the risk that a legal paper filed electronically may not be properly or timely filed. This is a restatement of revised subparagraph (1). Consequently, former subparagraph (2) has been deleted and the text of the rule has been set forth in a note to subparagraph (1).

New subdivision (e)(2) is derived from Rule 205.2 and ensures that a legal paper that complies with the Pennsylvania Rules of Civil Procedure will be accepted for filing by the electronic filing system.

New subdivision (e)(3) provides for the prothonotary to give immediate notice and reason when the electronic filing system rejects a paper for filing.

New subdivision (e)(4) contains two paragraphs. Paragraph (i) provides that the court “upon motion shall resolve any dispute arising under paragraphs (1) and (2) of this subdivision.”

Subdivision (e)(4)(ii) provides relief where a legal paper is not received, accepted or filed by the electronic filing system despite a good faith effort to file the paper. The “court may order that a legal paper be accepted and filed nunc pro tunc upon a showing that reasonable efforts were made to timely present and file the paper.”

Subdivision (f)

Subdivision (f) is unchanged except for an updated cross-reference and the addition of a new note referring to the requirement of Rule 239.9(b)(6) that the court promulgate a local rule governing the matters specified in subdivision (f).

Subdivision (g)

Subdivision (g) continues to provide that if a legal paper is sent electronically directly to another party, service is complete when the paper is sent. However, if the electronic filing system provides notice of the filing to the other party and the document is available for review on the website, service is complete when such notice is given by the system. The note to the rule states that if the notice provided by the system advises the other party that the legal paper is available on the website, there is no need for the filing party to send a separate electronic copy to such other party.

Rule 239.9—Local Rule 205.4

New Rule 239.9(a) requires that a local court that wishes to institute a program of electronic filing promulgate Local Rule 205.4 that “sets forth in detail the practice and procedure to file a legal paper electronically.”

Pa.R.C.P. 205.4 leaves certain matters pertaining to electronic filing to the discretion of the local court. Rule 239.9(b) lists these six matters and requires that they be included in the local rule promulgated by the court. However, since the local rule must set forth the practice for electronic filing in detail, the local rule will not be limited to these six matters.

*By the Civil Procedural
Rules Committee,*

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 07-2142. Filed for public inspection November 30, 2007, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

General Court Regulation No. 2007-01; Service of Orders and Notices as Provided in Pa.R.Crim.P. No. 114

Pennsylvania Rule of Criminal Procedure No. 114 provides that the clerk of courts shall serve on each party’s counsel or the party, if unrepresented, all orders and court notices unless the president judge has promulgated a local rule designating service to be by the court or court administrator.

In Philadelphia County, by custom and long-standing local practice, due in part to the Court’s extensive case-load, service of notices and orders has been effectuated not by the Clerk of Quarter Sessions, who is the

clerk of court, but by the Court through various court offices, officials and employees of the First Judicial District of Pennsylvania.

Accordingly, as authorized by Pennsylvania Rule of Criminal Procedure No. 114, employees of the First Judicial District are authorized to continue to serve notices and court orders on each party's counsel or on the party, if unrepresented. The employee of the First Judicial District who serves a particular notice or order shall make a notation on the notice, order, docket or other location concerning the date and manner served.

This General Court Regulation is issued in accordance with Pa.R.Crim.P. 114, will become effective immediately. As required by Pa.R.Crim.P. No. 105, the original General Court Regulation will be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and with the Clerk of Quarter Sessions. Copies will be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Criminal Procedural Rules Committee. Copies of the Regulation will also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, *Jenkins Memorial Law Library*, and the law library for the First Judicial District, and will be posted on the website of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

By the Court

HONORABLE C. DARNELL JONES, II,
President Judge

[Pa.B. Doc. No. 07-2143. Filed for public inspection November 30, 2007, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Adopted Civil Rule of Procedure No. 1915.4-2;
S2818-07

Order of Court

And Now, this 13th day of November, 2007 at 3:20 p.m., the Court hereby adopts Schuylkill County Civil Rule of Procedure No. 1915.4-2. This rule is adopted for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective immediately.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.

2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a CD-ROM reflecting the text in the hard copy version.

3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.

4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as they existed prior to the adoption are hereby repealed and annulled on the effective date of said rules as adopted, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

CUSTODY PROCEDURE

Rule 1915.4-2, Office Conference. Hearing. Record. Exceptions. Order.

(g) A party who files exceptions to the hearing officer's report pursuant to Pa.R.C.P. 1915.4-2(g) shall contemporaneously file a supporting brief and serve a copy of the exceptions and brief on all other parties. Any party opposing exceptions to the hearing officer's report shall, within twenty (20) days after being served with exceptions, file a brief in opposition thereto and serve the opposing parties with a copy thereof.

When exceptions are filed to a hearing officer's report, the Custody Office shall immediately notify the stenographer, who shall complete and file the transcript of the proceedings before the hearing officer within thirty (30) days. Unless granted leave by the Court to proceed *in forma pauperis*, the party filing exceptions shall pay the cost of transcription. If exceptions are filed by more than one party, the transcription costs shall be shared by the excepting parties on a pro rata basis. The transcription costs shall be paid within thirty (30) days of the date of filing exceptions. If the costs are not timely paid, the stenographer shall so notify the Court after which the exceptions of the non-paying party may be dismissed.

(i) The exceptions to the hearing officer's report shall be decided on the briefs of the parties unless oral argument is requested by praecipe of one or more parties.

[Pa.B. Doc. No. 07-2144. Filed for public inspection November 30, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 51]

General Provisions

The Fish and Boat Commission (Commission) amends Chapter 51 (relating to administrative provisions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2008.

B. *Contact Person*

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The amendment to § 51.71 (relating to scientific collectors' permits) is published under the statutory authority of section 2905 of the code (relating to permits for scientific and educational fish collecting activities).

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's regulations regarding scientific collectors' permits. The specific purpose of the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

Under section 2905 of the code, the Executive Director with the Commission's approval may issue permits to catch fish in waters within or bordering on this Commonwealth at any season of the year and with any kind of devices without regard to size or possession limits to a person who possesses a valid Pennsylvania fishing license and is engaged in scientific or educational research or other collecting activities approved by the Commission. This section also authorizes the Commission to promulgate regulations and to establish fees.

In 1985, the Commission adopted § 51.71, which requires a valid and current scientific collector's permit issued by the Commission to collect, take or maintain for scientific or educational purposes any species of Pennsylvania fishes, amphibians, reptiles or aquatic organisms during seasons not permitted by regulations governing holders of a valid Pennsylvania fishing license or other license or permit issued by the Commission (for example, venomous snake permit, organized reptile and amphibian hunt permit). Although this regulation was not promulgated until 1985, the Scientific Collector's Permit Program (SCP Program) was initiated by the Commission in January 1966 and was revised several times over the years. In July 1978, the Commission established various fees for different permit types within the SCP Program through a statement of policy. Three types of permits with associated fees were established, and those fees are the same today: Type 1 permits (Research) are \$10, assistants and permit amendments have no fee; Type 2 permits

(Government) are free, assistants and permit amendments are free; Type 3 permits (Consulting) are \$50, \$10 for each assistant and permit amendments are \$10.

The Natural Diversity Section within the Commission's Bureau of Fisheries, Division of Environmental Services, administers the SCP Program. The SCP Program has significant staff demands. Administering the program requires staff to review permit applications and process end-of-year permit reports. Reviewing the applications requires a technical review and substantial staff interaction with potential collectors, often resulting in changes to proposed collections. Permit collection reports are filed by staff, and relevant collection information (that is, rare, threatened and endangered species data) is extracted from the reports and submitted to Pennsylvania Natural Heritage Program to be included in the Statewide database for rare species (Pennsylvania Natural Diversity Inventory).

In the past, the Commission issued, on average, approximately 120 scientific collectors' permits annually. However, in the past 5 years, the number of permits reviewed, amended and issued by Commission staff has increased substantially. In 2005, 397 permits were issued; in 2006, 520 permits and amendments were issued. To address increasing SCP Program demands, the Commission has streamlined the permit application process and improved and standardized permit reporting by developing an interactive, Internet-based computer application that will be accessible to the public.

Although the fee structure is included in the statement of policy, it is not currently set forth in § 51.71. The Commission therefore adopted an amendment that includes the fee structure in § 51.71. In addition, the fee structure had not changed in 29 years. Thus, the Commission adopted an amendment that increases the permit fees to help offset inflation and increasing SCP Program costs. The Commission further formalized the long-standing statement of policy that defines and describes the three different permit types that this program offers by including its terms in § 51.71. The Commission also adopted housekeeping changes to reflect the current names of some of the permits referenced in the regulation. On final-form rulemaking, the Commission adopted the proposed amendments as set forth in the notice of proposed rulemaking.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements. The Commission currently offers the three permit types described in this final-form rulemaking, and the interactive, Internet-based computer application is intended to streamline the permitting process and to reduce the paperwork demands of the SCP Program.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The increased fees will help offset the Commission's continuing expenses to administer the SCP Program and the costs of the interactive, Internet-based application.

The amendment will increase fees for permit applicants. The fee for a Type I permit for Nonprofit Research and Education will increase from \$10 to \$30, assistants on Type I permits will remain free, and the fee for a Type I permit amendment will increase from no fee to \$15. The

fee for a Type II permit for Government remains free, and assistants and permit amendment also remain free. The fee for a Type III permit for Consulting will increase from \$50 to \$150, the fee for assistants on Type III permits will increase from \$10 to \$30, and the fee for a Type III permit amendment will increase from \$10 to \$75.

With regard to all permit types, the Commission will utilize the fees to offset the costs associated with permit issuance and processing and data compilation. It is expected that the Commission will recover its costs for the permits for which fees are charged and that the Commission will absorb the costs associated with the free permits.

H. Public Involvement

A notice of proposed rulemaking was published at 37 Pa.B. 4431 (August 11, 2007). The Commission received a total of two public comments. One comment questioned the need to raise permit fees; the other comment supported the increase in permit fees and suggested that the Commission adjust its permit system to make it easier for larger companies to comply with the regulations. Specifically, the comment requested that the Commission consider requiring each office location to hold one permit but with a greater number of assistants listed on the permit. Because this is an issue that can be addressed by staff when issuing permits, it was not addressed as part of the rulemaking process. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

- (1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided, and the comments that were received were considered.
- (3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

- (a) The regulations of the Commission, 58 Pa. Code Chapter 51, are amended by amending § 51.71 to read as set forth in 37 Pa.B. 4431 (August 11, 2007).
- (b) The Executive Director will submit this order and 37 Pa.B. 4431 to the Office of Attorney General for approval as to legality as required by law.
- (c) The Executive Director shall certify this order and 37 Pa.B. 4431 and deposit them with the Legislative Reference Bureau as required by law.
- (d) This order shall take effect on January 1, 2008.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: Fiscal Note 48A-195 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 07-2145. Filed for public inspection November 30, 2007, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401a, 429, 429a, 433, 433a, 435, 435a, 437, 437a, 441 AND 441a]

Preliminary Provisions; Manufacturer Designees; Principal Licenses; Employees; Vendor Certification and Registration; Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1202(b)(9), (12), (13)—(20) and (23), 1205, 1209, 1301—1316, 1317.1, 1318, 1321, 1325—1331 and 1802, adopts Chapters 429a, 433a, 435a, 437a and 441a and rescinds Chapters 429, 433, 435, 437 and 441 to read as set forth in Annex A.

Purpose of the Final-form Rulemaking

Under 4 Pa.C.S. § 1203 (relating to temporary regulations), the Board initially adopted temporary regulations in Chapters 433 and 435 at 35 Pa.B. 4045 (July 16, 2005); Chapter 437 at 35 Pa.B. 6411 (November 19, 2005); Chapter 441 at 35 Pa.B. 4543 (August 6, 2005); and Chapter 429 at 37 Pa.B. 1862 (April 21, 2007). Under 4 Pa.C.S. § 1203(b), the temporary regulations expired on July 5, 2007.

The Board is adopting Chapters 429a, 433a, 435a, 437a and 441a, amending Chapter 401a and rescinding Chapters 429, 433, 435, 437, and 441 to replace the Board's temporary regulations with the permanent regulations.

Explanation of Chapters 429a, 433a, 435a, 437a and 441a

Chapter 429a (relating to manufacturer designees) addresses the licensure of manufacturer designees. It specifies: who must obtain a manufacturer designee license; what a manufacturer designee may do; what restrictions are placed on a manufacturer designee; and lays out the application process for an initial manufacturer designee license and for additional manufacturer designee licenses. This chapter also sets forth the term of the manufacturer designee license, the process for license renewals and the responsibilities of a manufacturer designee. It also provides that a manufacturer designee will be deemed to be an agent of the manufacturer; that the manufacturer and the manufacturer designee will be held jointly and severally liable for violations of the regulations and the act committed by the manufacturer designee, and requires all agreements and amendments thereto to be submitted to the Board for Board approval.

Chapter 433a (relating to principal licenses) specifies who is required to be licensed as a principal, who may be exempted from licensure, and who may be eligible to receive a waiver. It contains the process for filing an application for a principal license, the responsibilities of applicants, the term of the principal license and the process for renewal of a principal license.

Chapter 435a (relating to employees) contains a number of general provisions that apply to individuals who are applicants for or holders of a key employee license, occupation permit or nongaming employee registration. This chapter also contains a process for filing a waiver from key employee licensure and the information that must be included. It also contains the process for renewal of a key employee license or gaming employee occupational permit.

Chapter 435a also contains the requirements related to Board credentials including who must obtain a credential, how an emergency credential can be obtained, and when

temporary credentials for principals, key employees and nongaming employees may be issued. Additionally, this chapter requires that any lost credential be reported to the slot machine licensee's security department and that the slot machine licensee's security department must provide written notice to the Board of the lost credential. Lastly, this chapter allows employees to request a duplicate Board credential by submitting a Request for Duplicate PGCB Credential form to the Bureau of Licensing.

Chapter 437a (relating to vendor certification and registration) contains the criteria that will be used to determine if a vendor is required to obtain a vendor registration or vendor certification, has the procedures for filing an application for a vendor certification or registration, contains a list of providers who are exempt from the registration and certification requirements and allows vendors to seek a waiver of the registration and certification process by filing a Vendor Certification Waiver Application.

This chapter also requires certain individuals to be certified, allows certain subcontractors to file an Onsite Vendor Notification Form, and establishes the term of vendor certifications and registrations and the process for renewal of a certification or registration. It specifies the general responsibilities of certified and registered vendors and lists the employees of a certified vendor that are required to obtain an occupation permit or nongaming employee registration.

Additionally, Chapter 437a provides that the Board will maintain lists of approved and prohibited vendors, contains a list of the factors the Board will consider when it is determining whether or not to place a vendor on the prohibited vendor list, and specifies the petition process to be used by vendors who are seeking removal from the prohibited vendor list.

Finally, this chapter establishes the conditions under which a slot machine applicant or licensee may request that the Board allow a vendor to provide goods or services prior to completing the application process and that allow a slot machine applicant or licensee to use a vendor that is not registered or certified to respond to an emergency involving a threat to public health, welfare or safety or conditions beyond the control of the slot machine applicant or licensee.

Section 441a.1 (relating to definitions) contains definitions and provisions related to the application process for a slot machine license. It addresses what materials must be filed, outlines the bond or letter of credit requirements, mandates that the Board hold at least one public hearing on a slot machine license application, and specifies the procedures that will be used for slot machine licensing hearings and the criteria the Board will use to determine whether or not to grant a license.

Chapter 441a.1 (relating to slot machine licenses) also addresses a number of related items including: divestiture of interests held by an individual who is not eligible or suitable for licensure; notification of any changes in principals, key employees or financial sources; review of all written and oral agreements; the filing and content of the monthly Master Purchasing and Disbursement Reports; posting of the \$1 million bond that slot machine licensees must obtain to comply with 4 Pa.C.S. § 1316 (relating to bond for issuance of slot machine license); the term of and the process for renewal of a slot machine license; and provisions pertaining to changes in ownership and restrictions on ownership of multiple slot machine licensees.

Chapter 441a also requires slot machine licensees to submit monthly employee status reports and requires slot machine licensees to report the termination of any employee if the circumstances surrounding the termination could be cause for suspension or revocation of the employee's license, permit or registration. It mandates that agreements that provide any form of payment related to earnings, profits or receipts from a slot machine licensee must be approved by the Board and provides that a slot machine licensee will be held jointly and severally liable for violations of 4 Pa.C.S. Part II (relating to the Pennsylvania Race Horse Development and Gaming Act) or the Board's regulations committed by its management company.

Additionally, Chapter 441a contains general provisions that apply just to Category 1 and Category 3 slot machine licensees. For Category 1 slot machine licensees, these include requirements for payments of funds required by 4 Pa.C.S. §§ 1404—1406 (relating to distributions from licensee's revenue receipts; Pennsylvania Race Horse Development Fund; and distributions from Pennsylvania Race Horse Development Fund). For Category 3 slot machine licensees there are provisions related to what is considered to be a well-established resort hotel, a requirement to submit a plan to control access to the gaming floor to ensure that unauthorized individuals are not permitted to enter the gaming floor and provisions which permit holders of memberships for amenities or patrons of amenities to be allowed access to the gaming floor.

Comment and Response Summary

Notice of proposed rulemaking was published at 37 Pa.B. 2695 (June 16, 2007).

The Board received comments from Down's Racing, LP (Down's), Greenwood Gaming and Entertainment, Inc. (Greenwood), HSP Gaming, LP (HSP) and International Game Technology (IGT) during the public comment period. On August 15, 2007, comments on the proposed rulemaking were received from the Independent Regulatory Review Commission (IRRC). These comments were reviewed by the Board and are discussed in detail as follows.

Both IRRC and IGT suggested that a definition of the term "manufacturer designee" be added to the regulations.

Subsequent to the publication of this proposed rulemaking, the final-form version of Chapter 401a (relating to preliminary provisions) was published. This chapter contains definitions of the terms "manufacturer designee," "manufacturer designee license" and "manufacturer designee licensee." Therefore, adding a definition of "manufacturer designee" to this chapter is not necessary.

IRRC also recommended that the Board add details on how soon the Board will act on an applicant and what recourse an applicant has if its application is denied.

The Board has not added a fixed time period within which an application will be acted on because it can vary significantly. While the Board will promptly begin its review of an application, the time required to complete its review will vary depending on the organizational structure of the applicant, how quickly the applicant provides any additional information requested by the Bureau of Licensing and the number of other applications that are under review.

The Board has also not added any provisions related to appeals. An appeal of the denial of a manufacturer designee application would be filed in Commonwealth Court and would have to be filed in accordance with the requirements established by the court.

In § 429a.6 (relating to manufacturer designee as agent), IRRC asked what the statutory authority was for the joint and several liability provision in subsection (b).

This provision is being adopted under the Board's general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers). This provision is necessary because the manufacturer designee acts as the manufacturer's agent. Without this provision a manufacturer could use a manufacturer designee to shield themselves from enforcement actions. However, the Board has replaced the word "shall" with "may." This will allow the Board to determine, based on the specific facts of a given situation, if the manufacturer should be liable for the actions of the manufacturer designee.

In § 433a.1 (relating to definitions), HSP suggested that the definition of the term "applicant" be amended by adding "which is pending before the Board or the denial of which is subject to a pending appeal, or for which the period of time to appeal has not expired." to clarify when an applicant ceases to be an applicant. IRRC asked why the definition of "applicant" in this chapter differs from the definition in the act and in § 401a.3 (relating to definitions) and suggested that one consistent definition be used.

The Board has not adopted either suggestion. The Board considers that an applicant ceases to be an applicant when the Board disapproves the application. HSP's suggested change would extend the time that an applicant is still considered to be an applicant until any appeals are resolved or the time period to file an appeal has ended. In response to IRRC's comment, the Board has made the definition in this chapter narrower than the general definition because not all principals of applicants are required to be licensed. This definition encompasses only those entities whose principals must obtain a license.

IRRC also asked what the basis is for the 20% that is used in the definition of "holding company" and suggested that the Board add a definition of the term "principal" to this chapter.

Using 20% to replace the phrase "significant part" was done to give the regulated public a clear understanding of what the Board considers to be significant. Twenty percent was selected because it is within the range of percentages typically used to determine what a controlling interest is. It is also the percentage that is used in 4 Pa.C.S. § 1328(c) (relating to change in ownership or control of slot machine licensee) to determine what constitutes a change in control of a slot machine licensee. However, this definition has been deleted because it repeats the definition of "holding company" that was included in the final-form version of § 401a.3.

A definition of "principal" has not been added to this chapter because principal is defined in § 401a.3. Repeating the definition there is unnecessary.

In § 433a.3 (relating to individual ownership), HSP suggested that the Board delete subsection (c) and revise subsection (d) to exempt direct as well as indirect ownership interests of less than 1%.

The Board disagrees with this suggestion. Any owner of or direct beneficiary of any intermediary or holding company of a slot machine licensee should be required to obtain a principal license.

In subsection (f), HSP suggested that grantors who no longer have any obligations or rights; or who established the trust at least 1 year prior to the trust becoming an

applicant; or the financial contribution by the grantor to the trust is under \$1,000 not be required to obtain a principal license.

Section 1325(d)(1) of 4 Pa.C.S. (relating to license or permit issuance) requires all grantors to be licensed as principals. Accordingly, the Board lacks the statutory authority necessary to make the suggested changes.

In § 433a.3(g), IRRC asked why this provision (and similar provisions in §§ 433a.4(h) and 433a.6(d)) (relating to entity ownership; and lenders and underwriters) is needed.

The individuals in subsections (a)—(f) are required to be licensed. Individuals who fall under subsection (g) will be required to obtain a license only if the Board determines it is appropriate given the specific ownership structure of the applicant. This gives the Board some discretion and is consistent with the language of the act which defines a "principal" as "... or other person or employee of an applicant, ... deemed to be a principal" by the Board.

In § 433a.7 (relating to trusts), IRRC suggested that the Board add a definition of the term "similar business entity."

This term, which is used in the act, is being used as a general catch-all to pick up any trust-like entities. Attempting to add an all-inclusive definition of this term would be difficult given the myriad of organizational structures that exist and would defeat the purpose of its use.

Also in § 433a.7, HSP suggested that subsection (b) be revised to exempt direct as well as indirect ownership interests of less than 1% and that the phrase "as required under this chapter" be added to subsection (d) to reflect the less than 1% exemptions suggested for inclusion in §§ 433a.3 and 433a.7.

The Board has not adopted either of these suggestions. The Board believes that any trust that holds a direct ownership interest in an applicant or licensee should be required to obtain a principal license. Additionally, since the Board has not adopted the recommended changes to § 433a.3(c) and (d) or § 433a.7(b), there is no need to add the suggested revision to subsection (d).

In § 433a.9 (relating to principal license term and renewal), HSP suggested that the Board change the renewal date for principal licenses to coincide with the renewal date of the licensee that the principal is associated with.

Because 4 Pa.C.S. § 1326 (relating to license renewal) establishes that all licenses and permits are subject to annual renewal, the Board can not, by regulation, change the renewal date of a principal license to correspond to the renewal date of the entity that it is associated with. However, because licenses remain in effect after expiration if a renewal application and fee have been received, the Bureau of Licensing will try to coordinate the submission of renewal applications of entities and their principals to the Board.

In Chapter 435a, IRRC suggested that the Board add provisions on the time period within which applications will be acted on, how applicants will be notified of the Board's decision and how an applicant can appeal a denial to §§ 435a.2, 435a.3 and 435a.5 (relating to key employee license; occupation permit; and key employee license and occupation permit term and renewal).

The Board has not added any time period within which an application will be acted on because it can vary significantly depending on the answers given by the applicant, how quickly the applicant provides any additional information requested by the Bureau of Licensing and the number of other applications that are under review.

The Board has also declined to add provisions related to how it provides notice of its decisions. All applications are acted on by the Board. If an application is approved, the applicant will receive an approval order or a credential, or both, from the Board. If an application is disapproved, the applicant will receive an order denying the applicant application. Since these are Board procedures that do not require actions by the applicants there is no reason to put these processes in the regulations.

The Board has also not added any provisions related to appeals. An appeal of the denial of an application would be filed in Commonwealth Court and would have to be filed in accordance with the requirements established by the court.

In § 435a.1(k) (relating to general provisions), IRRC asked what the Board's statutory authority is to require that applicants demonstrate that they are current on any financial obligations owed to the Commonwealth or any political subdivisions thereof, including court-ordered child support. Additionally, IRRC suggested that the regulation specify what documentation must be submitted to demonstrate compliance.

The authority for this requirement is contained in the Board's general authority in 4 Pa.C.S. § 1202(b)(30) and in the specific licensing requirements under 4 Pa.C.S. §§ 1311, 1311.1, 1311.2, 1318, 1321 and 1325. This is one of the factors that the Board will consider when determining whether or not an individual is suitable to receive a license or permit.

The Board does not believe additional provisions for demonstrating compliance are necessary. Applicants will demonstrate compliance through answers to questions on the various application forms and by completing a tax clearance form which authorizes the Board to do a tax check with the Departments of Revenue and Labor and Industry. The Board will verify this information through the tax clearance checks and credit checks that are done as part of the background investigation conducted by the Board.

In § 435a.6 (relating to Board credentials), IRRC suggested that the Board add the process for obtaining a Board credential.

Individuals who are required to obtain a credential are automatically issued a credential when their application for a license, permit or registration is approved. Because applicants don't have to do anything to obtain their credential, there are no procedures to add to this section.

In § 437a.1 (relating to general vendor requirements), HSP suggested that the Board add "performing gaming related duties on the gaming floor" to subsection (b)(3) so that vendors whose employees perform nongaming related duties on the gaming floor can be registered instead of certified.

The Board has not adopted this suggestion. To protect the integrity of gaming, any vendor whose employees will be working on the gaming floor should be certified.

Also in § 437a.1, IRRC suggested that the Board add the criteria the Board will use when requiring a vendor to

be certified "based on an analysis of the vendor's services" and change "associates" to "associations" in subsection (c)(4).

The Board agrees with both of these suggestions and has added the phrase "to ensure the integrity of gaming" to subsection (b)(4) and replaced "associates" with "associations" in subsection (c)(4).

In § 437a.2 (relating to vendor registration applications), IRRC noted a misspelling in subsection (a) and questioned the Board's authority to limit the recovery of expenses related to investigations of registered vendors to \$2,000 in subsection (c).

Placing the \$2,000 cap on reimbursement of application review costs in the regulations was done to encourage small businesses to apply to become registered vendors. This was based on the fact that the Board does not envision that the investigation costs will ever exceed \$2,000. However, as IRRC noted, 4 Pa.C.S. § 1208(1)(iii) (relating to collection of fees and fines) requires the Board to collect "The reasonable and necessary costs and expenses incurred in any background investigation or other investigation or proceeding concerning any applicant, licensee, permittee or registrant . . ." from the applicant. Accordingly, the Board has deleted the phrase "up to a maximum amount of \$2,000" in the final-form regulation. Additionally, the Board has corrected the misspelling in subsection (a).

In § 437a.4 (relating to individual certifications and investigations), HSP suggested that exemptions or waivers of principal certification be allowed for: persons who hold a beneficial interest or ownership of less than 5% of a certified vendor; officers and directors of publicly traded certified vendors; and officers of certified vendors that are not regularly and actively involved in the certified vendors business with a slot machine licensee.

To address the concerns expressed by HSP and to streamline the application process, the Board has deleted § 437a.4 and § 437a.5 (relating to construction subcontractors). In their place, the Board has inserted a new § 437a.4. Under this section a more limited number of persons will be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form or be required to sign a Release Authorization. These new requirements will substantially reduce the costs for vendor applicants while still providing the information the Board needs to evaluate the suitability of an applicant.

In § 437a.11 (relating to slot machine applicants' and licensees' duty to investigate), IRRC questioned the reasonableness of and need for subsection (a) if a vendor is registered or certified by the Board. If this provision is retained, IRRC suggested that criteria that the slot machine applicant or licensee should use should be added to the regulation.

The Board agrees that there is no need for further review of approved vendors and has deleted the second sentence in subsection (a). That sentence had been intended to have slot machine applicants or licensees exercise ongoing oversight of vendors performing work for them. To clarify this, a new subsection (d) has been added which requires slot machine applicants or licensees to notify the Board of any actions by vendors which a slot machine applicant or licensee believes would constitute a violation of the act or the Board's regulations.

In § 441a.1, IRRC noted that the definition of "applicant" in this chapter differs from the definition in the Act and in § 401a.3 and suggested that a consistent definition be used. Additionally, IRRC asked if time-shares

equal common ownership and how is the inclusion of time share units in the definition of "guest rooms under common ownership" consistent with the statutory definition of "well-established resort hotel."

The definition of "applicant" in this chapter is narrower than the general definition because in this chapter the term is only intended to include those entities that are applying for a slot machine license. Therefore no change has been made.

Concerning the inclusion of time share units, the Board notes that time share units may be owned by a resort hotel or by individuals. Only those units owned by the resort hotel would be included in the definition of "guest rooms under common ownership." Many resort hotels offer time-share units in the hotel itself or as stand alone units at the resort, or both. At the public hearing conducted by the Board in March of this year, a number of commentators, including House and Senate staff, suggested that time-share units that meet the common ownership requirement could be included in the room count of the resort. The Board agrees that a time-share unit that is owned by the resort hotel and is available to the public for rental is no different from a room in the hotel.

In § 441a.5 (relating to license fee payment bond or letter of credit requirements), HSP suggested that the Board add the phrase "and no appeal of such denial by the applicant is pending" to subsection (f)(2)(i). This would require that anyone filing an appeal must still maintain his bond or letter of credit.

As previously stated, the Board considers that an applicant ceases to be an applicant when the Board disapproves its application. Accordingly, this suggested change has not been adopted.

In § 441a.7 (relating to licensing hearings for slot machine licenses), IRRC noted that subsection (b) refers to prehearing conferences, but the regulation does not provide any details about when or how they would be conducted. IRRC suggested that prehearing conference procedures be added or cross-referenced in this section. IRRC also asked how soon after the conclusion of the licensing hearings will the Board issue its final order.

The Board agrees with IRRC's suggestion relating to prehearing conferences and has added a new subsection (b) which states that prehearing conferences may be scheduled to address issues related to the licensing hearings and provides a cross-reference to § 491a.9 (relating to prehearing and other conferences).

Concerning the issuance of the Board's final order, the Board has not added a fixed time period to the regulation because the exact amount of time needed will vary depending on the number and complexity of the applications.

Also in § 441a.7, HSP suggested that subsection (h)(3) and (4) be revised so that applicants would not be required to file documents that have already been submitted to the Board or that contain confidential information.

The Board agrees, in part, with this suggestion and has added a new paragraph (5) to allow applicants to reference items already in the public record. No change was made for confidential information because the treatment of confidential information was addressed in proposed subsections (k) and (m).

In § 441a.16 (relating to slot machine license term and renewal) both Down's and Greenwood strongly recommended that they only be required to file material

updates of information contained in their initial application. They argue that this would be consistent with the language of 4 Pa.C.S. § 1326 (relating to license renewal) of the act which states "The application renewal shall include an update of the information contained in the initial and any prior renewal applications . . .". They also suggest that the Board define the term "material" as "updates which could have an effect on a continuing finding of suitability."

It is the Board's intent that slot machine licensees will use renewal application forms which are essentially the same as the initial application forms. Slot machine licensees will only be required to provide information that has changed; everything else can be marked "No Update." This will substantially reduce the amount of time required to complete the renewal forms.

The Board has not added a definition of "material" because the Board wants all of the information that has changed. It is the responsibility of the Board to review anything that has changed and determine whether or not it could have an effect on a continuing finding of suitability.

Down's and Greenwood also suggested that the Board send a notice to all licensees 120 days prior to the expiration of their license and that renewal applications be deemed approved unless expressly denied by the Board.

The Board has not adopted either of these suggestions. Sending a notice to slot machine licensees would create an unnecessary administrative burden on the Board which slot machine licensees would end up having to pay for. However, because the date a slot machine license is approved and the date it is issued can differ, the Board understands and agrees that there can be some uncertainty concerning when a slot machine license is due to expire. To remove this uncertainty, the Board will be adding the license expiration date to the listing of slot machine licensees which is available on the Board's website. This will allow slot machine licensees to easily verify the expiration date of their license so they will know when their renewal applications are due.

The Board is not adopting the suggestion that applications be deemed approved because it conflicts with the statute and is unnecessary. Section 1326 of 4 Pa.C.S. states "A permit or license for which a completed renewal application and fee, if required, has been received by the board will continue in effect unless and until the board sends written notification to the holder of the permit or license that the board has denied the renewal of such permit or license." This is the language that the Board has carried over into the renewal requirements for slot machine licensees in this regulation. The interests of slot machine licensees are protected because filing the required renewal materials "extends" the term of their current license, so there is no need for a deemed approval provision.

Finally, Down's stated that renewal requirements should only apply to licenses and permits because those are all that is mentioned in 4 Pa.C.S. § 1326.

Because this section applies to slot machine license renewals, this comment does not apply to this section. However, the Board notes that the regulations for certified and registered entities were promulgated under the Board's general authority which is also the statutory basis for renewal requirements for those entities.

Also in § 441a.16, IRRC suggested that the Board add additional detail on the renewal process.

In response to IRRC's suggestion, the Board has added the name of the renewal form.

In § 441a.20 (relating to slot machine license agreements), IRRC suggested that the process for the approval of these agreements, including time lines for review, be added to the regulation.

The Board agrees with this suggestion and has added a new subsection (b) which requires submission of agreements at least 60 days prior to the proposed effective date of the agreement. This should provide enough time for the Board to review an agreement. However, no agreement will be allowed to take effect until the Board has approved it.

In § 441.21 (relating to management contracts), IRRC asked what the Board's statutory authority for this section is.

The legal basis for this provision is the Board's general authority in 4 Pa.C.S. §§ 1202(b)(30), 1321 and 1325.

Also in this section, Down's suggested that the Board delete this section entirely or limit the liability of the management company to actions that fall within the scope of the management contract.

This section addresses the joint and several liability of slot machine licensees, not management companies. Liability of management companies for actions of slot machine licensees is addressed in § 440a.4(b) (relating to required provisions in management contract) of the Board's regulations. The Board has replaced the word "shall" with "may." This will allow the Board to determine, based on the specific facts of a given situation, if a slot machine licensee should be liable for the actions of the management company.

In § 441a.23 (relating to Category 3 slot machine licensees), IRRC asked under subsection (a) if satellite amenities owned by the resort hotel qualify as being on the premises and suggested that this point be clarified in the regulations.

The definition of amenities in the act and the regulation uses the phrase "at a resort hotel." Accordingly, amenities at satellite locations would not qualify. To provide greater clarity, the phrase "on its premises" is being replaced with "at the resort hotel."

IRRC also asked what the Board's authority is for subsection (d) which specifies when a patron of one of the resort hotel's amenities may be allowed on the gaming floor.

The authority for this provision is the Board's general authority in 4 Pa.C.S. § 1202(b)(30). The act, in 4 Pa.C.S. § 1305 (relating to category 3 slot machine licenses), limits access to the gaming floor to guests of the resort hotel and patrons of one or more amenities. However, the act is silent as to when or for how long the use of an amenity will entitle an individual to have access to the gaming floor. The Board does not believe that the General Assembly intended the one-time use of an amenity to entitle an individual to have unlimited access to the gaming floor. For this reason, subsection (d) limits the access to the gaming floor to a single, limited period of time, close to the time that the individual used the amenity.

Additional Revisions

In addition to the revisions previously discussed in this preamble, the Board has made a number of additional revisions.

In § 401a.3, the definition of "regular or continuing basis" has been deleted. This term had previously been used to define certified vendors but is no longer needed because the criteria defining a certified vendor are in § 437a.1.

In § 433a.1, the phrase "member of an audit committee" has been added to the definition of "director" to clarify that the requirements of this chapter that are applicable to directors will also apply to members of audit committees.

In § 433a.2 (relating to directors or officers), the Board has made two changes. First, a new subsection (d) has been added which requires senior surveillance or internal audit executives of a holding or intermediate company which has authority to direct the operations of a slot machine licensee to be licensed as a principal if the most senior executive in the reporting line reports directly to the independent audit committee of the board of directors of the holding or intermediary company. Second, in subsection (f) the Board has replaced the phrase "may not" with "will not be required to" to clarify that certain outside directors will not be required to be licensed as a principal unless the Board determines that licensure is necessary to protect the integrity of gaming in this Commonwealth.

In § 433a.6(b), the words "manufacturer or supplier" have been inserted after "slot machine." This corrects a drafting error and exempts banks and other traditional lending institutions that provide financing to manufacturers or suppliers from having to be licensed as a principal. In § 433a.6(d), a number of changes were made to improve clarity. These include adding "an applicant or" to expand the scope of this subsection to include applicants as well as licensees; deleting the phrase "to produce any information, documentation and assurances concerning the lender or underwriter;" and replacing "probable cause" with "reason."

In § 435a.1, new language was added as a new subsection (j) to bar registrants employed by certified vendors or employees of a certified vendor who have direct contact with the employees of a licensed facility from gaming at a licensed facility where the vendor currently provides services. This is consistent with the restriction placed on registrants and employees of a slot machine licensee in subsection (i). Additionally, a new subsection (m) has been added which requires applicants for an occupation permit or nongaming employee registration to be at least 18 years of age.

In § 435a.2, two revisions were made. First, the phrase "by clear and convincing evidence" in subsection (e) was deleted. It is unnecessary because it repeats the general requirement that applies to all applicants under § 421a.1(h). Second, in subsection (f), the Board has deleted "nontransferable" and added "valid for employment with any licensed entity" to clarify that a key employee license is valid for employment with any licensed entity, not just the licensed entity for which it was originally obtained.

In § 435a.3(f), the Board has deleted "nontransferable" and added "valid for employment with any licensed entity or certified vendor" to clarify that an occupation permit is valid for employment with any licensed entity or certified vendor, not just the licensed entity or certified vendor for which it was originally obtained.

In § 435a.5, the Board has added a new subsection (e) which clarifies that an occupation permit is valid for employment with any licensed entity or certified vendor, not just the licensed entity or certified vendor for which it was originally obtained.

Two additional revisions were made to § 435a.6. First, in subsection (b)(1) the Board has deleted “address” from the list of items that are on a Board credential. The Board has determined that there is no need to have this information on the credential. Second, subsection (c) has been revised to require individuals who are required to obtain a Board credential, who are not state employees or employees of the slot machine licensee, to display, rather than just carry, their Board credential.

Section 435a.7 (relating to emergency credentials has been rewritten to shift the responsibility for issuance of emergency credentials from the slot machine licensee’s security department to the onsite BIE agents. This will give the Board direct control over this process and reduce the administrative and recordkeeping burden on slot machine licensees.

In § 437a.1, the Board has made minor wording changes to improve clarity and subsections (e) and (f) relating to waivers have been relocated to § 437a.3 (relating to vendor certification applications).

In § 437a.3, revisions were made to subsection (a) to exempt intermediary and holding companies of publicly traded companies from the requirement of filing a vendor certification form and to conform with the changes made to § 437a.4. Additionally, new subsections (d)—(g) were added which allow for the filing of a Single Transaction Waiver Form or a Vendor Certification Waiver Form in limited circumstances. These changes will help to simplify the application process.

Proposed §§ 437a.4 and 437a.5 regarding to principal and key employee certifications have been deleted and replaced by a new § 437a.4 entitled “Individual certifications and investigations.” Under this scheme, a more limited number of individuals will be required to file either a Pennsylvania Personal History Disclosure Form or sign a Release Authorization which will allow the Board to conduct background checks. These changes will also simplify the application process and reduce costs for vendors and the Board.

A new § 437a.5, regarding construction subcontractors, has been added which establishes an abbreviated filing process for certain subcontractors who would otherwise be required to be certified or registered. It permits subcontractors who do not have an agreement with a slot machine applicant or licensee or the general contractor of a slot machine applicant or licensee to file an Onsite Subordinate Vendor Notification Form.

In § 437a.7(c), the Board has added “The employee is the onsite supervisor of other employees who are involved in the construction of a licensed facility” to the list of certified vendor employees that are required to obtain a nongaming employee registration.

In § 437a.9 (relating to permission to conduct business prior to certification or registration), the requirement in subsection (a)(3) that the slot machine applicant or licensee demonstrate good cause for allowing a vendor applicant to provide services prior to certification or registration has been deleted. The Board sees no need to impose this requirement on the slot machine applicants or licensees.

In § 441a.5(b), the Board has replaced the word “required” with “permitted.”

In § 441a.7, a new subsection (s) has been added which establishes procedures for applicants to file objections during the slot machine licensing hearings. If objections are not filed, the applicant will be deemed to have waived its right to file objections. This provision is being added to respond to the Supreme Court’s concern raised in the Pocono Manor appeal.

In § 441a.16, the term of licensure has been changed from “1 year from the date of Board approval” to “1 year from the date of the issuance of the license by the Board.” This will stagger the renewal dates for the slot machine licenses.

In § 441a.17 (relating to change in ownership or control of slot machine license and multiple slot machine license prohibition), the Board added the phrase “by filing a Slot Machine Licensee’s Notification of Proposed Transfer of Interest Form” in subsection (a) so that licenses will know how to notify the Board of any proposed or contemplated change in ownership.

In § 441a.22 (relating to category 1 slot machine licenses), a new subsection (d) was added which requires Category 1 slot machine licensees to annually submit a report of planned future improvements to the backside area that will occur over the next 3 years. Existing subsection (d) which allows the Board to request interim reports is now subsection (e) and will apply to the reporting requirements in existing subsection (c) and the new subsection (d). This will allow the Board to more closely monitor improvements to the backside areas by the Category 1 slot machine licensees.

Additionally, minor wording changes have been made throughout these chapters to improve clarity.

Affected Parties

This final-form rulemaking imposes requirements on applicants for and holders of slot machine licenses, manufacturer designee licenses, principal and key employee licenses, vendor certifications or registrations, and on employees required to obtain an occupation permit or nongaming employee registration.

Fiscal Impact

Commonwealth

This final-form rulemaking will impose costs on the Board related to processing initial applications and renewals, conducting hearings and investigations and issuing licenses, permits, certifications and registrations. Where applicable, the Pennsylvania State Police will also experience costs associated with investigations of applicants.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

Private Sector

Applicants for the various licenses, permits, certifications and registrations will incur costs to complete the applicable applications and pay the applicable application fees and additional costs associated with investigations.

General Public

This final-form rulemaking will have no significant fiscal impact on the general public.

Paperwork requirements

Applicants for and holders of slot machine licenses, manufacturer designee licenses, principal and key employee licenses, vendor certifications or registrations, and

employees required to obtain an occupation permit or nongaming employee registration will be required to complete the applicable initial application and renewal forms. Category 1 slot machine licensees will now be required to annually submit a report of planned future improvements to the backside area of the racetrack that will occur over the next 3 years.

Effective Date

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

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review, (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a), on June 1, 2007, the Board submitted a copy of the proposed rulemaking, published at 37 Pa.B. 2695 (June 16, 2007), and a copy of the Regulatory Analysis Form to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 17, 2007, the final-form rulemaking was deemed approved by the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 18, 2007 and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Part VII, are amended by deleting §§ 429.1—429.7, 433.101—433.109, 435.1, 435.3—435.6, 435.8—435.10, 437.1—437.3, 437.4a—437.4d, 437.5, 437.7, 437.10, 437.13, 441.1—441.3, 441.4a, 441.5a, 441.6a, 441.7a, 441.8, 441.9a—441.19a, 441.20 and 441.21a—441.23a, by adding final regulations in §§ 429a.1—429a.7, 433a.1—433a.9, 435a.1—435a.10, 437a.1—437a.11 and 441a.1—441a.23 and amending § 401a.3 to read as set forth in Annex A, with ellipses referring to existing text of the regulations.

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

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

MARY DIGIACOMO COLLINS,
Chairperson

Fiscal Note: Fiscal Note 125-64 remains valid for the final adoption of the subject regulations.

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 37 Pa.B. 5951 (November 3, 2007).)

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

* * * * *

Registered vendor—A vendor that is registered with the Board.

Restricted area—An area where access is limited and is specifically designated by the Board as restricted, including:

- (i) The cashiers' cage.
- (ii) The soft count room.
- (iii) The surveillance monitoring room.
- (iv) The slot machine storage and repair rooms.
- (v) The progressive controller room.
- (vi) The central control computer room.
- (vii) The information technology department.
- (viii) Any additional area that the slot machine licensee designates as restricted in its Board-approved internal controls.

* * * * *

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 429. [Reserved]

§§ 429.1—429.7. [Reserved].

CHAPTER 429a. MANUFACTURER DESIGNEES

| Sec. | |
|---------|---|
| 429a.1. | Manufacturer designee general requirements. |
| 429a.2. | Manufacturer designee license applications and standards. |
| 429a.3. | Additional manufacturer designee licenses. |
| 429a.4. | Manufacturer designee license term and renewal. |
| 429a.5. | Responsibilities of a manufacturer designee. |
| 429a.6. | Manufacturer designee as agent. |
| 429a.7. | Manufacturer designee agreements. |

§ 429a.1. Manufacturer designee general requirements.

(a) A manufacturer designee seeking to supply or repair slot machines and associated equipment for use in this Commonwealth shall apply to the Board for a manufacturer designee license.

(b) In accordance with section 1317.1 of the act (relating to manufacturer licenses), an applicant for or the holder of a manufacturer designee license or any of the applicant's or holder's affiliates, intermediaries, subsidiar-

ies or holding companies, may not apply for or hold a slot machine license or supplier license.

(c) A licensed manufacturer designee may supply or repair slot machines or associated equipment manufactured by a manufacturer with whom the manufacturer designee has an agreement or has executed a contract authorizing the manufacturer designee to do so.

(d) Limitations will not be placed on the number of manufacturer designee licenses issued or when an application for a manufacturer designee license may be filed.

§ 429a.2. Manufacturer designee license applications and standards.

(a) An applicant for a manufacturer designee license shall submit:

(1) An original and three copies of the Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's website (pgcb.state.pa.us).

(3) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity).

(4) An application from every key employee under § 435a.2 (relating to key employee license) and principal under Chapter 433a (relating to principal licenses) as specified by the Manufacturer Designee Application and Disclosure Information Form.

(5) If applicable, copies of all filings required by the SEC during the 2 immediately preceding fiscal years, including all annual reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78m and 78o-6), quarterly reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934, current reports filed with the SEC, under sections 13 or 15(d) of the Securities Exchange Act of 1934, and proxy statements issued by the applicant.

(6) An affirmation that neither the applicant nor any of its affiliates, intermediaries, subsidiaries or holding companies, holds any direct or indirect ownership interest in any applicant for or holder of a slot machine license or supplier license, or employs, directly or indirectly, any person who satisfies the definition of a principal or key employee of a slot machine applicant or licensee or supplier applicant or licensee. In applying this provision to an applicant for a manufacturer designee license, the Board will not include interests that are held by individuals in any of the following manners:

(i) In mutual funds when the value of the interest owned does not exceed 1% of the total fair market value of the applicant or licensee and provided that the mutual fund is not a nondiversified fund invested primarily in entities operating in, or connected with, the gaming industry.

(ii) Through defined benefit pension plans.

(iii) Through deferred compensation plans organized and operated under section 457 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 457).

(iv) In blind trusts over which the holder may not exercise any managerial control or receive income during the time period the holder is subject to these provisions.

(v) Through tuition account plans organized and operated under section 529 of the Internal Revenue Code of 1986 (26 U.S.C.A. § 529).

(vi) Through plans described in section 401(k) of the Internal Revenue Code of 1986 (26 U.S.C.A. § 401(k)).

(vii) An interest held by a spouse if an action seeking a divorce and dissolution of marital status has been initiated in any jurisdiction by either party to the marriage.

(7) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence) and a copy of the safeguards and policies.

(b) In addition to the materials required under subsection (a), an applicant for a manufacturer designee license shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for a manufacturer designee license will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) In determining whether an applicant will be licensed as a manufacturer designee under this section, the Board will consider the following:

(1) The financial fitness, good character, honesty, integrity and responsibility of the applicant.

(2) If all principals of the applicant are individually eligible and suitable under the standards in section 1317.1 of the act (relating to manufacturer licenses).

(3) The integrity of all financial backers.

(4) The suitability of the applicant and all principals and key employees of the applicant based on the satisfactory results of:

(i) A background investigation of all principals and key employees or their equivalent in other jurisdictions.

(ii) A current tax clearance review performed by the Department.

(iii) A current Unemployment Compensation Tax clearance review and a Workers Compensation Tax clearance review performed by the Department of Labor and Industry.

§ 429a.3. Additional manufacturer designee licenses.

(a) A licensed manufacturer designee whose license is in good standing may apply for an additional manufacturer designee license for a different licensed manufacturer by submitting:

(1) An original and three copies of the Additional Manufacturer Designee Application and Disclosure Information Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's website (www.pgcb.state.pa.us).

(b) An applicant for an additional manufacturer designee license shall also comply with § 429a.2(b)(1), (2) and (c) (relating to manufacturer designee license applications and standards).

§ 429a.4. Manufacturer designee license term and renewal.

(a) A manufacturer designee license or renewal shall be valid for 1 year from the date on which the license or renewal is approved by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A manufacturer designee license for which a completed renewal application and fee has been received by the Board will continue in effect for an additional 6-month period or until acted upon by the Board, whichever occurs first.

§ 429a.5. Responsibilities of a manufacturer designee.

(a) A holder of a manufacturer designee license shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render a holder of a manufacturer or manufacturer designee license ineligible, unqualified or unsuitable to hold a license under the standards and requirements of the act and of this part.

(3) Provide a copy of all SEC filings listed in § 427a.2(a)(5) (relating to manufacturer license applications and standards) that are filed after the date of issuance of its license. The copy shall be submitted no later than 30 days after the date of filing with the SEC.

(b) A holder of a manufacturer designee license shall establish a place of business in this Commonwealth.

(c) An employee of a licensed manufacturer designee whose duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit).

§ 429a.6. Manufacturer designee as agent.

(a) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed manufacturer designee, the licensed manufacturer designee shall be deemed to be an agent of the licensed manufacturer for the purposes of imposing liability for any act or omission of the licensed manufacturer designee in violation of the act or this part.

(b) Notwithstanding any provision to the contrary in a contract between a licensed manufacturer and a licensed manufacturer designee, the licensed manufacturer may be jointly and severally liable for any act or omission by the licensed manufacturer designee in violation of the act or this part, regardless of actual knowledge by the licensed manufacturer of the act or omission.

§ 429a.7. Manufacturer designee agreements.

(a) Agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for approval. An agreement between a licensed manufacturer and a licensed manufacturer designee will not become effective and a manufacturer

designee license will not be issued until the Bureau of Licensing has reviewed and approved the terms and conditions of the agreement.

(b) Amendments to agreements between a licensed manufacturer and a licensed manufacturer designee shall be submitted to the Bureau of Licensing for approval at least 30 days prior to the effective date of the proposed amendment. The amendment may not become effective until the Bureau of Licensing has reviewed and approved the terms and conditions of the amendment.

(c) An agreement between a licensed manufacturer and a licensed manufacturer designee submitted for Bureau of Licensing review and approval must enumerate with specificity the responsibilities of the licensed manufacturer and the licensed manufacturer designee.

(d) Agreements must contain a provision that describes with particularity any terms related to compensation of the licensed manufacturer or the licensed manufacturer designee.

CHAPTER 433. [Reserved]**§§ 433.101—433.109. [Reserved].****CHAPTER 433a. PRINCIPAL LICENSES**

| | |
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§ 433a.1. Definitions.

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

Applicant—A person that has submitted an application to the Board for a slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

Director—A director of a corporation, member of an audit committee or any person performing similar functions with respect to an entity, whether incorporated or unincorporated.

Entity—A person, other than an individual.

Indirect ownership interest—An ownership interest in an entity that has a direct ownership interest in an applicant or licensee, or a direct ownership interest in an entity that has an ownership interest in an applicant or licensee through one or more intervening entities.

Individual—A natural person.

Lending institution—A person who has been issued a license to lend money by a state or Federal agency or a person who satisfies the definition of “qualified institutional buyer” under 17 CFR 230.144a (relating to private resales of securities to institutions).

Licensee—A person who has been issued a slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

Officer—A president, chief executive officer, chief operating officer, secretary, treasurer, principal legal officer, principal compliance officer, principal financial officer, comptroller, principal accounting officer, chief engineer or

technical officer of a manufacturer, or principal slot operations officer of a slot machine licensee and any person routinely performing corresponding functions with respect to an entity whether incorporated or unincorporated.

Principal affiliate—An intermediary or holding company of an applicant or licensee.

Principal entity—An entity that meets the definition of “principal” in section 1103 of the act (relating to definitions) or is otherwise required to be licensed as a principal and is not an intermediary or holding company of an applicant or licensee.

Private investment fund—An entity that meets the definition of “investment company” under section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C. § 80a-3(a)(1)), but is otherwise exempt from the definition of “investment company” under section 3(c)(7) of the Investment Company Act of 1940.

Registered investment adviser—An investment adviser that has registered with the SEC under the Investment Advisers Act of 1940 (15 U.S.C.A. §§ 80b-1—80b-21).

Registered investment company—An investment company that has registered with the SEC under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).

Voting security—A security or other interest which entitles the owner to vote for the election of:

- (i) A director of a corporation.
- (ii) A person performing functions similar to a director with respect to an organization, whether incorporated or unincorporated.

§ 433a.2. Directors or officers.

(a) Each officer and director of an applicant or licensee shall be licensed as a principal.

(b) Each officer and director of an intermediary, subsidiary or holding company of a slot machine applicant or licensee shall be licensed as a principal.

(c) Each officer and director of an intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company shall be licensed as a principal.

(d) The senior surveillance or internal audit executives of a holding or intermediate company which has authority to direct the operations of a slot machine licensee shall be licensed as a principal if the most senior executive in the reporting line reports directly to the independent audit committee of the board of directors of the holding or intermediary company

(e) Notwithstanding subsection (b), an officer or director of a publicly traded intermediary or holding company of a slot machine applicant or licensee, who is not a member of the audit committee, may request that the Board waive his requirement to be licensed as a principal if he is not actively involved in the affairs of the slot machine applicant or licensee. The waiver request shall be submitted on a Principal/Key Employee Waiver Form, and require that the officer or director certify that he is not actively involved in the affairs of the slot machine applicant or licensee.

(f) Notwithstanding subsection (c), an outside director of a publicly traded intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed

management company who is not a member of the audit committee or chairperson of the board of directors of the intermediary or holding company will not be required to be licensed as a principal unless the Board determines that the licensure of the individual is necessary to protect the integrity of gaming in this Commonwealth.

(g) Notwithstanding subsection (c), an officer of a publicly traded intermediary or holding company of a licensed supplier, licensed manufacturer, licensed manufacturer designee, licensed junket enterprise or licensed management company may request that the Board waive the requirement to be licensed as a principal if the officer is not actively involved in the affairs of the applicant or licensee. The waiver request shall be submitted on a Principal/Key Employee Waiver Form and require that the officer certify that he is not actively involved in the affairs of the applicant or licensee.

§ 433a.3. Individual ownership.

(a) An individual who has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an applicant or licensee shall be licensed as a principal.

(b) An individual who, directly or indirectly, has the power to control or direct the management or policies of an applicant or licensee shall be licensed as a principal.

(c) An individual who has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an intermediary or holding company of a slot machine applicant or licensee shall be licensed as a principal.

(d) An individual that has a 1% or greater indirect ownership interest in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an individual through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(e) Notwithstanding any provision to the contrary in this section, an individual who holds less than 5% of the voting securities of an applicant or licensee or an intermediary or holding company of an applicant or licensee that is a publicly traded company will not be required to be licensed as a principal.

(f) Each individual who is a grantor, trustee or beneficiary of a trust that is required to be licensed as a principal under this chapter shall be licensed as a principal.

(g) The Board may require any individual who has a financial interest in, or receives an economic benefit from, an applicant or licensee to be licensed as a principal.

§ 433a.4. Entity ownership.

(a) An intermediary, subsidiary or holding company of an applicant or licensee shall be licensed as a principal.

(b) An entity that, indirectly or directly, has the power to control or direct the management or policies of an applicant or licensee shall be licensed as a principal.

(c) An entity that has a direct ownership interest in, or has a right to any profit, distribution or benefit directly from, an applicant or licensee shall be licensed as a principal.

(d) An entity that has a direct ownership interest in, or has a right to any profit, distribution or benefit directly

from, an intermediary, subsidiary or holding company of a slot machine applicant or licensee, shall be licensed as a principal.

(e) An entity that has an indirect ownership interest of 5% or greater in an applicant or licensee shall be licensed as a principal. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(f) Notwithstanding subsection (e), a private investment fund, including its feeder funds, that has an indirect ownership interest in an applicant or licensee, shall be exempt from obtaining a principal license if the following apply:

(1) Neither the private investment fund, nor the investors in the private investment fund have any voting rights or any other power to control or to influence the applicant or licensee.

(2) At least 20% of the investors in the private investment fund are "institutional investors" as defined in § 401a.3 (relating to definitions).

(3) No investor in the private investment fund has a right to redeem his interest in the private investment fund within 2 years of the purchase of the interest.

(4) Each individual and entity that has the ability to control the management of the private investment fund is licensed as a principal.

(5) The private investment fund agrees to provide the Board with information the Board deems necessary to evaluate the integrity of the private investment fund and its investors, and its compliance with this section. Information provided to the Board will be confidential.

(6) Each individual required to be licensed as a principal in paragraph (4) shall as part of his principal license application sign a notarized statement affirming, at a minimum, the following:

(i) The private investment fund's investment in the applicant or licensee will not violate applicable United States, Commonwealth or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(ii) To his best knowledge, no investor in the private investment fund:

(A) Holds an interest in the private investment fund in contravention of any applicable United States, Commonwealth or international laws and regulations, including anti-money laundering regulations or conventions, the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

(B) Is directly or indirectly affiliated with, a prohibited country, territory, individual or entity on the List of Specially Designated Nationals and Blocked Persons maintained by the United States Treasury Department's Office of Foreign Asset Control.

(C) Is currently charged with or is under indictment for any felony or gambling offense in any jurisdiction.

(D) Has been convicted of a felony when 15 years have not elapsed from the date of expiration of the sentence for the offense.

(g) A private investment fund that does not qualify for the exemption under subsection (f) solely on the basis that it fails to satisfy paragraph (3), may still qualify for an exemption from licensure if the private investment fund satisfies the other conditions under subsection (f) and its indirect ownership interest in the applicant or licensee is less than 10%.

(h) Notwithstanding any provision to the contrary, the Board may require any entity that has a financial interest in, or receives any economic benefit from, an applicant or licensee to be licensed as a principal.

§ 433a.5. Institutional investors.

(a) Notwithstanding any provision to the contrary in this chapter, an institutional investor that owns less than 15% of the outstanding voting securities of a publicly traded intermediary or holding company of an applicant for or holder of a manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license will not be required to be licensed as a principal if the following conditions are satisfied:

(1) The institutional investor or the applicant or licensee files a notice with the Board containing a description of the institutional investor's interests.

(2) The institutional investor has filed a Schedule 13G with the SEC, and the institutional investor continues to be eligible to file the Schedule 13G.

(b) Notwithstanding any provision to the contrary in this chapter, an institutional investor that owns less than 10% of the outstanding voting securities of an intermediary or holding company of a slot machine licensee or applicant shall be eligible to be receive a waiver from the requirements of licensure from the Board by filing a Principal Waiver-Entity Form. The waiver request must include, at a minimum, a certification by the institutional investor stating that the institutional investor has no present involvement in, and no intention of influencing or affecting the affairs of, the slot machine applicant or licensee or an intermediary or holding company of the slot machine applicant or licensee and will give the Board 30 days notice if the institutional investor intends to do so.

(c) Notwithstanding subsection (b), an institutional investor that has been granted a waiver shall be permitted to vote on matters put to the vote of the outstanding security holders.

(d) A holding company of an institutional investor may file a notice or waiver request on behalf of its institutional investor subsidiaries provided that the holding company does not own more than 5% or more of the securities of the intermediary or holding company of the applicant or licensee.

(e) A registered investment adviser or a holding company of a registered investment adviser may file a notice or waiver request, when permitted, on behalf of the registered investment companies that hold securities beneficially owned by the registered investment adviser.

§ 433a.6. Lenders and underwriters.

(a) Each lender and underwriter of a slot machine, manufacturer or supplier applicant or licensee shall be licensed as a principal.

(b) Notwithstanding subsection (a), a lender that is a bank or lending institution which makes a loan to a slot machine, manufacturer or supplier applicant or licensee in the ordinary course of business is not be required to be licensed as a principal. The Board may require a bank or lending institution to provide information or other assurances to verify its eligibility for this exemption.

(c) An underwriter or lender of an intermediary, subsidiary or holding company of a slot machine applicant or licensee shall be required to be licensed as a principal if the Board determines that the suitability of the underwriter or lender is at issue and is necessary to consider a pending application for a slot machine license.

(d) Notwithstanding any provision to the contrary in this section, the Board may require the licensure of any lender or underwriter of an applicant or licensee or any holding or intermediary company or subsidiary of an applicant or licensee if the Board has reason to believe that the lender or underwriter would not satisfy the character requirements of section 1310(a) of the act (relating to slot machine license application character requirements).

§ 433a.7. Trusts.

(a) A trust or similar business entity that holds a direct ownership interest in an applicant or licensee must be licensed as a principal.

(b) A trust or similar business entity that holds a 1% or greater indirect ownership interest in an applicant or licensee must be licensed as a principal. An ownership interest that is held indirectly by an entity through one or more intervening entities will be determined by successive multiplication of the ownership percentages for each link in the vertical chain.

(c) A trust or similar business entity that receives any payment, percentage or share of revenue, profits or receipts directly from an applicant or licensee must be licensed as a principal.

(d) A trust or similar business entity will not be issued a principal license unless each trustee, grantor and beneficiary, including a minor child beneficiary, has been granted a principal license.

(e) Notwithstanding any provision to the contrary in this section, a trust will not be required to be licensed as a principal if the holdings of the trust consist of less than 5% of the voting securities of a publicly traded company.

§ 433a.8. Principal applications.

(a) An individual required to be licensed as a principal shall file a completed Multi Jurisdictional Personal History Disclosure Form and the Pennsylvania Supplement to the Multi Jurisdictional Personal History Disclosure Form and submit the applicable application fee posted on the Board's website (www.pgcb.state.pa.us).

(b) A principal entity required to be licensed as a principal shall file a completed Principal Entity Form and submit the applicable application fee posted on the Board's website (www.pgcb.state.pa.us).

(c) A principal affiliate shall apply for the principal license as if it itself applying for the slot machine license, manufacturer license, manufacturer designee license, supplier license, management company license or junket enterprise license.

(d) In addition to the materials required under subsections (a) or (b), an applicant for a principal license shall:

(1) Promptly provide information requested by the Board relating to the principals' application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

§ 433a.9. Principal license term and renewal.

(a) A principal license or renewal shall be valid for 1 year from the date on which the license or renewal is approved by the Board.

(b) A renewal application and renewal fee shall be filed at least 2 months prior to the expiration of the current license.

(c) A principal license for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the principal license that the Board has approved or denied the license.

CHAPTER 435. [Reserved]

§ 435.1. [Reserved].

§§ 435.3—435.6. [Reserved].

§§ 435.8—435.10. [Reserved].

CHAPTER 435a. EMPLOYEES

| | |
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| Sec. | |
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§ 435a.1. General provisions.

(a) An individual seeking a key employee license, occupation permit or nongaming employee registration shall apply to the Board as required by this chapter.

(b) In addition to the materials required under §§ 435a.2, 435a.3 and 435a.5 (relating to key employee license; occupation permit; and nongaming employee registration), an applicant shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An individual who receives a license, permit or registration under this part shall have the continuing duty to report to the Board an arrest, charge, indictment or conviction for an offense under 18 Pa.C.S. (relating to crimes and offenses), or an offense under 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance) or of comparable offenses in other states or foreign jurisdictions.

(d) The holder of a key employee license, occupation permit, or nongaming employee registration shall provide an updated photograph at the request of the Board.

(e) An individual may not be employed in this Commonwealth by an applicant for or holder of a license, certification or registration under this part in any capacity unless the individual is a citizen of the United States or can demonstrate that he holds a current and valid

work authorization and is not restricted from working in the capacity for which employment is sought or held. Authorization to work in the United States may be demonstrated by submitting one of the following:

- (1) A permanent resident alien card.
- (2) A temporary employment authorization card.
- (3) A document which the Board deems to be sufficient evidence or authorization.

(f) A license or permit will not be issued to an individual who has been convicted of a felony or gambling offense in any jurisdiction unless 15 years have elapsed from the date of expiration of the sentence for the offense.

(g) When considering an application for a registration from an individual who has been convicted of a felony or gaming offense in any jurisdiction or an application for a license or permit from an individual who has been convicted of a felony or gaming offense in any jurisdiction when 15 years have elapsed from the date of expiration of the sentence for the offense, the Board will consider:

- (1) The nature and duties of the applicant's position with the licensed entity.
- (2) The nature and seriousness of the offense or conduct.
- (3) The circumstances under which the offense or conduct occurred.
- (4) The age of the applicant when the offense or conduct was committed.
- (5) Whether the offense or conduct was an isolated or a repeated incident.

(6) Evidence of rehabilitation, including good conduct in the community, counseling or psychiatric treatment received and the recommendation of persons who have substantial contact with the applicant.

(h) An individual who holds a license or permit may not wager at any licensed facility in this Commonwealth.

(i) A registrant or employee who is not required to obtain a license or permit may not wager at the licensed facility in which the registrant or employee is employed.

(j) A registrant who is an employee of a certified vendor or an employee of a certified vendor who has direct contact with the employees of a licensed facility may not wager at the licensed facility where the vendor is currently providing services.

(k) A licensed, permitted or registered employee shall wait at least 30 days following the date that the employee either leaves employment with a slot machine licensee or is laid off or terminated from employment with a slot machine licensee before the employee may wager at the licensed facility in which the employee was formerly employed.

(l) An individual required to obtain a license or permit by this part shall demonstrate that he is current and not in arrears on any financial obligation owed to the Commonwealth or any subdivision thereof, including court-ordered child-support payments.

(m) An applicant for an occupation permit or nongaming employee registration shall be at least 18 years of age.

§ 435a.2. Key employee license.

(a) An applicant for a key employee license from the Board shall submit:

(1) An original and three copies of the Multi-jurisdictional Personal History Form and the Principal/Key Employee Form—Pennsylvania Supplement to the Multi-jurisdictional Personal History Disclosure Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's website (pgcb.state.pa.us).

(b) In addition to the materials required under subsection (a), an applicant for a key employee license shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) In addition to the information under subsections (a) and (b), the Board may require letters of reference from law enforcement agencies under section 1310(b) of the act (relating to slot machine application character requirements).

(d) An applicant for a key employee license will be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(e) After review of the information submitted under subsections (a), (b) and (c), including the background investigation, the Board may issue a key employee license if the individual applicant has proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to be licensed as a key employee.

(f) A license issued under this section will be valid for employment with any licensed entity.

(g) An individual who is a key employee may request in writing that the Board waive the obligation to be licensed as a key employee by:

(1) Filing an original and three copies of a Principal/Key Employee Waiver Form.

(2) The nonrefundable waiver application fee posted on the Board's website (www.pgcb.state.pa.us).

(h) As part of the waiver request, the individual shall be required to demonstrate one of the following:

(1) The individual is not assigned to an applicant's or licensee's gaming operations in this Commonwealth.

(2) The individual's duties do not have an effect on or require contact with slot machines for use or play in this Commonwealth.

(i) The request for a waiver must include, at a minimum, the following:

(1) A description of the individual's title, duties and responsibilities with the applicant, licensee or with any of its affiliates, intermediaries, subsidiaries or holding companies.

(2) A certification by the chief executive officer stating that the employee is not assigned to the licensee's gaming operations in this Commonwealth or that the employee's duties do not have an effect on or require contact with slot machines for use or play in this Commonwealth.

(j) An applicant for a key employee waiver will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

§ 435a.3. Occupation permit.

(a) An applicant for an occupation permit shall submit:

(1) An original and three copies of the Gaming Employee Application and Disclosure Information Form or an electronic application using the SLOTS Link system.

(2) The nonrefundable application fee posted on the Board's website (www.pgcb.state.pa.us).

(3) Verification of an offer of employment from a licensed entity.

(b) In addition to the materials required under subsection (a), an applicant for an occupation permit shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for an occupation permit may be required to reimburse the Board for additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

(d) After review of the information submitted under subsections (a) and (b), including a background investigation, the Board may issue a permit if the individual has proven that the individual is a person of good character, honesty and integrity and is eligible and suitable to hold an occupation permit.

(e) An individual who wishes to receive an occupation permit under this chapter may authorize an applicant for or holder of a slot machine, management company, manufacturer, manufacturer designee or supplier license or vendor certification to file an application on the individual's behalf.

(f) A permit issued under this section shall be valid for employment with any licensed entity or certified vendor.

§ 435a.4. Key employee license and occupation permit term and renewal.

(a) A key employee license or occupation permit issued under this chapter shall be valid for 1 year from the date of Board approval.

(b) A renewal application shall be submitted to the Board at least 60 days prior to the expiration of a key employee license or occupation permit.

(c) A key employee license or occupation permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the key employee license or occupation permit that the Board has approved or denied the key employee license or occupation permit.

§ 435a.5. Nongaming employee registration.

(a) An applicant for a nongaming employee registration shall submit:

(1) An original and three copies of the Nongaming Employee Registration Form or an electronic application using the SLOTS Link system.

(2) The nonrefundable application fee posted on the Board's website (www.pgcb.state.pa.us).

(b) In addition to the materials required under subsection (a), an applicant for a nongaming employee registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) After review of the information required under subsections (a) and (b), the Board may register the individual if the individual has proven that he is eligible and suitable to be registered under this section.

(d) An individual who wishes to receive a nongaming employee registration under this chapter may authorize an applicant for or holder of a slot machine license or a vendor certification to file an application on the individual's behalf.

(e) A registration issued under this section is valid for employment with any licensed entity or certified vendor.

§ 435a.6. Board credentials.

(a) The following individuals shall obtain a Board credential:

(1) A principal whose duties are required to be performed at a licensed facility in excess of 12 days in a 12-month period.

(2) Key employees.

(3) Gaming employees.

(4) Nongaming employee registrants.

(5) State employees whose duties require the employee's presence at a licensed facility more frequently than once a month.

(b) The credential will contain the following information:

(1) The name, date of birth, sex, height, weight, hair color and eye color of the licensee, permittee or registrant.

(2) A photograph of the face of the individual to whom the credential has been issued which meets the standards of the Commonwealth Photograph Imaging Network.

(3) The inscription "Pennsylvania Gaming Control Board."

(4) The seal of the Commonwealth.

(5) A license, permit or registration number.

(6) The type of license, permit or registration.

(7) An expiration date.

(8) The signature of the employee.

(9) Other security features as determined by the Board.

(c) A State employee or employee of a slot machine licensee required to obtain a Board credential shall carry the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility. An individual who is not a State employee or employee of a slot machine licensee, who is required to obtain a Board credential, shall display the Board credential on his person at all times while engaged in the performance of his duties on the premises of a licensed facility.

(d) Except as provided in § 435a.7 (relating to emergency credentials), slot machine and management company licensees are prohibited from allowing a principal who is required to obtain a credential, key employee, gaming employee or nongaming employee registrant to

perform his duties on the premises of a licensed facility unless the employee has his Board credential.

(e) Notwithstanding subsection (a), the Board may, upon written request by a slot machine or management company licensee and upon a showing of good cause, exempt certain positions, titles or persons from the requirements of this section.

(f) An employee whose license, permit or registration has been suspended or revoked by the Board shall surrender the Board credential to the Board.

§ 435a.7. Emergency credentials.

(a) A principal, key employee, gaming employee or nongaming employee of the slot machine licensee who does not have the credential issued to him on his person, or whose credential has been stolen, lost or destroyed, may obtain an emergency credential from the Board to enable the employee to perform the employee's duties at the licensed facility.

(b) An employee seeking an emergency credential shall present himself to a BIE agent at the Board office at the licensed facility. Prior to issuing the emergency credential, the BIE agent will verify:

(1) The identity of the individual requesting the emergency credential.

(2) That the employee holds a valid license, permit or registration.

(3) That fewer than 12 emergency credentials have been issued to the employee in the past 12 months.

(c) The following provisions apply to emergency credentials:

(1) They will be valid for a time period not to exceed 72 hours.

(2) They shall be returned to the Board office at the licensed facility.

§ 435a.8. Temporary credentials for principals and key employees.

(a) A temporary credential may be issued by the Board to a principal or a key employee whose investigation for licensure by the Board is pending but whose presence is necessary in the licensed facility.

(b) A temporary credential issued under this section is void 120 days after the date of its issuance.

(c) The Board may extend the expiration date of a temporary credential if the Board determines additional time is needed to complete the investigation for licensure.

§ 435a.9. Temporary credentials for nongaming employees.

(a) A temporary credential may be issued by the Board to a nongaming employee if:

(1) The applicant has submitted all of the application materials required under § 435a.5 (relating to nongaming employee registration).

(2) The applicant has been fingerprinted and photographed by the Pennsylvania State Police.

(b) Temporary credentials for nongaming employees will be issued by the Bureau.

(c) A temporary credential issued under this section will be valid for 30 days.

§ 435a.10. Loss or destruction of credentials.

(a) As soon as possible, but no later than 24 hours following the loss or destruction of a Board credential, emergency credential or temporary credential, the person to whom the credential was issued shall notify the security department of the slot machine licensee.

(b) The security department of the slot machine licensee shall notify the Board in writing within 24 hours of receipt of the notice under subsection (a).

(c) An employee who has lost his Board credential may request a duplicate Board credential by submitting a Request for Duplicate PGCB Credential form and the fee established by the Board to the Bureau of Licensing.

CHAPTER 437. [Reserved]

§§ 437.1—437.3. [Reserved].

§§ 437.4a—437.5. [Reserved].

§ 437.7. [Reserved].

§ 437.10. [Reserved].

§ 437.13. [Reserved].

CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

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§ 437a.1. General vendor requirements.

(a) A vendor seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 (relating to emergency vendor), shall apply to the Board for registration if:

(1) The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$200,000 or less with a single slot machine applicant or licensee within a consecutive 12-month period.

(2) The total dollar amount of business will be or is anticipated to be greater than \$15,000 but \$500,000 or less with multiple slot machine applicants or licensees within a consecutive 12-month period.

(b) A vendor seeking to conduct business with a slot machine applicant or licensee, except as provided in § 437a.10 shall apply to the Board for certification if:

(1) The total dollar amount of business will be or is anticipated to be greater than \$200,000 with a single slot machine applicant or licensee within a consecutive 12-month period.

(2) The total dollar amount of business will be or is anticipated to be greater than \$500,000 with multiple slot machine applicants or licensees within a consecutive 12-month period.

(3) The vendor's employees will have access to restricted areas or the gaming floor.

(4) The Board notifies the vendor that certification is required, based upon the Board's analysis of the vendor's services, to ensure the integrity of gaming.

(c) The following persons are exempt from the vendor registration and the vendor certification requirements of this chapter:

(1) Public utilities which provide only one or more of the following services to a slot machine applicant or licensee:

- (i) Water.
- (ii) Sewerage.
- (iii) Electricity.
- (iv) Natural gas.

(2) Insurance companies providing insurance to a slot machine applicant or licensee and its employees.

(3) Employee benefit and retirement plans including incorporated 401K plans and employee stock purchase programs.

(4) National, state or local professional associations that receive funds from the slot machine applicant or licensee for the cost of enrollment, activities and membership.

(5) State, Federal and municipal operated agencies.

(6) Manufacturers and suppliers of liquor, wine and beer regulated by the Pennsylvania Liquor Control Board.

(7) State and Federally chartered banks or savings and loan associations where funds are deposited by slot machine licensees, notwithstanding those sources or transactions provided to a slot machine licensee which require Board approval.

(8) Providers of professional services including accountants, attorneys, engineers and architects.

(9) Telecommunication service providers.

(10) Shipping services.

(11) Persons that engage in efforts to influence legislative action or administrative action on behalf of a principal for economic consideration.

(12) Public institutions of higher education.

(13) Professional entertainers, sports figures and other celebrities engaged by a slot machine licensee to appear at a slot machine licensee-sponsored special entertainment or promotional event.

(14) Newspapers, television stations, radio stations and providers of simulcast services that contract with slot machine applicants or licensees.

(d) Subsection (c) does not relieve a slot machine applicant or licensee of reporting obligations required by § 441a.12 (relating to maintaining agreements; filing of agreements).

§ 437a.2. Vendor registration applications.

(a) A vendor seeking registration shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit an original and four copies of a Vendor Registration Form unless otherwise directed by the Board.

(b) In addition to the materials required under subsection (a), an applicant for a vendor registration shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for a vendor registration will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application.

(d) A vendor registration will not be issued until all fees have been paid.

§ 437a.3. Vendor certification applications.

(a) A vendor seeking certification shall complete and the slot machine applicant or licensee for whom the vendor will provide goods or services shall submit:

(1) An original and four copies of a Vendor Certification Form unless otherwise directed by the Board.

(2) The nonrefundable application fee posted on the Board's website (www.pgcb.state.pa.us).

(3) A Vendor Certification Form—Private Holding Company for each intermediary and holding company of the applicant unless the vendor seeking certification is, directly or indirectly, wholly owned by a publicly traded company.

(4) Applications and Release Authorizations for each individual as required by § 437a.4 (relating to individual certifications and investigations).

(b) In addition to the materials required under subsection (a), an applicant for a vendor certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) A vendor certification will not be issued until all fees have been paid.

(d) A person required to be a certified vendor under this chapter may request that the Board waive its obligation to be certified by filing a Single Transactional Waiver Form. To be eligible to receive this waiver from the requirements of certification, the person shall demonstrate that the certified vendor is proposing to engage in a single transaction with a slot machine applicant or licensee and satisfies the following requirements:

(1) The certified vendor's required performance under the contract with the slot machine applicant or licensee does not require that the certified vendor's employees to be on the gaming floor or in a restricted area.

(2) The certified vendor has not filed a Single Transactional Waiver Form with the Board within 2 years of the current waiver request.

(3) The certified vendor will not have a continuing onsite presence at the licensed facility.

(e) A person required to be a certified vendor under this chapter may request that the Board waive its obligation to be certified by filing a Vendor Certification Waiver Form. To be eligible to receive this waiver from the requirements of certification, the person shall demonstrate that the person and the person's involvement or conduct of business with the slot machine applicant or licensee is of such a nature that the certification of the person is not necessary to protect the public interest.

(f) The Board may, in response to misrepresentations or a change in circumstances, revoke a waiver granted under this section and require the recipient of the waiver to comply with the vendor certification requirements of this chapter.

(g) A certified vendor who has requested a waiver under this section may not provide goods or services to a slot machine applicant or licensee prior to Board approval of the certified vendor's waiver request.

§ 437a.4. Individual certifications and investigations.

(a) If a certified vendor or vendor seeking certification is a publicly traded company, the officer of the publicly traded company who is responsible for the conduct of business with the slot machine applicant or licensee shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board.

(b) If a certified vendor or vendor seeking certification is a privately held entity, each officer and director of the entity shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board. For the purposes of this subsection, the term "officer" means a chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(c) If a certified vendor or vendor seeking certification is a privately held entity, each individual who has a direct or indirect ownership or beneficial interest of 5% or more in the privately held entity shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board.

(d) An individual who is a trustee of a trust that is required to file a Vendor Certification Form—Private Holding Company under § 437a.3 (relating to vendor certification applications) shall be required to apply for certification by filing a Pennsylvania Personal History Disclosure Form with the Board.

(e) Each officer and director of a privately held holding company of a certified vendor or vendor seeking certification shall be required to file a Pennsylvania Personal History Disclosure Form if the Board determines that certification of the individual is necessary to protect the public or to enhance the integrity of gaming in this Commonwealth.

(f) Employees of a certified vendor who have entered into an agreement with a slot machine applicant or licensee on behalf of their certified vendor employer, employees of a certified vendor who will solicit from or conduct business with a slot machine applicant or licensee, and employees of a certified vendor who supervise persons performing the duties in this section, shall be required to file a Pennsylvania Personal History Disclosure Form if the Board determines that certification of the individual is necessary to protect the public or to enhance the integrity of gaming in this Commonwealth.

§ 437a.5. Construction subcontractors.

(a) A construction subcontractor who is otherwise required to be certified or registered may elect to file an On-site Subordinate Vendor Notification Form with the Board in lieu of registration or certification if:

(1) The subcontractor is not providing goods or services through an agreement with a slot machine applicant or licensee.

(2) The subcontractor is not providing goods or services to a person who has entered into a contract with a slot machine applicant or licensee for the construction of a licensed facility.

(b) The On-site Subordinate Vendor Notification Form shall be valid for the construction of only one licensed facility, and shall be valid for only 1 year unless the Board, at its sole discretion, renews the On-site Subordinate Vendor Notification Form after a showing by the subcontractor that its obligations pursuant to the subcontract have not been fully performed and good cause exists for the delay in the performance.

(c) A subcontractor who elects to file an On-site Subordinate Vendor Notification Form as outlined in subsection (a) shall be prohibited from:

(1) Employing any person to work on the gaming floor or in a restricted area of a licensed facility.

(2) Providing, directly or indirectly, goods or service to any other slot machine applicant or licensee other than the slot machine applicant or licensee identified in the On-site Subordinate Vendor Notification Form.

§ 437a.6. Registration and certification term and renewal.

(a) Certifications, registrations and renewals issued under this chapter shall be valid for 4 years from the date of Board approval.

(b) A renewal application and renewal fee shall be submitted to the Board at least 60 days prior to the expiration of a certification or registration.

(c) A certification or registration for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification or registration that the Board has approved or denied the certification or registration.

§ 437a.7. Registered and certified vendor responsibilities.

(a) A holder of a vendor certification or registration shall have a continuing duty to:

(1) Provide information requested by the Board relating to licensing or regulation; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of a vendor certification or registration ineligible, unqualified or unsuitable to hold a certification or registration under the standards and requirements of the act and of this part.

(b) An employee of a certified vendor shall be required to obtain an occupation permit under § 435a.3 (relating to occupation permit) if:

(1) The employee is the onsite supervisor of other employees of the vendor whose duties of employment or incidental activities related to employment require the employees to be on the gaming floor or in a restricted area.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor or in a restricted area and require the employee to touch or have contact with a slot machine or associated equipment.

(c) An employee of a certified vendor that is not required to obtain an occupation permit under subsection (b) shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if:

(1) The employee is the onsite supervisor of other employees who are involved in the construction of a licensed facility.

(2) The employee's duties of employment or incidental activities related to employment require the employee to be on the gaming floor but do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning.

(3) The employee's duties of employment or incidental activities related to employment require the employee to be in a restricted area, do not require the employee to touch or have contact with a slot machine or associated equipment other than exterior cleaning and the employee is under the constant supervision of an employee of the slot machine licensee who is licensed or permitted and who has the appropriate access clearance to be in the restricted area.

(d) Employees of a certified vendor who are not required to obtain an occupation permit or a nongaming employee registration under subsection (b) or (c) may be required to obtain an occupation permit or nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a permit or registration is necessary for the protection of the integrity of gaming.

§ 437a.8. Approved vendors list; prohibited vendors.

(a) The Board will maintain a list of approved registered or certified vendors and a list of prohibited vendors.

(b) A slot machine licensee or applicant may not enter into an agreement or continue to do business with a vendor on the prohibited vendor list.

(c) The Board will consider the following factors in determining whether a vendor will be listed as a prohibited vendor:

(1) The failure of a vendor to apply for certification or registration after notice from the Board that certification or registration is required.

(2) The failure of a vendor to cooperate with the Board in the Board's review of the application for certification or registration.

(3) The vendor's certification or registration is suspended, revoked or denied.

(4) The vendor is restricted from reapplication by action of the Board.

(5) The vendor is temporarily prohibited from doing business with slot machine license applicants or licensees by action of the Board.

(d) A person or entity seeking to be removed from the list of prohibited vendors shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally). The petition must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited vendors list and how the vendor has cured any deficiencies that led to the vendor being placed on the prohibited vendors list.

§ 437a.9. Permission to conduct business prior to certification or registration.

(a) Notwithstanding § 437a.1 (relating to general vendor requirements), the Board may allow an applicant for

a vendor certification or registration to conduct business with a slot machine applicant or licensee prior to the certification or registration of the vendor applicant if the following criteria are met:

(1) A completed Vendor Registration Form or Vendor Certification Form has been filed by the slot machine applicant or licensee in accordance with § 437a.2 or § 437a.3 (relating to vendor registration applications; and vendor certification applications).

(2) The slot machine applicant or licensee certifies that it has performed due diligence on the vendor.

(b) Permission to conduct business under this section will be for 6 months.

(c) The Board may extend the relief for additional 6-month periods upon a showing of good cause by the slot machine applicant or licensee.

§ 437a.10. Emergency vendor.

(a) A slot machine licensee may utilize a vendor that is not registered or certified when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine applicant or licensee create an urgency of need which does not permit the delay involved in using the formal method of vendor certification or registration.

(b) When using a vendor that is not registered or certified to respond to an emergency, the slot machine applicant or licensee shall:

(1) File a Vendor Notification Form with the Board within 72 hours of the vendor's commencement of services.

(2) Provide a written explanation to the Board of the basis for the emergency vendor procurement and for the selection of the particular vendor.

(3) File a Vendor Registration Form or Vendor Certification Form on behalf of the vendor within 20 business days of the filing of the Vendor Notification Form.

§ 437a.11. Slot machine applicants' and licensees' duty to investigate.

(a) An applicant for or holder of a slot machine license shall investigate the background and qualifications of the applicants for vendor registration or certification with whom it intends to have a contractual relationship or enter into an agreement.

(b) An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements or relationships with applicants for vendor registration or certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, who threaten the integrity of gaming in this Commonwealth or who discredit or tend to discredit the gaming industry in this Commonwealth or the Commonwealth.

(c) An agreement or contract between an applicant for or holder of a slot machine license and an applicant for or holder of a vendor registration or certification shall contain a cancellation clause that allows termination of the agreement or contract in the event that the Board or the slot machine applicant or licensee finds that the agreement or contract fails to meet the requirements of subsection (b). This provision applies to written and oral agreements and contracts.

(d) An applicant for or holder of a slot machine license shall have a duty to inform the Bureau of an action by an applicant for or holder of a vendor registration or certifi-

cation which the applicant for or holder of a slot machine license believes would constitute a violation of the act or the Board's regulations.

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441. [Reserved]

§§ 441.1—441.3. [Reserved].

§ 441.4a. [Reserved].

§ 441.5a. [Reserved].

§ 441.6a. [Reserved].

§ 441.7a. [Reserved].

§ 441.8. [Reserved].

§ 441.9a. [Reserved].

§ 441.11a. [Reserved].

§ 441.12a. [Reserved].

§ 441.13a. [Reserved].

§ 441.14a. [Reserved].

§ 441.15a. [Reserved].

§ 441.16a. [Reserved].

§ 441.17a. [Reserved].

§ 441.18a. [Reserved].

§ 441.19a. [Reserved].

§ 441.20. [Reserved].

§ 441.21a. [Reserved].

§ 441.22a. [Reserved].

§ 441.23a. [Reserved].

CHAPTER 441a. SLOT MACHINE LICENSES

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§ 441a.1. Definitions.

For purposes of this subpart, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

Amenities—Ancillary activities, services or facilities in which a registered guest or the transient public, in return for non-de minimis consideration, may participate at a resort hotel, including, but not limited to:

- (i) Sports and recreational activities and facilities such as a golf course or golf driving range, tennis courts or swimming pools.
- (ii) Health spa.
- (iii) Convention, meeting and banquet facilities.
- (iv) Entertainment facilities.

(v) Restaurant facilities.

Applicant—A person who applies to the Board to receive a slot machine license as defined in this section.

Developer—A person engaged by a slot machine applicant or licensee to construct a proposed licensed facility or to otherwise make land or buildings suitable for use as a licensed facility.

Guest rooms under common ownership—A room or group of rooms, including timeshare units, that are owned by a well-established resort hotel and that are available for rental.

Licensing hearing—A hearing before the Board in which an applicant for a grant of a permanent slot machine license or a Conditional Category 1 slot machine license will have an opportunity to present to the Board:

- (i) Evidence concerning its eligibility for a license.
- (ii) Evidence concerning its suitability for a license.
- (iii) Evidence of how its proposed facility and operation addresses the criteria identified in section 1325(c) of the act (relating to license or permit issuance).

(iv) For applicants seeking licensure under section 1304 of the act (relating to Category 2 slot machine license), evidence which sets forth a comparison between the applicant and other applicants within the same category of licensure on the standards and criteria in the act.

Non-de minimis consideration—A payment of fair market value of at least \$10 per patron paid to the resort hotel for use of one or more amenities.

Organization—Legal business entities that are under common ownership or control, including, but not limited to, affiliates, subsidiaries, intermediaries and holding companies.

Patron of amenities—An individual who is a registered attendee of a convention, meeting or banquet event or a participant in a sport or recreational event or any other social, cultural or business event held at a resort hotel or who participates in one or more of the amenities provided to registered guests of the resort hotel.

Slot machine license—A Category 1 slot machine license under section 1302 of the act (relating to Category 1 slot machine license), a Conditional Category 1 slot machine license under section 1315 of the act (relating to Conditional Category 1 license), a Category 2 slot machine license under section 1304 of the act (relating to Category 2 slot machine license) and a Category 3 slot machine license under section 1305 of the act (relating to Category 3 slot machine license).

Well-established resort hotel—A resort hotel having at least 275 guest rooms under common ownership at the time of application for a Category 3 slot machine license and having substantial year-round recreational guest amenities.

§ 441a.2. Slot machine application restrictions and deadlines.

(a) Under section 1304 of the act (relating to category 2 slot machine license), an applicant for a Category 2 slot machine license under section 1301 of the act (relating to authorized slot machine licenses), its affiliate, intermediary, subsidiary or holding company, may not possess any ownership or financial interest in any person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(b) The Board will initiate the formal procedure for the acceptance, consideration and final resolution of applications for slot machine licenses by setting a filing period for filing of Category 1, 2 or 3 slot machine license applications. The filing period set by the Board will be posted on the Board's website (www.pgcb.state.pa.us).

(c) After the expiration of the filing period established by the Board under subsection (b), the Board will set a completion date by which all filed applications are to be complete. An application that is not complete, as determined by the Board, by the completion date will not be considered. The completion date set by the Board under this subsection will be published in the *Pennsylvania Bulletin* at least 30 days prior to the completion date.

§ 441a.3. Slot machine license application.

(a) An applicant for a slot machine license shall submit an application which includes the following:

(1) An original and three copies of the Conditional/Category 1, Category 2, or Category 3 Application and Disclosure Information Form.

(2) The nonrefundable application fee posted on the Board's website (www.pgcb.state.pa.us).

(3) A license or waiver application for each principal and key employee under Chapters 433a and 435a (relating to principal licenses; and employees), including an original and three copies of the Multi Jurisdictional Personal History Disclosure Form, the Pennsylvania Supplement and a nonrefundable background investigation deposit to be set by the Board and provided in a fee schedule for each principal and each key employee.

(4) Fingerprints for the applicant and each principal and key employee.

(5) A diversity plan as set forth in section 1325(b) of the act (relating to license or permit issuance) and Chapter 481a (relating to diversity), which shall be signed by the chief executive officer of the applicant.

(6) If a temporary land-based facility is to be licensed, a plan for how the licensee will transition to a permanent facility, including a date for completion of the permanent facility. A permanent facility shall be the facility proposed by the applicant, which is designated, identified and made part of the evidentiary record by the applicant at the applicant's licensing hearing. Modifications to the proposed permanent facility following the applicant's licensing hearing shall be approved by the Board.

(7) A sworn or affirmed statement that the applicant has developed and implemented internal safeguards and policies to prevent a violation of section 1513 of the act (relating to political influence).

(8) A statement demonstrating compliance with the geographical requirements of section 1302 of the act (relating to Category 1 slot machine license), section 1304 of the act (relating to Category 2 slot machine license) or section 1305 of the act (relating to Category 3 slot machine license).

(b) Failure to provide the information required in subsection (a) may result in the application being returned to the applicant or result in an application being deemed incomplete.

(c) In addition to the materials required under subsection (a), an applicant for a slot machine license shall:

(1) Promptly provide information requested by the Board relating to its application, financial fitness, character, honesty and integrity, or regulation and cooperate

with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(d) A copy of the local impact report required as part of the application shall be provided to the political subdivisions in which the licensed facility will be located at the same time as the filing of the application for a slot machine license. The applicant shall file a proof of service with the Board.

(e) An applicant for a slot machine license will be required to reimburse the Board for any additional costs, based on the actual expenses incurred by the Board, in conducting the background investigation.

§ 441a.4. Alternative Category 1 licensing standards.

(a) If an applicant for a Category 1 license, or its affiliate, intermediary, subsidiary or holding company holds a similar license in another jurisdiction in the United States or Canada, the applicant may submit a written request with its application required under § 441a.3 (relating to slot machine license application) for the Board to adopt an abbreviated licensing process under section 1314(b) of the act (relating to alternative Category 1 licensing standards).

(b) The Board may use the abbreviated process if:

(1) The Board determines, after investigation, that the licensing standards in the other jurisdiction in which the applicant or its affiliate, intermediary, subsidiary or holding company is licensed is similarly comprehensive and thorough and provides safeguards that are equal to or greater than those provided in the act and granting the request would be in the public interest.

(2) A completed application for a Category 1 license has been filed with the Board which includes the name and address of the regulatory agency in the other jurisdiction.

(3) The Board has received a copy of the completed application, renewal applications and accompanying documents filed in the other jurisdiction.

(4) The applicant has provided current, updated information to the Board regarding the license in the other jurisdiction and information relating to its financial viability and suitability and good character.

(5) The applicant has no administrative or enforcement actions pending in other jurisdictions or the applicant has disclosed and explained these actions to the satisfaction of the Board.

(6) There are no pending or ongoing investigations of possible material violations by the applicant in other jurisdictions or the applicant has disclosed and explained these investigations to the satisfaction of the Board.

(c) The abbreviated process does not waive fees associated with obtaining a Category 1 license.

(d) The Board may determine to use an abbreviated process requiring only that information determined by the Board to be necessary to consider the issuance of the license, including the financial viability of the applicant.

(e) Following the issuance of a Category 1 license under this section, the Bureau will initiate a complete review of the information submitted under this subpart. If the applicant does not meet the requirements of the act

or this part, the Board will revoke, suspend or condition the license until the applicant meets the requirements of the act.

§ 441a.5. License fee payment bond or letter of credit requirements.

(a) An application for a slot machine license shall at all times throughout the period in which the application is on file with the Board include original payment bonds or original irrevocable letters of credit, or some combination thereof, that include draw instructions guaranteeing the applicant's payment of the slot machine license fee required by section 1209(c) of the act (relating to slot machine license fee) if the license is approved and issued.

(1) Payment bonds or irrevocable letters of credit shall be submitted and approved by the Board before an application may be accepted for filing. The Board's review will include an assessment of both the proposed terms of the payment bond or irrevocable letter of credit and of the surety or financial institution that will issue the payment bond or irrevocable letter of credit. An application will be deemed incomplete if at any time during the period the application is on file with the Board payment bonds or letters of credit approved by the Board in the amounts required in paragraph (2) are not in full force and effect.

(2) Payment bonds or irrevocable letters of credit must aggregate to the following amounts:

(i) \$50,000,000 for each application for a Category 1 or Category 2 license.

(ii) \$5,000,000 for each application for a Category 3 license.

(b) Unless otherwise permitted by the Board, a payment bond provided under this section must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally-recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(c) Unless otherwise required by the Board, a letter of credit must be issued by a bank, trust company, National banking association or corporation which is both subject to regulation by the Federal Reserve System under the Bank Holding Company Act of 1956 (12 U.S.C.A. §§ 1841—1849) and assigned a credit rating within the three highest rating categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally-recognized rating service. Proof that the bank, trust company, National banking association or corporation is subject to regulation by the Federal Reserve System under the Bank Holding Company Act of 1956 (12 U.S.C.A. §§ 1841—1849) and that the issuer has been assigned the required credit rating must accompany any letter of credit submitted under this section.

(d) The payment bond or irrevocable letter of credit provided under this section must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee.

(e) The payment bond or irrevocable letter of credit provided under this section must provide that if the slot machine license has been approved and issued by the Board and the license fee has not been paid in full within 5 business days following the issuance of the license, the

Commonwealth will have the right to request immediate payment under the payment bond or irrevocable letter of credit for payment of the slot machine license fee.

(f) The payment bond or irrevocable letter of credit provided under this section must state that it will expire upon the earlier to occur of the following:

(1) A specified expiry date or any automatically extended expiry date.

(2) Receipt by the issuer of the Board's signed statement that:

(i) The application has been denied.

(ii) The slot machine license has been issued and 10 business days have elapsed following the issuance of the license.

(iii) The license fee has been paid.

(iv) The applicant has been permitted by the Board to withdraw its application under § 423a.5 (relating to application withdrawal).

(g) An expiry date applicable to a payment bond or letter of credit provided under this section must be at least 12 months from the date of issuance of the payment bond or letter of credit. Any provision automatically renewing or extending a payment bond or letter of credit must do so at intervals of at least 3 months. Notice provisions to the Board in a payment bond or letter of credit applicable to an election by an issuer not to renew or extend a then current expiry date must provide that the Board will receive at least 60 days written notice, by registered mail or overnight courier service, of an election not to renew or extend.

(h) This section does not preclude a slot machine license applicant from substituting or replacing a payment bond or letter of credit during the period the application is on file with the Board provided the replacement payment bond or letter of credit is approved by the Board under this section.

§ 441a.6. Public input.

(a) Prior to granting a slot machine license, the Board will conduct at least one public input hearing.

(b) Public input hearings relating to an application for a slot machine license shall be held in the municipality where the licensed facility will be located. The public input hearings will be organized in cooperation with the municipality.

(c) The Board will develop and post the procedures that will be used to conduct public input hearings on the Board's website (www.pgcb.state.pa.us).

(d) The Board will make public a list of all witnesses scheduled to testify at a public input hearing at least 7 days prior to the hearing. The list of witnesses will be updated at least 3 days prior to the hearing. Additional witnesses will be posted on the Board's website (www.pgcb.state.pa.us) as they are added to the witness list.

§ 441a.7. Licensing hearings for slot machine licenses.

(a) A schedule of licensing hearings for all slot machine license applicants will be posted on the Board's website (www.pgcb.state.pa.us).

(b) The Board may schedule prehearing conferences under § 491a.9 (relating to prehearing and other conferences) to address issues related to licensing hearings.

(c) The Board will allot each applicant a specified time for its presentation. The length of the presentations, which shall be the same for each applicant within each category, will be established at the prehearing conferences.

(d) At a licensing hearing, an applicant shall appear before the Board and at all times have the burden to establish and demonstrate, by clear and convincing evidence, its eligibility and suitability for licensure and to address the criteria identified in section 1325(c) (relating to license or permit issuance) of the act.

(e) For the purposes of this section, an applicant's demonstration of eligibility must include a showing of compliance which:

(1) Section 1302, 1303, 1304 or 1305 of the act, as applicable.

(2) The application requirements in § 441a.3 (relating to slot machine license application).

(3) The license fee payment bond or letter of credit requirements in § 441a.5 (relating to license fee payment bond or letter of credit requirements).

(4) The diversity requirements in Chapter 481a (relating to diversity) and section 1325(b) of the act.

(f) For the purposes of this section, an applicant's demonstration of suitability must include a showing of:

(1) Good character, honesty and integrity in compliance with section 1310 of the act (relating to slot machine license application character requirements).

(2) Financial fitness in compliance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(3) Operational viability, including:

(i) The quality of the proposed licensed facility, and temporary land-based facility, if applicable, including the number of slot machines proposed and the ability of the proposed licensed facility to comply with statutory, regulatory and technical standards applicable to the design of the proposed licensed facility and the conduct of slot machine operations therein.

(ii) The projected date of the start of operations of the proposed licensed facility and any accessory uses such as hotel, convention, retail and restaurant space proposed in conjunction therewith. Applicants shall provide the Board with a time line on the deliverability of proposed temporary land-based or phased permanent licensed facilities and the accessory uses proposed in conjunction therewith.

(iii) The ability of the applicant's proposed licensed facility to generate and sustain an acceptable level of growth of revenue.

(g) For the purposes of this section, an applicant's demonstration of how it addresses the criteria identified in section 1325(c) of the act must include:

(1) The location and quality of the proposed facility, including, but not limited to, road and transit access, parking and the facility's centrality to its anticipated market service area.

(2) The potential for new job creation and economic development which are expected to result from granting a license to an applicant.

(3) The applicant's good faith plan to recruit, train and upgrade diversity in all employment classifications in the facility.

(4) The applicant's good faith plan for enhancing the representation of diverse groups in the operation of its facility through the ownership and operation of business enterprises associated with or utilized by its facility or through the provision of goods or services utilized by its facility and through the participation in the ownership of the applicant.

(5) The applicant's good faith effort to assure that all persons are accorded equality of opportunity in employment and contracting by it and any contractors, subcontractors, assignees, lessees, agents, vendors and suppliers it may employ directly or indirectly.

(6) The potential for enhancing tourism which is expected to result from granting a license to the applicant.

(7) The history and success of the applicant in developing tourism facilities ancillary to gaming development in other locations if applicable to the applicant.

(8) The degree to which the applicant presents a plan for the project which will likely lead to the creation of quality, living-wage jobs and full-time permanent jobs for residents of this Commonwealth generally and for residents of the host political subdivision in particular.

(9) The record of the applicant and its developer in meeting commitments to local agencies, community-based organizations and employees in other locations.

(10) The degree to which potential adverse effects which might result from the project, including costs of meeting the increased demand for public health care and treatment of problem gamblers and their families, child care, public transportation, affordable housing and social services, will be mitigated.

(11) The record of the applicant and its developer regarding compliance with:

(i) Federal, State and local discrimination, wage and hour, disability and occupational and environmental health and safety laws.

(ii) State and local labor relations and employment laws.

(12) The record of the applicant in dealing with its employees and their representatives at other locations.

(13) The applicant's business probity, experience and ability.

(14) Areas of deficiency in the applicant's application previously identified by the Bureau of Licensing or Chief Enforcement Counsel that have not been resolved.

(h) The applicant's demonstration of how it addresses section 1325(c) of the act and subsection (g) may include information relating to its affiliates, intermediaries, subsidiaries or holding companies.

(i) No later than 30 days before the first scheduled licensing hearing in the category of license for which the applicant has filed an application, the applicant shall file with the Board a memorandum identifying all evidence it intends to use in support of its presentation before the Board. At the same time, Category 1 and Category 3 applicants shall serve the memorandum on the other applicants in the same category. At the same time, Category 2 applicants shall serve the memorandum on all other applicants whose proposed facility meets the same location criteria as the applicant's proposed facility as specified in subsection (n)(1)(i)–(iii). The memorandum must include the following:

(1) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(2) Identification of each standard and criterion in subsections (d)—(f) to which the evidence will relate.

(3) As to each criterion identified, whether the evidence will be presented through oral testimony or, the proffer of documents, or both. If any portion of the evidence will be presented through oral testimony, the notice must include the name, address and telephone number of each testifying witness, the identified criteria about which the witness will testify and a detailed summary of the witness' testimony. If any portion of the evidence will be presented through the proffer of documents, including reports and exhibits, the memorandum must include a copy of each document to be proffered and the name, address and telephone number of the persons who prepared the document.

(4) If any person identified in paragraph (3) will testify as an expert, the person's qualifications, including the person's education, experience and training, and a listing of the other jurisdictions where the person has been qualified as an expert witness, within the last 5 years, shall be attached to the notice. A copy of the results or reports of any tests, experiments, examinations, studies or documents prepared or conducted by the expert or about which the expert will testify or which will be relied upon by the expert to render an opinion shall be attached to the notice.

(5) Documents required under paragraphs (3) and (4) that have already been submitted to the Board and made part of the public record may be referenced instead of being included with the memorandum identifying all evidence an applicant intends to use in support of its presentation before the Board.

(j) The Board will serve on all applicants within that category any expert reports developed for and requested by the Board that pertains to the applicants.

(k) Applicants, at the time of filing, shall provide the Board with an electronic version, in a format prescribed by the Board, of the reports and exhibits provided in paper form.

(l) If an applicant designates any submitted report or exhibit as confidential under § 401a.3 (relating to definitions) or section 1206(f) of the act (relating to Board minutes and records), the applicant shall:

(1) Clearly and conspicuously indicate that the report or exhibit is confidential in both the paper and electronic format and provide these exhibits separately from the nonconfidential exhibits.

(2) Request that the confidential information be presented to the Board in closed deliberations, under section 1206(a) of the act and provide an explanation of the need for the designation of confidentiality and closed deliberations or authorize the release of the report or exhibit in compliance with section 1206(f) of the act.

(m) Applicants are prohibited from relying upon or introducing new evidence, including witnesses' testimony, reports or exhibits, not identified under subsection (i) or (n), except in the following circumstances:

(1) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to respond to requests from the Board.

(2) Applicants may update or supplement evidence, including witnesses' testimony, reports or exhibits to

respond to issues raised subsequent to the filing of the memorandum required by subsection (i) at a prehearing conference if the issues could not have been reasonably anticipated by the applicant.

(n) For Category 2 and Category 3 applicants only, in addition to the applicant's presentation of evidence to the Board relative to its eligibility and suitability for a license, an applicant may, during its licensing hearing, present evidence which sets forth a comparison between the applicant and other applicants within the same category with respect to the standards and criteria in subsections (e)—(h).

(1) Comparisons must be limited to:

(i) For applicants seeking to locate a licensed facility in a city of the first class, other applicants for a licensed facility in a city of the first class.

(ii) For applicants seeking to locate a licensed facility in a city of the second class, other applicants for a licensed facility in a city of the second class.

(iii) For applicants seeking to locate a licensed facility in a revenue- or tourism-enhanced location, other applicants for a licensed facility in a revenue- or tourism-enhanced location.

(iv) For applicants seeking to locate a licensed facility in a well-established resort hotel, other applicants for a licensed facility in a well-established resort hotel.

(2) If an applicant desires to present comparative evidence under this subsection, the applicant shall, no later than 20 days prior to the commencement of the first scheduled licensing hearing in the category of license for which the applicant has filed an application, file a separate written notice evidencing the intent with the Board identifying each other applicant about whom the applicant desires to present evidence. A copy of the notice shall also be served on the applicants about whom the evidence will be presented and on the Chief Enforcement Counsel. The notice must include:

(i) The name of the applicant and docket number of the applicant's application to which the evidence will relate.

(ii) Identification of the standards and criteria in subsections (e)—(h) to which the evidence will relate.

(iii) As to each criterion identified, a copy of any document or evidence that will be used to support the comparison to be presented in compliance with subsection (i).

(3) An applicant served with notice under paragraph (2) may present, during its licensing hearing, comparative evidence concerning it and the applicant from whom notice was received with respect to the standards and criteria in subsections (e)—(h). The applicant so served shall have 10 days following service to file a reply notice with the Board which contains the information required by paragraph (2). A complete copy of the reply notice shall be served on the applicant who initially served notice under paragraph (2) and on the Chief Enforcement Counsel.

(4) If the applicant plans to present evidence to the Board concerning another applicant in closed deliberations, the applicant shall provide notice to the other applicant and provide any report or exhibit relied upon to the other applicant. The other applicant may be represented in the closed deliberations.

(o) At the discretion of the Board, an applicant's presentation may include:

(1) Oral presentation.

(2) Documentary evidence submissions, including reports, photographs, audiovisual presentations, exhibits or testimony of witnesses.

(p) The Board, its designee and Chief Enforcement Counsel may:

(1) Examine or question the applicant and witnesses called by the applicant or the Board regarding their testimony and any aspect of the applicant's application and relevant background.

(2) Recall the applicant and other witnesses called by the applicant or the Board during the licensing hearing for further questioning.

(q) A person who testifies at the licensing hearing shall be sworn and testify under oath.

(r) At its discretion, the Board may terminate, recess, reconvene and continue the licensing hearing.

(s) An applicant may raise an objection to the conduct of the hearing, procedure, process or rulings of the Board as it relates to its own hearing or to the hearing of a competitive applicant as follows:

(1) An objection may be raised orally by stating the objection during the hearing of an applicant and the objection shall be stenographically recorded upon the record. The Board may request written briefing of the basis of the objection prior to issuing a ruling.

(2) An objection relating to the hearing of an applicant or to a hearing of a competitive applicant may be raised by means of written objection filed with the Clerk no later than 2 business days after the action or event giving rise to the objection. A written objection must clearly and concisely set forth the factual basis for the objection and be accompanied by a legal brief addressing the legal basis supporting the objection.

(3) If an applicant objects to an action or event in the hearing of another applicant, the caption of the objection must include the docket numbers of both proceedings conspicuously displayed and shall be served upon counsel for the other applicant by electronic means.

(4) In the event an objection is filed to the hearing of another applicant, counsel for that applicant may file a responsive brief within 2 business days of electronic service.

(5) An objection not raised as provided in paragraphs (1)—(3) will be deemed waived.

(t) Each Category 1 and Category 3 applicant may file a brief up to 25 pages in length within 10 days of the completion of the hearing with respect to all applications within its category. Each Category 2 applicant may file a brief up to 25 pages in length within 10 days of the completion of the hearing with respect to all applications that meet the same location criteria as the applicant as specified in subsection (n)(1)(i)—(iii). At the prehearing conferences, applicants in any category may waive the opportunity to file briefs.

(u) At the conclusion of the presentation of all testimony and evidence, the Board will cause the record to be transcribed. The transcript and evidence shall become part of the evidentiary record for the Board's consideration. For good cause shown, the Board may seal portions of the record.

(v) Following submission of the applicants' briefs, all applicants will have an opportunity to make final remarks in the form of oral argument before the Board in a manner and time prescribed by the Board. At the

prehearing conferences, applicants in any category may waive the opportunity for oral argument.

(w) Upon the conclusion of the licensing hearings and upon review of the evidentiary record in its entirety, the Board will consider, approve, condition or deny the slot machine license applications. A final order, accompanied by the Board's written decision, will be served on the applicants for slot machine licenses.

(x) An applicant may appeal the denial of a slot machine license to the Pennsylvania Supreme Court as provided in the act.

(y) This subsection pertains exclusively to intervention in a licensing hearing for a slot machine license under this section and is not applicable to other hearings before the Board. The right to intervene in a hearing under this section is within the sole discretion of the Board.

(1) A person wishing to intervene in a licensing hearing for a slot machine license shall file a petition in accordance with this subsection.

(2) A person may file a petition to intervene under this subsection if the person has an interest in the proceeding which is substantial, direct and immediate and if the interest is not adequately represented in a licensing hearing.

(3) Petitions to intervene in a licensing hearing may be filed no later than 45 days prior to the commencement of the first scheduled licensing hearing, in the category of license for which the applicant, in whose hearing the petitioner seeks to intervene, has filed an application unless, in extraordinary circumstances for good cause shown, the Board authorizes a late filing. At the same time the petitioner files its petition with the Board, a complete copy of the petition to intervene shall be served on the Chief Enforcement Counsel and the applicant in whose licensing hearing the petitioner seeks to intervene.

(4) Petitions to intervene must set out clearly and concisely the facts demonstrating the nature of the alleged right or interest of the petitioner, the grounds of the proposed intervention, the position of the petitioner in the proceeding and a copy of the written statement to be offered under paragraph (6). The petitioner shall fully and completely advise the applicant and the Board of the specific issues of fact or law to be raised or controverted and cite provisions or other authority relied on.

(5) The applicant may file an answer to a petition to intervene, and in default thereof, will be deemed to have waived any objection to the granting of the petition. If made, answers shall be filed within 10 days after the date the petition is filed with the Board, unless for cause the Board prescribes a different time. A complete copy of the answer to the petition to intervene shall be served on the Chief Enforcement Counsel and the petitioner who seeks to intervene.

(6) Except when the Board determines that it is necessary to develop a comprehensive evidentiary record, the participation of a person granted the right to intervene in a licensing hearing will be limited to the presentation of evidence through the submission of written statements attested to under oath. The written statements shall be part of the evidentiary record.

(z) This section supersedes any conflicting provisions of Subpart H (relating to practice and procedure) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

§ 441a.8. Divestiture.

(a) If the Board determines that a slot machine license application cannot be approved because the applicant, its principal or other person who holds a direct or indirect interest in the applicant or in an affiliate, intermediary, subsidiary or holding company of the applicant, does not meet a character or other eligibility criteria required under section 1310 of the act (relating to slot machine license application character requirements), or has an ownership or financial interest that is prohibited under by section 1330 of the act (relating to multiple slot machine license prohibition), the Board may grant the person up to 120 days following the determination to completely divest his interest in the applicant or its affiliate, intermediary, subsidiary or holding company.

(b) The person shall notify the Board of his intention to divest within 30 days of notice from the Board of the opportunity to divest. The Board may extend this time period at its discretion.

(c) Failure to divest within 120 days, or within the time period prescribed by the Board, constitutes a per se disqualification of the applicant to receive a slot machine license.

(d) The terms of divestiture will be approved by the Board.

(e) The Board will not approve a divestiture if the compensation received for the divested interest exceeds the value of the interest.

(f) Following divestiture, the Board will reconsider the applicant's suitability for licensure in an expedited procedure.

§ 441a.9. Approval of a slot machine license.

(a) An applicant for a slot machine license shall prove by clear and convincing evidence:

(1) The financial stability and integrity of the applicant and its affiliates, intermediaries, subsidiaries and holding companies in accordance with section 1313 of the act (relating to slot machine license application financial fitness requirements).

(2) The good character, honesty and integrity of the applicant and its affiliates, intermediaries, subsidiaries, holding companies and principals in accordance with section 1310 of the act (relating to slot machine license application character requirements).

(b) For Category 1 slot machine applications, the State Horse Racing Commission or the State Harness Racing Commission may submit additional information to the Board if it believes the information will assist the Board in making a determination relating to the operational, financial or character fitness of the applicant.

(c) The Board may issue a slot machine license under this chapter if it determines that the applicant:

(1) Has demonstrated that the applicant will establish and is likely to maintain a financially successful, viable and efficient business operation and will likely be able to maintain a steady level of growth of revenue to the Commonwealth.

(2) Is of good character, honesty and integrity.

§ 441a.10. Notification of anticipated or actual changes in principals or key employees.

Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomina-

tion, nomination, election, hiring, intended resignation, resignation, removal, firing, incapacitation or death of any person required to be licensed as a principal or key employee under Chapter 433a and § 435a.2 (relating to principal licenses; and key employee license). The notice must be addressed to the Bureau of Licensing.

§ 441a.11. Notification of new financial sources.

Each slot machine applicant or licensee shall notify the Board, in writing, as soon as it becomes aware that it intends to enter into a transaction which may result in any new financial backers. The notice shall be sent to the Bureau of Licensing and the Bureau of Corporate Compliance and Internal Controls.

§ 441a.12. Maintaining agreements; filing of agreements.

(a) *Maintaining agreements.* Each slot machine applicant and licensee shall maintain the following:

(1) A fully signed copy of every written agreement.

(2) Records with respect to any oral agreement.

(b) *Changes or amendments to agreements.* Slot machine applicants and licensees shall maintain changes or amendments to the terms of the agreements subject to subsection (a).

(c) *Filing agreements.* Each slot machine licensee shall submit the following to the Board:

(1) A fully signed copy of written agreements with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and with vendors subject to certification under § 437a.1(b) (relating to general vendor requirements).

(2) A precise written description of any oral agreement, in accordance with subsection (f), with manufacturer applicants or licensees, manufacturer designee applicants or licensees, supplier applicants or licensees and vendors subject to certification under § 437a.1(b).

(3) A fully signed copy of all written agreements relating to land and real estate.

(d) *Changes or amendments to filed agreements.* Slot machine applicants and licensees shall file all changes or amendments to the terms of the agreements subject to subsection (c).

(e) *Additional agreements.* Notwithstanding the requirements of subsections (c) and (d), slot machine applicants or licensees may be required to submit a copy of any other written agreement, change or amendment or a precise written description of any other oral agreement, change or amendment as requested by the Board.

(f) *Oral agreements.* A written description submitted under this section must provide, at a minimum, the following:

(1) The nature of the goods or services to be provided to the slot machine licensee or applicant.

(2) The full name and business address of the nonslot machine licensee or applicant party to the agreement.

(3) The duration of the agreement, or if provided in the agreement, the specific date or dates of performance.

(4) The financial terms of the agreement.

(5) A description of the goods or services provided, including the expected duration and compensation.

§ 441a.13. Board review of agreements and records of agreements.

(a) The Board may review an agreement and record maintained or filed under § 441a.12 (relating to maintaining agreements; filing of agreements) to determine the following:

(1) The reasonableness of the terms of the agreement, including the terms of compensation.

(2) The qualifications of the persons involved in and associated with the agreement, after which the Board may make a finding as to the suitability of the persons to be involved or associated with the slot machine applicant or licensee.

(3) Whether any person involved therein or associated therewith is providing or likely to provide goods or services to, or conducting or likely to conduct business with, a slot machine applicant or licensee or its employees which requires a license, permit, certification, registration or notification under the act or this part, in which case the Board will direct that the appropriate application be promptly filed by the person.

(4) Whether any action is desirable or necessary to regulate, control or prevent economic concentration in any vendor industry or to encourage or preserve competition in any vendor industry.

(b) If the Board finds that an agreement is not in the public interest or is inimical to the interest of gaming in this Commonwealth, the Board may, by order, require the termination of the agreement or association of any person associated therewith or pursue any remedy or combination of remedies provided for in the act or this part. If the agreement or association is not thereafter promptly terminated, the Board may pursue any remedy or combination of remedies provided for in the act or this part.

(c) Each agreement maintained or filed under § 441a.12 shall be deemed to include a provision for its termination without liability on the part of the slot machine applicant or licensee, or on the part of any qualified party to the agreement or any related agreement the performance of which is dependent upon the agreement, if the Board orders that the agreement be terminated in accordance with subsection (b).

§ 441a.14. Master purchasing and disbursement report.

(a) Each slot machine license applicant or licensee shall generate a monthly Master Purchasing and Disbursement Report for vendor transactions. The report shall be submitted to the Bureau of Licensing no later than the 22nd calendar day of following month. The report must include the following information:

(1) A payee register listing alphabetically by payee all nonpayroll transactions drawn by the slot machine applicant or licensee, including wire transfers and credits to vendors, and the following information next to the name of each payee:

(i) The vendor certification or registration number or exemption code.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(v) The grand total of all disbursements made during the reporting period.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(2) A payee register listing alphabetically by payee all transactions drawn by any affiliate, intermediary, subsidiary, holding company or agent of the slot machine applicant or licensee for goods or services that benefit the slot machine applicant or licensee, including wire transfers and credits to vendors, and the following information next to the name of each payee:

(i) The vendor certification or registration number or exemption code.

(ii) The amount of the individual disbursement or credit.

(iii) The date of the individual disbursement or credit.

(iv) The subtotal of disbursements or credits by payee.

(v) The grand total of all disbursements made during the reporting periods.

(vi) The total summarizing all previous payments in the last 12 months beginning from the first payment date.

(3) A register listing alphabetically by vendor transactions, including wire transfers and credits, in which the slot machine applicant or licensee itself acted in the capacity of a vendor by providing goods or services. The register must include:

(i) The vendor certification or registration number or exemption code of the vendor to whom the goods or services were provided.

(ii) The date of each individual transaction.

(iii) The amount of each individual transaction.

(iv) A general description of the type of goods or services provided.

(v) By vendor, subtotals of payments or credits received by the slot machine licensee or applicant or disbursements or credits made by the slot machine licensee or applicant during the reporting period.

(vi) By vendor, totals of payments or credits received or disbursements or credits made by the slot machine licensee or applicant within the applicable 12-month period.

(b) The reports shall be signed by the slot machine applicant or licensee and transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

§ 441a.15. Slot machine license issuance bond requirement.

(a) Upon the issuance of a slot machine license, a slot machine licensee shall post an original payment bond in the amount of \$1,000,000.

(b) Unless otherwise required by the Board, the payment bond must comply with the following:

(1) The payment bond must be issued by a surety company that is both licensed by the Insurance Department and assigned a credit rating within the three highest categories, without regard to numerics or other modifiers, by Moody's or Standard & Poor's, or upon the discontinuance of Moody's or Standard & Poor's, by another Nationally recognized rating service. Proof that the surety is licensed by the Insurance Department and has been assigned the required credit rating must accompany any payment bond submitted under this section.

(2) A slot machine licensee shall submit its proposed payment bond to the Board prior to the issuance of a slot machine license. The Board will investigate and approve both the proposed terms of the payment bond and the surety that will issue the payment bond.

(3) The payment bond must state that it is payable to "The Commonwealth of Pennsylvania" as the obligee for immediate payment of the slot machine licensee's financial obligations to the Commonwealth under the act and as security to guarantee that the slot machine licensee faithfully makes the payments, keeps its books and records, makes reports and conducts its operations in conformity with the act, this part and the rules and orders promulgated by the Board.

(4) A payment bond issued in accordance with this section will remain in full force and effect throughout the period of time that the slot machine license is in effect. If a bond is canceled and the slot machine licensee fails to file a new bond with the Board in the required amount on or before the effective date of the cancellation, the slot machine licensee's license will be revoked or suspended.

(5) Any notice provision to the Board in a payment bond applicable to an election by a surety to cancel a then current payment bond must provide that the Board will receive at least 30 days written notice, by registered mail or overnight courier service, of the surety's election to cancel.

(c) The Board may demand that the slot machine licensee post a new payment bond upon the occurrence of any of the following:

(1) Liability on the existing payment bond is discharged or reduced by judgment rendered, payment made or similar occurrence.

(2) The Board determines that the surety is no longer satisfactory.

(3) The slot machine licensee requests the right to post a new payment bond.

(4) The Board receives notice that the payment bond will be cancelled.

§ 441a.16. Slot machine license term and renewal.

(a) A slot machine license issued under this chapter will be valid for 1 year from the date of the issuance of the license by the Board.

(b) A Category 1, Category 2 or Category 3 Slot Machine Renewal Application Form shall be submitted to the Board at least 60 days prior to the expiration of a slot machine license.

(c) A slot machine license for which a completed renewal application has been received by the Board will continue in effect until the Board sends written notification to the holder of the slot machine license that the Board has approved or denied the slot machine license renewal application.

§ 441a.17. Change in ownership or control of slot machine licensee and multiple slot machine license prohibition.

(a) A slot machine licensee shall notify the Board by filing a Slot Machine Licensee's Notification of Proposed Transfer of Interest Form prior to or immediately upon becoming aware of any proposed or contemplated change in ownership of the slot machine licensee by a person or group of persons acting in concert which involves any of the following:

(1) More than 5% of a slot machine licensee's securities or other ownership interests.

(2) More than 5% of the securities or other ownership interests of a corporation or other form of business entity that owns, directly or indirectly, at least 20% of the voting or other securities or other ownership interest of the slot machine licensee.

(3) The sale, other than in the normal course of business, of a slot machine licensee's assets.

(4) Other transactions or occurrences deemed by the Board to be relevant to license qualification.

(b) Notice to the Board and Board approval shall be required prior to completion of any proposed change of ownership of a slot machine licensee that meets the criteria in subsection (a).

(c) A person or group of persons acting in concert desiring to acquire an interest in a slot machine licensee that meets the criteria in subsection (a) shall submit an application for approval of the transfer which includes the following:

(1) An application for transfer on a form prescribed by the Board.

(2) A copy of all documents, contracts and agreements related to the transfer.

(3) A principal license application for each person seeking to acquire an interest that does not currently hold a principal license.

(4) Application fees specified by the Board to cover the cost of investigations of the transfer application and persons seeking to acquire an interest. The applicant for the transfer shall be responsible for and remit to the Board any costs associated with the investigation of the transfer that exceed the amount covered by the fees.

(d) A person or group of persons acting in concert that acquires more than 20% of a slot machine licensee's securities or other ownership interests or purchases the assets, other than in the normal course of business, of any slot machine licensee shall independently qualify for a license in accordance with the act and this part and shall pay the licensing fee required by section 1209 of the act (relating to slot machine license fee), except as otherwise required by the Board.

(e) The requirements in subsections (a)—(d) do not apply to:

(1) An underwriter who will hold a security for less than 90 days.

(2) An institutional investor, if:

(i) The institutional investor holds less than 10% of the securities or other ownership interests referred to in subsection (a)(1) or (2).

(ii) The securities or interests are publicly traded securities.

(iii) The institutional investor's holdings if the securities were purchased for investment purposes only and the institutional investor files a certified statement with the Board stating that the institutional investor has no intention of influencing or affecting, directly or indirectly, the affairs of the slot machine licensee.

(f) In accordance with section 1330 of the act (relating to multiple slot machine license prohibition), a slot machine licensee, its affiliates, intermediaries, subsidiaries and holding companies, may not possess an ownership or financial interest in any other slot machine licensee or in

any other person eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies that exceeds 33.3%.

(g) Nothing in subsection (f) prevents a slot machine licensee from possessing ownership or financial interests of 33.3% or less, in multiple slot machine licensees or in persons eligible to apply for a Category 1 slot machine license or its affiliates, intermediaries, subsidiaries or holding companies.

(h) If a slot machine licensee, its affiliates, intermediaries, subsidiaries or holding companies has an ownership or financial interest in another slot machine licensee that is in violation of subsection (f), the slot machine licensee will be required to divest that interest which is in excess of 33.3% in compliance with section 1330 of the act.

(i) Nothing in this section concerning ownership or financial interests applies to contractual interests including those in the nature of management contracts, options to purchase exercisable after a license has been issued or leases.

§ 441a.18. Employee status report.

(a) A slot machine licensee shall maintain a complete, accurate and current record of each employee that includes the information in subsection (b)(1).

(b) Each month each slot machine licensee shall generate a monthly employee status report of the slot machine licensee's and management company's employees. The report shall be submitted to the Bureau of Licensing no later than the 15th calendar day of the following month. The report must include the following information:

(1) An alphabetical listing of the individuals currently employed by the slot machine licensee and the management company and the following information with respect to each employee listed:

- (i) The name of the employee.
- (ii) The address of record of the employee on file with the slot machine licensee.
- (iii) The employee's license, permit or registration number.
- (iv) The employee's title or position.
- (v) Whether the employee is full-time or part-time.
- (vi) The date of hire of the employee.
- (vii) The access code, if any, assigned to the employee, which designates the restricted areas that the employee is permitted to enter and remain in for the purposes of performing his normal duties.

(2) The total number of persons employed by the slot machine applicant or licensee and management company during the preceding month.

(3) An alphabetical listing of all employees who have discontinued or terminated employment with the slot machine licensee or management company during the preceding month and the following information with respect to each employee listed:

- (i) The information listed in paragraph (1)(i)–(vii).
- (ii) The date on which the employee discontinued or terminated employment with the slot machine licensee or management company.

(4) The total number of employees who have discontinued or terminated employment with the slot machine licensee and management company during the preceding month.

(5) The date on which the information provided in the report was compiled.

(c) The reports shall be signed by the slot machine licensee and transmitted to the Bureau of Licensing by means of electronic data transmission or in a form prescribed by the Board.

(d) The Board may request interim employee status reports from a slot machine licensee or management company.

§ 441a.19. Notice of employee misconduct and offenses.

(a) A slot machine licensee or management company shall notify the Board within 5 days of the termination of an employee, of information surrounding the termination of the employee that could be cause for suspension or revocation of the employee's license, permit or registration or enforcement action related thereto.

(b) The notice must include the following information:

- (1) The employee's name.
- (2) The address of record of the employee on file with the slot machine licensee.
- (3) The employee's license, permit or registration number.
- (4) The employee's title or position.
- (5) A summary of the incident or misconduct by the employee, including violations of this part or the act.
- (6) The date of termination of the employee.
- (7) The access code, if any, assigned to the employee, which designates the restricted areas that the employee was permitted to enter and remain in for the purposes of performing his normal duties.

(c) Notwithstanding subsection (a), a slot machine licensee shall, within 24 hours, notify the Board upon learning of the arrest, charging, indictment or conviction of any of its affiliates, intermediaries, subsidiaries, holding companies, principals, key employees, permittees or registrants, for any of the following:

- (1) An offense or violation under the act or this part.
- (2) The willful and knowing violation or attempt to violate an order of the Board by an employee.
- (3) An offense or violation of another applicable law which would otherwise disqualify the person from holding a license, permit or registration.
- (4) An offense or violation of a criminal law or ordinance of the United States or the Commonwealth or a comparable offense or violation in other states or foreign jurisdictions.

§ 441a.20. Slot machine license agreements.

(a) An agreement or noncontractual relationship between a person and a slot machine licensee which provides for a payment to the person or an arrangement under which a person receives payment, however defined, of a direct or indirect interest, percentage or share of earnings, profits or receipts from slot machines and associated equipment of a licensed facility, shall require Board approval, regardless of the amount or percentage.

(b) Agreements shall be submitted to the Bureau of Licensing at least 60 days prior to the proposed effective date of the agreement. The agreement may not take effect until the agreement has been approved by the Board.

(c) An agreement will not receive Board approval if it, or if it when viewed in the aggregate as related to any of the persons who receive payment as a result of the agreement, creates a monopolization of economic opportunities or control of the licensed gaming facilities in this Commonwealth under § 421a.5 (relating to monopolization of economic opportunities and control).

(d) Notwithstanding the definition of a principal, persons who receive payments under the agreements or arrangements shall be licensed by the Board prior to receiving the payments, unless the agreement or person is exempted under subsection (d).

(e) The following are exempt from the requirements of this section:

- (1) Fixed sum and hourly payments.
- (2) Junket agreements.
- (3) Employee profit sharing agreements administered by class or category.
- (4) Management contracts.
- (5) Slot system agreements for wide area progressive slot systems.
- (6) Horsemen's organizations.
- (7) Labor organizations.
- (8) Other agreements determined by the Board.

§ 441a.21. Management contracts.

Notwithstanding any provision to the contrary in the management contract, each slot machine licensee may be jointly and severally liable for any act or omission by the management company in violation of the act or this part, regardless of actual knowledge by the slot machine licensee of the act or omission.

§ 441a.22. Category 1 slot machine licensees.

(a) A Category 1 license, including a Conditional Category 1 license, may be issued to any qualifying legal business entity within an organization, if a legal business entity within the organization has been approved or issued a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct thoroughbred or harness race meetings. If a Category 1 license is issued to a legal business entity within an organization, the requirements, duties and obligations imposed by this part or the act on the licensed racing entity or a licensed racetrack shall be deemed to be requirements imposed on any legal business entity within the organization that has been approved or issued a Category 1 license. If more than one licensed racing entity, on July 5, 2004, was conducting a racing meet at the same licensed racetrack where an organization has been issued a Category 1 slot machine license, section 1303 of the act (relating to additional category 1 slot machine license requirements) applies to each licensed racing entity at the licensed racetrack.

(b) If a Category 1 license is issued to a legal business entity in an organization, any legal business entity within the organization that has been approved or issued a Category 1 license shall be responsible for, in particular, but not limited to, complying with:

- (1) Section 1404 of the act (relating to distributions from licensee's revenue receipts).
- (2) Section 1405 of the act (relating to Pennsylvania Race Horse Development Fund).

(3) Distribution allocations received from the Pennsylvania Race Horse Development Fund under section 1406 of the act (relating to distributions from Pennsylvania Race Horse Development Fund).

(i) Funds designated for purses under section 1406(a)(1)(i) of the act shall be deposited into an account established by and for the benefit of the horsemen within 36 hours of receipt from the Commonwealth.

(ii) Funds designated for health and pension benefits under section 1406(a)(1)(iii) of the act shall be deposited into an account established under the rules and regulations of the horsemen's organization within 36 hours of receipt from the Commonwealth.

(c) A Category 1 slot machine licensee or management company shall file with the Board no later than the 20th day of the month following the end of each calendar quarter, the following reports:

- (1) Quarterly Report of Funds Received from the Pennsylvania Racehorse Development Fund.
- (2) Quarterly Report of Funds Distributed for Purses under section 4 Pa.C.S. § 1406(a)(1)(i) of the act.
- (3) Quarterly Report of Funds Distributed for Health and Pension Benefits under section 1406(a)(1)(iii) of the act.
- (4) Quarterly Report of Expenditures for Backside Improvements.

(d) A Category 1 slot machine licensee or management company shall file a report of planned future improvements to the licensed racetrack backside area with the Board no later than the 30 days following the end of each calendar year. The report must include:

- (1) A list of the improvements to be undertaken over the next 3 years.
- (2) The projected start date and completion date of each improvement.
- (3) The estimated cost of each improvement.

(e) The Board may request interim versions of the reports in subsections (c) and (d) from a Category 1 slot machine licensee or management company.

§ 441a.23. Category 3 slot machine licensees.

(a) To qualify as a well-established resort hotel with substantial year-round recreational guest amenities, the resort hotel must offer at the resort hotel a complement of amenities characteristic of a well-established resort hotel, including but not limited to the following:

- (1) Sports and recreational activities and facilities such as a golf course or golf driving range.
- (2) Tennis courts
- (3) Swimming pools or a water park.
- (4) A health spa.
- (5) Meeting and banquet facilities.
- (6) Entertainment facilities.
- (7) Restaurant facilities.
- (8) Downhill or cross-country skiing facilities.
- (9) Bowling lanes.
- (10) Movie theaters.

(b) A Category 3 slot machine applicant shall submit, as part of its application and its internal controls required under Chapter 465 (relating to accounting and internal controls), a plan detailing how the applicant will monitor the gaming area to ensure compliance with Chapters 503a, 511a and 513a (relating to self-exclusion; persons required to be excluded; and underage gaming) and that only the following persons are permitted to enter the gaming area:

- (1) Registered overnight guests.
- (2) Patrons of one or more amenities.
- (3) Authorized employees.
- (4) Other persons authorized by the Board.

(c) Individuals holding a valid seasonal or year-round membership, which has been approved by the Board and entitles the individual to use one or more of the amenities

at the well-established resort hotel holding the Category 3 slot machine license, may be allowed on the gaming floor at any time. The Board will base its approval of a membership on the duration of the membership, the amenity or amenities covered by the membership and whether the fee charged for the membership represents the fair market value for the use of the amenity or amenities.

(d) A patron of an amenity at a well-established resort hotel holding a Category 3 slot machine license may be permitted unlimited access to the gaming floor for one 24-hour period within 72 hours of the use of the amenity.

[Pa.B. Doc. No. 07-2146. Filed for public inspection November 30, 2007, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, December 12, 2007. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the commissioners and staff will begin at 10 a.m. Topics of discussion will include: a status report by staff of the United States Geological Survey on the flood analysis model under development in accordance with the Commission's Resolution No. 2006-20 to evaluate the potential for reservoirs throughout the basin to be used to mitigate flooding along the Delaware River and its tributaries; status of a proposal to update the water quality standard for PCBs in the Delaware Estuary and provide for implementation of the new standard; a report on the status of three pending rulemakings: (a) amendments to the Water Code and Water Quality Regulations relating to water accountability and source metering, recording and reporting; (b) Water Code amendments to implement a Flexible Flow Management Program proposed by the parties to the Supreme Court Decree of 1954 for operation of the New York City Delaware Basin reservoirs; and (c) amendments to the Water Code and Water Quality Regulations regarding Special Protection Waters. In addition, there will be a discussion of the proposed Commission Fiscal Year (FY) 2008-2009 Water Resources Program and a presentation by Dr. Rebecca L. Schneider of Cornell University on how networks of roadside ditches across watersheds contribute significantly to flooding, droughts and degraded water quality downstream.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Deptford Township Municipal Utilities Authority D-94-68 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 123 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 2, 4, 6—8 and 9R in the Potomac-Raritan-Magothy Formation. The project is located in the Lower Delaware Watershed in Deptford Township, Gloucester County, NJ, in New Jersey Critical Water Supply Area 2.

2. *City of Vineland D-95-47 CP-2*. An application for the renewal of a groundwater withdrawal project to continue the withdrawal of 494.5 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 2—14 in the Cohansey Formation. The project is located in the Maurice River Watershed in the City of Vineland, Cumberland County, NJ.

3. *Merchantville-Pennsauken Water Commission D-97-5 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 335 mg/30 days to supply the applicant's public water supply distribution system from 15 existing wells in the Potomac-

Raritan-Magothy Formation. The project is located in the Pennsauken Creek Watershed in Merchantville Borough and Pennsauken Township, Camden County, NJ.

4. *Nestlé Waters North America, Inc. D-98-27-3*. An application for the renewal of a spring water withdrawal project to continue withdrawal of 9 mg/30 days to supply the applicant's bottled water operations from existing Hoffman Springs Nos. 1—3 and new Mattos Catchment No. 1. The project is located in the Ontelaunee Creek Watershed in Lynn Township, Lehigh County, PA.

5. *Sapa Extrusions, Inc. (formerly Alcoa Extrusions, Inc.) D-2005-1-3*. An application to continue to discharge up to 0.10 mgd from an existing outfall to the West Branch Schuylkill River. No expansion of the treatment facility is proposed and no alterations to the existing effluent limits are requested. The treatment facility is located in Cressona Borough, Schuylkill County, PA.

6. *E. I. du Pont de Nemours and Company D-71-86-2*. An application for the renewal and update of the Edge Moor facility's IWTP and noncontact cooling water discharges and for approval of the installation of an effluent diffuser. The permitted discharges from the applicant's titanium dioxide production facility include a 5.2 mgd discharge of treated IWTP effluent from Outfall 001, a 2.89 mgd discharge of noncontact cooling water and stormwater from Outfall 002, and a 5.9 mgd discharge of noncontact cooling water and stormwater from Outfall 003. The facility will continue to discharge to the Delaware River. The facility is located in Edgemoor, DE.

7. *Warren County (Pequest River) Municipal Authority D-71-96 CP-2*. An application to modify an existing docket by providing a Total Dissolved Solids (TDS) determination for the Warren County (Pequest River) Municipal Utilities Authority's Oxford Area Wastewater Treatment Plant (WWTP). The Oxford Area WWTP has a design flow of 0.5 million gallons per day (mgd) and treats primarily domestic sewage prior to discharge to the Pequest River at River Mile 197.8-7.2-0.9. The facility also accepts leachate from a landfill operated by the Pollution Control Financing Authority of Warren County and from Covanta Industry. Because these waste streams can result in a WWTP discharge that exceeds the Commission's basin wide effluent TDS limitation of 1,000 mg/l, the applicant has requested a variance in the form of an adjusted effluent TDS limitation of 9,864 pounds per day. The Commission's criteria allow for a variance from a TDS effluent limit where the variance would not result in an instream TDS concentration in excess of 500 mg/l or an increase in the instream TDS concentrations of more than 33%. The Pequest is a tributary of the Lower Delaware River, which the Commission has designated on an interim basis as Special Protection Waters with a classification of Significant Resource Waters. The facility is located in Oxford Township, Warren County, NJ.

8. *County of Chester Department of Facilities Management D-83-15 CP-3*. An application for approval to expand a 0.105 mgd WWTP to treat an average flow of 0.13676 mgd. The WWTP will continue to serve only the Pocopson Home and Prison, located in Pocopson Township, Chester County, PA. Following advanced treatment, the WWTP effluent will be applied to expanded adjacent spray fields, which are located in the Pocopson Creek Watershed. A new aerated lagoon will be constructed to provide sufficient supplemental effluent storage, so that a WWTP discharge to a stream will not be needed.

9. *The Premcor Refining Group, Inc. D-93-4-6.* An application to replace the withdrawal of water from Well Nos. P-3A and P-4A in the applicant's water supply system that have become unreliable sources of supply and to increase the applicant's surface water withdrawal from the Delaware River and Red Lion Creek. Premcor requests that its combined withdrawal from replacement Wells Nos. P-3B and P-4B and seven existing wells remain limited to 180 mg/30 days; that its withdrawal from the Delaware River intake remain 13,560 mg/30 days; that the docket authorize withdrawals of 38.9 mg/30 days from the Red Lion Creek intake and up to 56.2 mg/30 days from the Dragon Run intake, and that Premcor's combined withdrawal from all sources be limited to 13,835.1 mg/30 days. The proposed allocation represents no increase in groundwater withdrawals and no increase from the Delaware River intake. The docket is proposed to include previously undocketed preCompact DNREC allocations from Dragon Run and Red Lion Creek. The project is located in the Potomac Formation in the C & D Canal East, Dragon Run Creek, Red Lion Creek and Delaware River watersheds in Delaware City, New Castle County, DE.

10. *Valero Paulsboro Refinery D-2006-28-1.* An application for approval of a surface water withdrawal project to supply up to 10.8 mgd (324 mg/30 days) of water to the applicant's petroleum refinery from an existing surface water intake. The project is located in the Delaware Watershed in Greenwich Township, Gloucester County, NJ, in New Jersey Critical Water Supply Area 2.

11. *Exelon Power D-2006-44-1.* An application for approval of an existing surface water withdrawal project to supply up to 9,975 mg/30 days of water to the applicant's Cromby Generating Station from the Schuylkill River and to limit the existing withdrawal from all intakes to 9,975 mg/30 days. No increase in withdrawals is requested. The project is located in the Schuylkill River Watershed in East Pikeland Township, Chester County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

12. *To-Jo Mushrooms, Inc. D-2007-3-1.* An application for approval of the rerate of the existing To-Jo Mushroom IWTP from 0.03 mgd—0.049 mgd and for approval of the existing 0.035 mgd discharge of contact cooling water. The applicant's IWTP serves a mushroom canning facility. The IWTP and contact cooling water will continue to be discharged to Trout Run, a tributary of the White Clay Creek. The facility is located in New Garden Township, Chester County, PA.

13. *The Asbury Graphite Mills, Inc. D-2007-26-1.* An application for approval of a groundwater withdrawal project to supply up to 5.65 mg/30 days of water to the applicant's manufacturing facility from Intake Nos. 1, 2A, 2B and 2C in the Musconetcong River and to supply up to 1.43 mg/30 days from Well Nos. 1 and 2 completed in the Allentown Dolomite Formation in the Musconetcong River Watershed, for a total allocation of 7.08 mg/30 days. The project is located in Bethlehem Township, Hunterdon County, NJ, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

14. *Woodbourne Correctional Facility D-2007-28 CP-1.* An application for approval of a groundwater withdrawal project to supply up to 7.20 mg/30 days of water to the applicant's domestic water supply from Well Nos. 1—7 and to limit the existing withdrawal from all wells to 7.20 mg/30 days. The project is located in the Valley Fill Aquifer in the Middle Delaware Watershed in

Woodbourne Township, Sullivan County, NY, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

In addition, the Commission's 1:30 p.m. business meeting will include a public hearing on the proposed FY 2008-2009 Current Expense and Capital Budgets.

The business meeting also will include adoption of the Minutes of the Commission's September 26, 2007, business meeting; announcements of upcoming advisory committee meetings and other events; a report by the Executive Director; a report by the Commission's General Counsel; and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on December 12, 2007, will be posted on the Commission's website www.drbc.net where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the commission secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 07-2147. Filed for public inspection November 30, 2007, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby issues a temporary order designating West Nile Encephalitis (WNE), Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic Septicemia (VHS), Lymphocytic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as "dangerous transmissible diseases." These designations are made under the authority of 3 Pa.C.S. §§ 2301—2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to these same diseases, as published at 36 Pa.B. 7974 (December 30, 2006) that made the same dangerous transmissible disease designations. This previous temporary order will expire as of January 1, 2008.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a

“dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation.

1. WNE

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection, although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a “dangerous transmissible disease” will facilitate the Department’s surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

2. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. The designation of CWD as a “dangerous transmissible disease” will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

3. SVC

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Com-

monwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

4. VHS

Viral hemorrhagic septicemia (VHS) virus is a serious pathogen of fresh and saltwater fish that is causing an emerging disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

5. LCMV

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies in order to protect human health.

6. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining

appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

Order

The Department hereby designates WNE, CWD, SVC, VHS, LCMV and EHV-1 "dangerous transmissible diseases" under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2008, and shall remain in effect until no later than January 1, 2009. This Department may: (1) reissue this temporary order to

extend the designation beyond January 1, 2009; (2) allow this temporary order to expire on January 1, 2009; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Paul Knepley, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 07-2148. Filed for public inspection November 30, 2007, 9:00 a.m.]

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 13, 2007.

BANKING INSTITUTIONS

Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|---|-------------------------|
| 11-7-07 | MileStone Bank Doylestown Bucks County | 1980 South Easton Road Suite 110 Doylestown Bucks County | Commenced Operations |

Interim Charter Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 11-9-07 | Integrity Interim Bank Camp Hill Cumberland County | Camp Hill | Filed |

Application filed in conjunction with the reorganization of Integrity Bank, Camp Hill, into a bank holding company form of business whereby Integrity Bank will become the wholly-owned subsidiary of Integrity Bancshares, Inc., a new holding company in formation.

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 9-13-07 | CNB Bank Clearfield Clearfield County | 2617 Asbury Road Erie Erie County | Opened |
| 11-8-07 | Graystone Bank Lancaster Lancaster County | 2300 East Market Street Springettsbury Township York County | Filed |
| 11-8-07 | Graystone Bank Lancaster Lancaster County | 1759 West Main Street Clay Township Lancaster County | Filed |
| 11-9-07 | The Dime Bank Honesdale Wayne County | 99 Welwood Avenue Hawley Wayne County | Filed |

BANKING INSTITUTIONS

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 11-5-07 | Reliance Savings Bank Altoona Blair County | To: 401 Logan Boulevard Altoona Blair County | Filed |

NOTICES

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 11-8-07 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | <i>From:</i> 109 Logan Boulevard Altoona Blair County <i>To:</i> 229 North West End Boulevard Suite D-1 Quakertown Montgomery County <i>From:</i> 255 North West End Boulevard Quakertown Montgomery County | Filed |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 11-9-07 | Northwest Savings Bank Warren Warren County | 1666 Market Street Extension Warren Warren County | Approved |

Articles of Amendment

| <i>Date</i> | <i>Name of Bank</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|---|--|------------------------|
| 11-7-07 | Bucks County Bank Doylestown Bucks County | Amendment to the Second Article of the Articles of Incorporation provides for a change of location and address for the principal place of business <i>From:</i> 350 South Main Street, Suite 213, Doylestown Township, Doylestown, PA 18901. <i>To:</i> 200 South Main Street, Doylestown, Bucks County, PA 18901. The former location has been discontinued as an office of the institution. | Approved and Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Credit Union</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 11-6-07 | Butler Armco Employees Credit Union, Butler, and Deshon V.A. Employees Federal Credit Union, Butler Surviving Institution— Butler Armco Employees Credit Union, Butler | Butler | Filed |

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. 07-2149. Filed for public inspection November 30, 2007, 9:00 a.m.]

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 20, 2007.

BANKING INSTITUTIONS
Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 11-16-07 | Harleysville National Corporation, Harleysville, acquired 100% of East Penn Financial Corporation, Emmaus, and so indirectly acquired East Penn Bank, Emmaus. Subsequent to the acquisition, East Penn Bank merged with and into The Harleysville National Bank and Trust Company, Harleysville, a wholly-owned subsidiary of Harleysville National Corporation. | Harleysville | Effective |
| 11-16-07 | Susquehanna Bancshares, Inc., Lititz, acquired 100% of the voting shares of Community Banks, Inc., Harrisburg. | Lititz | Effective |

Section 112 Applications

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 11-15-07 | S & T Bancorp, Inc., Indiana, to acquire up to 24.99% of Allegheny Valley Bancorp, Inc., Pittsburgh. | Indiana | Approved |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 11-16-07 | Susquehanna Bank PA, Lititz, and CommunityBanks, Millersburg Surviving Institution— Susquehanna Bank PA, Lititz | Lititz | Effective |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 11-5-07 | Gateway Bank of Pennsylvania McMurray Washington County | Gateway Commons 900 Commonwealth Drive Suite 100 Cranberry Township Butler County | Opened |
| 11-12-07 | Mauch Chunk Trust Company Jim Thorpe Carbon County | 226 Claremont Street Tamaqua Schuylkill County | Opened |

Branch Relocations

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 11-6-07 | 1st Summit Bank Johnstown Cambria County | <i>To:</i> 600 Main Street Johnstown Cambria County <i>From:</i> 516 Main Street Johnstown Cambria County | Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Emergency Shelter Grant Program

The Department of Community and Economic Development (Department), Center for Community Development is anticipating applying for funding through the United States Department of Housing and Urban Development.

The Emergency Shelter Grant Program is established within Subtitle B of Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C.A. §§ 11371—11378). The program authorizes grants for the rehabilitation or conversion of buildings for use as emergency shelters for the homeless, for the payment of certain operating expenses and essential services in connection with emergency shelters for the homeless and for homeless prevention activities. The program is designed to be the first step in a continuum of assistance to enable homeless individuals and families to move toward independent living as well as to prevent homelessness.

One copy of the application may be submitted by local governments to the Department's Customer Service Center, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 in accordance with the Department's single application requirements. A copy of the application must also be sent to the appropriate regional office. The application window will open on December 1, 2007, and close at 5 p.m. on February 1, 2008. Applications received prior to or after these dates may not be considered for funding.

Application forms and instructions may be obtained by contacting the Department's Center for Community Development, in Harrisburg at (717) 787-5327, or the Department's Regional Offices. Persons with a disability who wish to submit an application in accordance with the provisions stated herein and who require assistance with that application, and persons who require copies of this notice in an alternate format (large type, Braille, and the like) should contact Ed Geiger, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120, (717) 787-5327 to discuss how the Department may best accommodate their needs. The following is the listing of the Department's regional offices and the counties they serve:

REGIONAL OFFICES

Southeast

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties

Department of Community and Economic Development
Philadelphia State Office Building
1400 Spring Garden Street, Room 1800
Philadelphia, PA 19130
(215) 560-2256

Northeast

Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties

Department of Community and Economic Development
409 Lackawanna Avenue
3rd Floor, Oppenheim Building
Scranton, PA 18503
(570) 963-4571

Central

Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, York, Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties.

Department of Community and Economic Development
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120
(717) 787-7347

Southwest

Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties

Department of Community and Economic Development
1405 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
(412) 565-5002

Northwest

Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties

Department of Community and Economic Development
100 State Street, Suite 205
Erie, PA 16507
(814) 871-4241

Main Office

Center for Community Development
400 North Street, 4th Floor
Commonwealth Keystone Building
Harrisburg, PA 17120
(717) 787-5327

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 07-2151. Filed for public inspection November 30, 2007, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Middle Conodoguinet Creek Watershed Conservation Plan

Notice is hereby given that the Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation has approved the Middle Conodoguinet Creek Watershed Conservation Plan and is placing the Middle Conodoguinet Creek Watershed and all tributaries covered in the Plan in Cumberland County, on the Pennsylvania Rivers Conservation Registry (Registry).

The Conodoguinet Creek Watershed Association submitted the Middle Conodoguinet 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 requirements have been satisfied and places the following on the Registry:

- Conodoguinet Creek (Cumberland County): A segment of the Conodoguinet Creek from its confluence with Alexanders Spring Creek to its confluence with Green Spring Creek—21 linear miles.
- A corridor extending 1 mile in depth on both sides of the creek.
- The following tributary watersheds within the study area in Cumberland County—approximately 162.34 square miles.
- Alexanders Spring Creek in Carlisle Borough, Dickinson Township, North Middleton Township, Penn Township, South Middleton Township and West Pennsboro Township.
- Back Creek in Upper Mifflin Township, Lower Mifflin Township.
- Big Spring Creek in Newville Borough, North Newton Township, South Newton Township, Penn Township and West Pennsboro Township.
- Brandy Run in Upper Mifflin Township.
- Bulls Head Branch of Green Spring Creek in North Newton Township and Southampton Township.
- Center Creek in Lower Mifflin Township.
- Doubling Gap Creek in Lower Mifflin Township.
- Green Spring Creek in North Newton Township.
- Locust Creek in Lower Frankford Township and Upper Frankford Township.

- Mount Rock Spring Creek in Dickinson Township, Penn Township and West Pennsboro Township.
- Opossum Creek in Lower Frankford Township.
- Rock Run in Upper Frankford Township and Lower Mifflin Township.
- Whisky Run in Lower Mifflin Township and Upper Mifflin Township.
- All unnamed tributary streams within the study area.

This action becomes effective December 1, 2007. Projects identified in the Middle Conodoguinet Creek Watershed Conservation Plan become eligible for implementation, development or acquisition grant funding through the Pennsylvania Rivers Conservation Program.

A copy of the Final Plan is available for review at the Conodoguinet Creek Watershed Association, 49 Sample Bridge Road, Mechanicsburg, PA 17050, www.cumberlandcd.com/watershed/ccwa/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 Conodoguinet Creek Watershed Association.

MICHAEL F. DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 07-2152. Filed for public inspection November 30, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|------------------------------------|---|--|--|-----------------------------|
| PA0036439 (Minor Sewage) | Department of Public Welfare White Haven Center 827 Oley Valley Road White Haven, PA 18661 | Foster Township Luzerne County | Linesville Creek 02A | Y |
| PAS702203 | Eastern Industries, Inc. 4401 Camp Meeting Road Center Valley, PA 18034 | East Allen Township Northampton County | Monocacy Creek 2C | Y |
| PA0061182 | Big Boulder Corporation P. O. Box 707 Blakeslee, PA 18610-0707 | Kidder Township Carbon County | UNT to Tunkhannock Creek 2A | Y |
| PA0063096 | Seiders Hill, Inc. P. O. Box 359 Pottsville, PA 17901 | North Manheim Township Schuylkill County | West Branch Schuylkill River CWF Watershed 3A | Y |
| PA0062197 (Minor IW Renewal) | Schuylkill County Municipal Authority Mt. Laurel WTP 221 South Centre Street Pottsville, PA 17901 | Schuylkill County New Castle Township | Mud Run 3A | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0034363 (SEW) | Pine View Acres Mobile Home Park 116-B Blantz Road Lititz, PA 17543 | Lancaster County Penn Township | UNT Chickies Creek 7G | Y |
| PA0247022 (CAFO) | Ridge View Farms David W. Sweigart, III 189 Ridge View Road South Elizabethtown, PA 17022 | Lancaster County Mount Joy Township | Conoy Creek 7G | Y |
| PA0043028 (SEW) | Evergreen Enterprise/ Stuart Hess (Hemlock Acres Court) 1546 Newport Road Manheim, PA 17545 | Lancaster County Rapho Township | Chickies Creek 7G | Y |

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| <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> |
|-----------------------------|--|---------------------------------------|--|-----------------------------|
| PA0246522 (SEW) | Heritage Cove Campground Richard Wright 8214 Peridot Drive Unit 107 McLean, VA 22102 | Bedford County Liberty Township | Raystown Branch Juniata River 11-D | Y |
| PA0039730 (SEW) | Lake Raystown Resort 100 Chipmunk Crossing Entriiken, PA 16638 | Huntingdon County Lincoln Township | Tatman Run 11-D | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PA0020257 | Borough of Grove City Grove City Borough STP P. O. Box 110 123 Main Street Grove City, PA 16127-0110 | Grove City Borough Mercer County | Wolf Creek 20-C | N |

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

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

PA0011657, Industrial Waste, SIC 4911, **Exelon Generation Company**, 300 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in the City of Philadelphia, **Philadelphia County**.

Description of Proposed Activity: Renewal of an NPDES permit.

The receiving stream, Schuylkill River—Delaware River Estuary Zone 4, is in the State Water Plan Watershed 3F and is classified for: WWF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 360.4 mgd.

| <i>Parameters</i> | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Total Suspended Solids | 30 | 60 | 75 |
| Oil and Grease | 15.0 | | 30.0 |
| Temperature | | | 110° F |
| Total Residual Oxidant | | | 0.2 |
| pH (Standard Units) | Instantaneous Minimum 6.0 | | 9.0 |
| PCBs, Total | | Monitor and Report | |

The proposed effluent limits for MP 101 are as follows.

| <i>Parameters</i> | <i>Concentration (mg/l)</i> | | |
|------------------------|-----------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Total Suspended Solids | 30 | 100 | |
| Oil and Grease | 15.0 | 20.0 | |
| Copper, Total | 1.0 | 1.0 | |
| Iron, Total | 1.0 | 1.0 | |
| pH (Standard Units) | 6.0 (Minimum) | | 9.0 |

The proposed effluent limits for MP 201 are as follows.

| <i>Parameters</i> | <i>Concentration (mg/l)</i> | | |
|------------------------|-----------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Total Suspended Solids | 30 | 100 | |
| Oil and Grease | 15.0 | 20.0 | 30.0 |
| pH (Standard Units) | Minimum 6.0 | | 9.0 |

The proposed effluent limits for MP 301 are as follows.

| <i>Parameters</i> | <i>Concentration (mg/l)</i> | | |
|------------------------|-----------------------------|----------------------|-------------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Total Suspended Solids | 30 | 100 | |
| Oil and Grease | 15.0 | 20.0 | 30.0 |

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

1. Delaware River Zone 4 Thermal Requirements.
2. Chemical Additives Requirements.
3. 316(b) Intake Structure Condition.
4. TRO Requirements.
5. PMP for PCBs.

PA0052078, Sewage, **Municipal Authority of the Borough of Elverson**, 101 South Chestnut Street, P. O. Box 266, Elverson, PA 19520-0266. This existing facility is located in Elverson Borough, **Chester County**.

Description of Proposed Activity: This NPDES application is for renewal of the Elverson Borough Municipal Authority sewage treatment plant.

The receiving stream, a UNT to East Branch Conestoga River, is in the State Water Plan Watershed 7J, within the Chesapeake Bay Watershed, and is classified for: WWF. There are no public water supply intakes identified downstream. This facility is a Phase 5, smaller discharger as described in Pennsylvania's Chesapeake Bay Tributary Strategy.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.125 mgd.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|------------------------|-----------------------|-----------------------------|-----------------------|-------------------------------------|
| | <i>Monthly Average</i> | <i>Weekly Average</i> | <i>Monthly Average</i> | <i>Weekly Average</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | | | | | |
| (5-1 to 10-31) | 16 | 24 | 15 | 23 | 30 |
| (11-1 to 4-30) | 26 | 40 | 25 | 38 | 50 |
| Total Suspended Solids | 31 | 47 | 30 | 45 | 60 |
| Ammonia as N | | | | | |
| (5-1 to 10-30) | 1.6 | | 1.5 | | 3.0 |
| (11-1 to 4-30) | 4.7 | | 4.5 | | 9.0 |
| Phosphorus as P | 2.1 | | 2.0 | | 4.0 |
| Fecal Coliform | | | | | |
| (5-1 to 9-30) | | | 200/100 ml | | 1,000/100 ml |
| (10-1 to 4-30) | | | 2,000/100 ml | | |
| Dissolved Oxygen | | | 5.0 (minimum) | | |
| pH (Standard Units) | | | 6.0 (minimum) | | 9.0 |
| Total Residual Chlorine | | | 0.03 | | 0.07 |

As a Phase 5 smaller discharger, the facility is given the option to monitor levels of Total Nitrogen (TN) and Total Phosphorus (TP) for 2 years, as part of this permit renewal or a subsequent renewal, for the purpose of data collection to establish existing performance for TN and TP effluent quality. If the facility chooses to monitor with this renewal, the following monitoring requirements are proposed for Outfall 001:

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------|-------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia as N | Report | Report | | Report | |
| Kjeldahl-N | Report | | | Report | |
| Nitrate-Nitrite as N | Report | | | Report | |
| Total Nitrogen | Report | Report | | Report | |
| Total Phosphorus | Report | Report | | Report | |

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

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream.
7. Change of Ownership.
8. Total Residual Chlorine Requirement.
9. Sludge Disposal Requirement.
10. Certified Operator.
11. Laboratory Certification.
12. Instantaneous Maximum Limits.
13. Fecal Coliform 1-max Reporting.

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

PAS122203, Industrial Stormwater, **Nestle Waters North America**, 305 Nestle Way, Breinigsville, PA 18031. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: Issuance of new Industrial Stormwater Permit.

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

The proposed effluent limits for Outfall 001 are as follows:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|-------------------------------|-----------------|---------------|----------------------|---------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily |
| CBOD ₅ | | | | Report |
| Chemical Oxygen Demand | | | | Report |
| Oil and Grease | | | | Report |
| pH | | | | Report |
| Total Suspended Solids (TSS) | | | | Report |
| Total Kjeldahl Nitrogen (TKN) | | | | Report |
| Total Phosphorus | | | | Report |
| Iron (dissolved) | | | | Report |

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

1. Requirements applicable to stormwater outfalls along with identified best management practices.

PAS122202, Industrial Stormwater, **Nestle Waters North America**, 405 Nestle Way, Breinigsville, PA 18031. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Activity: Issuance of new Industrial Stormwater Permit.

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

The proposed effluent limits for Outfall 001 are as follows:

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|-------------------------------|-----------------|---------------|----------------------|---------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily |
| CBOD ₅ | | | | Report |
| Chemical Oxygen Demand | | | | Report |
| Oil and Grease | | | | Report |
| pH | | | | Report |
| Total Suspended Solids (TSS) | | | | Report |
| Total Kjeldahl Nitrogen (TKN) | | | | Report |
| Total Phosphorus | | | | Report |
| Iron (dissolved) | | | | Report |

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

1. Requirements applicable to stormwater outfalls along with identified best management practices.

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

Application No. PA0046221, Sewage, **Newville Borough Water & Sewer Authority**, 99 Cove Alley, Newville, PA 17241. This facility is located in Newville Borough, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Big Spring Creek, is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 19.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.35 mgd are:

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------------|------------------------|-----------------------|------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | Monitor and Report | | |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | 1.0 | | 2.0 |

NOTICES

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------------|---|-------------------------------------|---|
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |
| <i>Chesapeake Bay Requirements</i> | | | |
| | <i>Concentration (mg/l) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs) Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | |
| Nitrate-Nitrite as N | Report | Report | |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | | Report | Report |
| Net Total Phosphorus | | Report | Report |

The proposed final effluent limits for Outfall 001 for a design flow of 0.600 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------------------|---|-------------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 18 | | 36 |
| (11-1 to 4-30) | Monitor and Report | | |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | 1.0 | | 2.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | 200/100 ml as a Geometric Average | |
| (5-1 to 9-30) | | 2,000/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | | |
| <i>Chesapeake Bay Requirements</i> | | | |
| | <i>Concentration (mg/l) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs) Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | |
| Nitrate-Nitrite as N | Report | Report | |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | | Report | 7,306* |
| Net Total Phosphorus | | Report | 799* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary.

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

The EPA waiver is not in effect.

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

PA0002062, Industrial Waste, SIC 4911, **Reliant Energy Northeast Management Company**, 121 Champion Way, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated process water, sewage and untreated stormwater from Keystone Generating Station in Plumcreek Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, Crooked and Plum Creeks, classified as WWF, WWF and TSE, respectively with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority located in Freeport, PA, approximately 10 miles below the discharge point on the Allegheny River.

Outfall 001: New discharge to Allegheny River, average discharge flow of 0.648 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | 30 |
| BOD ₅ | | | 25 | 50 | |
| Aluminum | | | Monitor and Report | | |
| Arsenic | | | Monitor and Report | | |
| Beryllium | | | 0.1 | 0.2 | |
| Boron | | | Monitor and Report | | |
| Cadmium | | | Monitor and Report | | |
| Chromium III | | | Monitor and Report | | |
| Chlorides | | | Monitor and Report | | |
| Copper | | | 0.1 | 0.2 | |
| Lead | | | 0.1 | 0.2 | |
| Manganese | | | Monitor and Report | | |
| Mercury | | | 0.004 | 0.008 | |
| Nickel | | | Monitor and Report | | |
| Selenium | | | 2.5 | 5.0 | |
| Silver | | | 0.1 | 0.2 | |
| Zinc | | | Monitor and Report | | |
| Iron, total | | | Monitor and Report | | |
| Iron, dissolved | | | Monitor and Report | | |
| Temperature | | | | 110° F | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 002: Existing, 0.05 mgd discharge to Plum Creek.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| | Debris collected on the intake trash racks shall not be returned to the waterway. | | | | |

Outfall 103: Existing, intermittent discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| TSS | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 203: Existing, intermittent discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | |
| Free Available Chlorine | | | | 0.2 | 0.5 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 303: Existing, 0.04 mgd discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | 0.04 | | | | |
| CBOD ₅ | | | 25 | | 50 |
| Suspended Solids | | | 30 | | 60 |
| Total Residual Chlorine | | | 2.4 | | 4.2 |
| Fecal Coliforms | | | | | |
| (5-1 to 9-30) | | | 200/100 ml | 1,000/100 ml | |
| (10-1 to 4-30) | | | 2,000/100 ml | | |
| Chloroform | | | Monitor and Report | | |
| Chlorodibromomethane | | | Monitor and Report | | |
| Dichlorobromomethane | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 403: Existing, 1.5 mgd discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | |
| Free Available Chlorine | | | | 0.2 | 0.5 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 503: Existing, 4.7 mgd discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | |
| Free Available Chlorine | | | | 0.2 | 0.5 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 603: Existing, intermittent discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------|---|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | |
| Chloroform | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 703: Existing, 0.023 mgd discharge to Outfall 003.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Iron | | | 3.0 | 6.0 | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | 30 | 60 | |
| pH | not less than 6.0 nor greater than 10.0 Standard Units | | | | |

Outfall 803: Existing, 0.2 mgd discharge to Outfall 003.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|---|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Debris collected on the intake trash racks shall not be returned to the waterway. | | | | | |

Outfall 903: Existing, intermittent stormwater discharge to Outfall 003.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|--|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| This discharge shall consist solely of uncontaminated stormwater runoff. | | | | | |

Outfall 003: Interim limits, existing, 6.6 mgd discharge to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | 30 |
| Total Residual Chlorine | | | 0.19 | | 0.33 |
| Chloroform | Monitor and Report | | | | |
| Temperature (7-1 to 12-31) | Heat rejection to the waterway shall not exceed a daily maximum of 7.0 x 10 ⁸ Btu/day. | | | | |
| (1-1 to 6-30) | Heat rejection to the waterway shall not exceed a daily maximum of 14.0 x 10 ⁸ Btu/day. | | | | |
| Mercury | | | 0.000098 | 0.0002 | |
| Thallium | | | 0.003 | 0.006 | |
| 1,2 Dichloroethane | | | 0.0007 | 0.0014 | |
| Cadmium | Monitor and Report | | | | |
| Lead | Monitor and Report | | | | |
| Selenium | Monitor and Report | | | | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 003: Final limits, existing, 6.6 mgd discharge to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|----------------------------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Suspended Solids | | | 30 | 100 | |
| Oil and Grease | | | 15 | 20 | 30 |
| Total Residual Chlorine | | | 0.19 | | 0.33 |
| Chloroform | Monitor and Report | | | | |
| Temperature (7-1 to 12-31) | Heat rejection to the waterway shall not exceed a daily maximum of 7.0 x 10 ⁸ Btu/day. | | | | |
| (1-1 to 6-30) | Heat rejection to the waterway shall not exceed a daily maximum of 14.0 x 10 ⁸ Btu/day. | | | | |
| Mercury | | | 0.000098 | 0.0002 | |
| Thallium | | | 0.003 | 0.006 | |
| 1,2 Dichloroethane | | | 0.0007 | 0.0014 | |
| Cadmium | | | 0.0005 | 0.001 | |
| Lead | | | 0.006 | 0.012 | |
| Selenium | | | 0.01 | 0.02 | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 004: Existing, intermittent stormwater discharge to Plum Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Aluminum | Monitor and Report | | | | |

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| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Iron, Total | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | Monitor and Report | | |
| Sulfate | | | Monitor and Report | | |
| pH | | | Monitor and Report | | |

Outfall 005: Existing, intermittent stormwater discharge to Crooked Creek.

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

This discharge shall consist solely of uncontaminated stormwater runoff.

Outfall 006: Existing, intermittent stormwater discharge to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Aluminum | | | Monitor and Report | | |
| Chromium | | | Monitor and Report | | |
| Iron | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Nickel | | | Monitor and Report | | |
| Titanium | | | Monitor and Report | | |
| Zinc | | | Monitor and Report | | |
| pH | | | Monitor and Report | | |

Outfall 107: Existing, 0.024 mgd discharge to Outfall 007.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Aluminum | | | Monitor and Report | | |
| Iron, Total | | | 3.5 | | 7.0 |
| Manganese | | | 2.0 | | 4.0 |
| Total Suspended Solids | | | 35.0 | | 70.0 |
| Sulfate | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 007: Existing, 0.018 mgd discharge to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Aluminum | | | Monitor and Report | | |
| Iron, Total | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | Monitor and Report | | |
| Sulfate | | | Monitor and Report | | |
| pH | | | Monitor and Report | | |

Outfall 008: Existing, intermittent discharge to Plum Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Iron, Total | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | Monitor and Report | | |
| Sulfate | | | Monitor and Report | | |
| Barium | | | Monitor and Report | | |
| Arsenic | | | Monitor and Report | | |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Aluminum | | | Monitor and Report | | |
| Chromium | | | Monitor and Report | | |
| Titanium | | | Monitor and Report | | |
| Zinc | | | Monitor and Report | | |
| Nickel | | | Monitor and Report | | |
| pH | | | Monitor and Report | | |

Outfall 009: Existing stormwater discharge to Plum Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Iron, Total | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | Monitor and Report | | |
| Sulfate | | | Monitor and Report | | |
| Barium | | | Monitor and Report | | |
| Arsenic | | | Monitor and Report | | |
| Aluminum | | | Monitor and Report | | |
| Chromium | | | Monitor and Report | | |
| Titanium | | | Monitor and Report | | |
| Zinc | | | Monitor and Report | | |
| Nickel | | | Monitor and Report | | |
| pH | | | Monitor and Report | | |

Outfalls 010—012: Existing, intermittent discharges to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Total Suspended Solids | | | 30 | | 100 |
| Iron | | | 3.5 | | 7.0 |
| Aluminum | | | Monitor and Report | | |
| Manganese | | | 2.0 | | 4.0 |
| Nickel | | | Monitor and Report | | |
| Zinc | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 013: Existing, 0.0017 mgd discharge to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Iron | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | Monitor and Report | | |
| Sulfate | | | Monitor and Report | | |
| Barium | | | Monitor and Report | | |
| Arsenic | | | Monitor and Report | | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 014: Existing, 0.0061 mgd discharge to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | Monitor and Report | | | | |
| Iron | | | Monitor and Report | | |
| Manganese | | | Monitor and Report | | |
| Total Suspended Solids | | | Monitor and Report | | |
| Sulfate | | | Monitor and Report | | |

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Barium | | | | | Monitor and Report |
| Arsenic | | | | | Monitor and Report |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfalls 015—020: Existing, intermittent stormwater discharges to Crooked Creek.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-----------|--|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| | These discharges shall consist solely of uncontaminated stormwater runoff. | | | | |

Other Conditions: Conditions relating to stormwater associated with the construction activities, Toxic Reduction Evaluation, Wetland Treatment System Operation and Maintenance and Total Residual Chlorine Minimization.

The EPA waiver is not in effect.

PA0001759, Industrial Waste, SIC 3081, **Omnova Solutions, Inc.**, 1001 Chambers Avenue, Jeannette, PA 15644-3207. This application is for renewal of an NPDES permit to discharge stormwater and untreated cooling water from facility in Jeannette, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Brush Creek, classified as a TSF with existing and/or potential used for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Pennsylvania American Water Company, located at 410 Cooke Lane, Pittsburgh, PA 15234, 28.9 miles below the discharge point.

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

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Temperature (° F) | | | | | |
| January 1-31 | | | | 57 | 1/week |
| February 1-29 | | | | 56 | 1/week |
| March 1-31 | | | | 89 | 1/week |
| April 1-15 | | | | 101 | 1/week |
| April 16-30 | | | | 107 | 1/week |
| May 1-15 | | | | 100 | 1/week |
| May 16-31 | | | | 104 | 1/week |
| June 1-15 | | | | 83 | 1/week |
| June 16-30 | | | | 80 | 1/week |
| July 1-31 | | | | 76 | 1/week |
| August 1-15 | | | | 90 | 1/week |
| August 16-31 | | | | 108 | 1/week |
| September 1-15 | | | | 100 | 1/week |
| September 16-30 | | | | 94 | 1/week |
| October 1-15 | | | | 88 | 1/week |
| October 16-31 | | | | 80 | 1/week |
| November 1-15 | | | | 74 | 1/week |
| November 16-30 | | | | 63 | 1/week |
| December 1-31 | | | | 55 | 1/week |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 101: existing discharge, design for 0.0917 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | | | | | Monitor and Report |
| BOD ₅ | | | NA | 26 | |
| Oil and Grease | | | 15 | 29 | |
| Total Suspended Solids | | | NA | 19 | |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 201: new discharge, design flow of 0.00072 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | | | | | |
| Fluoride | | | | | Monitor and Report |
| Iron | | | | | Monitor and Report |
| Boron | | | | | Monitor and Report |
| Magnesium | | | | | Monitor and Report |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 003: existing discharge, design flow of 0.0121 mgd.

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|-------------------|---|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Flow (mgd) | | | | | |
| BOD ₅ | | | NA | 26 | |
| Oil and Grease | | | 15 | 29 | |
| Temperature (° F) | | | | | |
| January 1-31 | | | | 57 | 1/week |
| February 1-29 | | | | 56 | 1/week |
| March 1-31 | | | | 89 | 1/week |
| April 1-15 | | | | 101 | 1/week |
| April 16-30 | | | | 107 | 1/week |
| May 1-15 | | | | 100 | 1/week |
| May 16-31 | | | | 104 | 1/week |
| June 1-15 | | | | 83 | 1/week |
| June 16-30 | | | | 80 | 1/week |
| July 1-31 | | | | 76 | 1/week |
| August 1-15 | | | | 90 | 1/week |
| August 16-31 | | | | 108 | 1/week |
| September 1-15 | | | | 100 | 1/week |
| September 16-30 | | | | 94 | 1/week |
| October 1-15 | | | | 88 | 1/week |
| October 16-31 | | | | 80 | 1/week |
| November 1-15 | | | | 74 | 1/week |
| November 16-30 | | | | 63 | 1/week |
| December 1-31 | | | | 55 | 1/week |
| pH | not less than 6.0 nor greater than 9.0 Standard Units | | | | |

Outfall 006—012, 301, 103: existing discharge, flow varies

| Parameter | Mass (lb/day) | | Concentration (mg/l) | | |
|------------------------|-----------------|---------------|----------------------|---------------|-----------------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily | Instantaneous Maximum |
| Total Suspended Solids | | | | | Monitor and Report |

The EPA waiver is in effect.

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

PA0034193, Sewage. **Lake View County Club**, P. O. Box 468, North East, PA 16428-0468. This existing facility is located in North East Township, **Erie County**.

Description of Proposed Activity: This application is for a new NPDES permit for discharge of treated sewage from a nonmunicipal treatment plant serving a country club facility.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no potable water supply to consider before the discharge reaches Lake Erie, approximately 7.5 miles downstream.

The receiving stream, Sixteen Mile Creek, is in watershed 16-SM and classified for: CWF and MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.010 mgd.

| <i>Parameter</i> | <i>Concentrations</i> | | |
|-------------------------|--|------------------------------|-------------------------------------|
| | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow | Monitor and Report | | |
| CBOD ₅ | 25 | | 50 |
| Total Suspended Solids | 30 | | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 6 | | 12 |
| (11-1 to 4-30) | 18 | | 36 |
| Dissolved Oxygen | minimum of 3.0 mg/l at all times | | |
| Total Residual Chlorine | 1.4 | | 3.3 |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Average | | 1,000/100 ml |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Average | | 10,000/100 ml |
| pH | 6.0 to 9.0 Standard Units at all times | | |

The EPA waiver is in effect.

PA0220906, Industrial Waste. **Pithole Water Association**, P. O. Box 294, Cyclone, PA 16726. This proposed facility is located in Keating Township, **McKean County**.

Description of Proposed Activity: New NPDES permit for an existing discharge of treated industrial waste.

The receiving water is a UNT to McQuen Hollow. The receiving stream is in State Water Plan 16-c and is classified for the following uses: Exceptional Value, aquatic life, water supply and recreation. The nearest downstream potable water supply, PA-NY State line, is approximately 21 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0001 mgd.

| <i>Parameter</i> | <i>Concentrations</i> | | |
|-------------------------|--|-----------------------------|-------------------------------------|
| | <i>Average Monthly (mg/l)</i> | <i>Average Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow | XX | | |
| Total Suspended Solids | 30 | 60 | 75 |
| Iron (T) | 2 | 4 | 5 |
| Manganese | 1 | 2 | 2.5 |
| Aluminum (T) | 4 | 8 | 10 |
| Total Residual Chlorine | 0.5 | | 1.2 |
| pH | 6.0 to 9.0 Standard Units at all times | | |

XX—Monitor only

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)

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

WQM Permit No. 3907404, Sewerage, **Keystone Mobile Home Park**, P. O. Box 295, Birdsboro, PA 19508. This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of replacement of the existing malfunctioning wastewater treatment plant to be constructed in same vicinity of the existing facility. The proposed treatment plant will be an extended aeration system consisting of an equalization tank, aeration basins, settling tanks, chlorination and dechlorination tanks, re-aeration and polishing tanks. The proposed replacement plant will have same design capacity as the existing, which is 37,500 gpd.

WQM Permit No. 6607401, Sewerage, **St. Michael's School**, P. O. Box 370, Tunkhannock, PA 18657-0370. This proposed facility is located in Falls Township, **Wyoming County**.

Description of Proposed Action/Activity: This project consists of replacement of the existing malfunctioning wastewater treatment plant to include a single Cromaglass package treatment unit, sludge holding tank and disinfection tank to service the St. Michael's School. This treatment plant will be located immediately adjacent to the existing plant, which will be demolished.

WQM Permit No. 6407403, Sewerage, **Honesdale Borough**, 958 Main Street, Honesdale, PA 18431. This proposed facility is located in Honesdale Borough, **Wayne County**.

Description of Proposed Action/Activity: This project consists of construction of a new wastewater treatment plant to be built adjacent to the existing wastewater treatment plant to increase efficiency and capacity.

WQM Permit No. 4007403, Sewerage, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: This is for an organic rerate to the Drums Wastewater Treatment Plant.

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

WQM Permit No. 3607402, Sewerage, **Hershey Farm Restaurant and Motor Inn**, P. O. Box 159, 240 Hartman Bridge Road, Strasburg, PA 17579. This proposed facility is located in Strasburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Relocation and expansion of a wastewater treatment plant for existing commercial property.

WQM Permit No. 2107409, Sewerage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This proposed facility is located in Mechanicsburg Borough and Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Replacement of the Gross Drive Interceptor.

WQM Permit No. 0107405, Sewerage, **Fairfield Municipal Authority**, P. O. Box 705, 180 Water Street Extended, Fairfield, PA 17320. This proposed facility is located in Hamiltonban Township, **Adams County**.

Description of Proposed Action/Activity: Construction/operation of a sewage treatment plant and pump stations.

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

WQM Permit No. 2792401, Sewerage, Amendment No. 2, **Jenks Township**, P. O. Box 436, 2 Pine Street, Marienville, PA 16239. This proposed facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: This project is to replace an existing sewage pump station which serves a large portion of the Village of Marienville, Forest County, known as the Cherry Street Pump Station (No. 2). This will service the western and southern sections of Marienville including residences, business, the East Forest School Facility and the Snyder Memorial Assisted Living 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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-------------------------|----------------------------|
| PAI011507049 | Stonebridge Life Insurance Co. 4333 Edgewood Road, NK Cedar Rapids, IA 52499 | Chester | East Whiteland Township | Valley Creek EV |
| PAI011507050 | East Coventry Township 855 Ellis Woods Road Pottstown, PA 19465 | Chester | East Coventry Township | Pigeon Creek HQ-TSF |
| PAI011507051 | Poplar Realty Investments, LP 915 Montgomery Avenue Narberth, PA 19072 | Chester | East Whiteland Township | Little Valley Creek EV |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--------------------------|------------------------------|
| PAI032107006 | Traditions of America, LLC Boiling Springs Community Martin Dwyer 210 King of Prussia Road Suite 370 Radnor, PA 19087 | Cumberland | South Middleton Township | Yellow Breeches Creek HQ-CWF |
| PAI030607008 | James Adamowicz The Highlands at Wyomissing 200 Cambridge Avenue Wyomissing, PA 19610 | Berks | Wyomissing Borough | Wyomissing Creek HQ |

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

MINOR AMENDMENT

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

Application No. 3784502-T1-MA3, Minor Amendment.

| | |
|---------------------------|--|
| Applicant | Pennsylvania American Water Company |
| Township or Borough | Ellwood City/Wayne Township Lawrence County |
| Responsible Official | Kristen Snyder, Operations Supervisor PA American Water Co., Ellwood 2736 Ellwood Road New Castle, PA 16101 |
| Type of Facility | Public Water Supply |
| Application Received Date | November 2, 2007 |
| Description of Action | Rehabilitation of 3,000,000 water storage tank, known as Aiken Reservoir. |

Application No. 1069502-T1-MA7, Minor Amendment.

| | |
|---------------------------|---|
| Applicant | Pennsylvania American Water Company |
| Township or Borough | Butler City/Butler Township Butler County |
| Responsible Official | Kevin M. Mortimer, Operations Supervisor PA American Water Co., Butler 203 Oneida Valley Road Butler, PA 16001 |
| Type of Facility | Public Water Supply |
| Application Received Date | October 22, 2007 |
| Description of Action | Rehabilitation of 0.25 million gallon elevated water storage tank, known as Oak Hill Tank. |

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

Former Lehigh Valley Railroad Maintenance Facility, Sayre Borough, **Bradford County**, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Brian Driscoll, 1 Progress Plaza, Towanda, PA 18848 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with organics in groundwater, LNAPL contamination in confined area (diesel fuel), metals (lead) in drainage swales. The applicant proposes to remediate the site to meet the Site-Specific Standard. The proposed future use of the property will include light industrial and/or commercial use.

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

Daily News Publishing Company, City of McKeesport, **Allegheny County**. Jason Floyd, P. G., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Ralph Martin, Tribune-Review Publishing Company, 503 Martindale Street, Pittsburgh, PA 15212 and Chris Miller, Latrobe Printing and Publishing Company, P. O. Box 1894, Biddeford, ME 04005 has submitted a Notice of Intent to Remediate. Known primary contaminants in the soil and groundwater are trichloroethene, tetrachloroethene and CIS-1,2-dichloroethene. These contaminants are common constituents in solvents which may have been utilized during previous photo-finishing and printing processes. The site has been historically used for industrial purposes and offsite migration will be investigated. The site will remain nonresidential.

Willoughby Woods Plan of Lots, Peters Township, **Washington County**. Joseph G. Prokopik, CP Environmental Group, 1092 Fifth Avenue, New Kensington, PA 15068 on behalf of Woody Welsch, Briwood, Inc., 122 Cedar Lane, McMurray, PA 15317 has submitted a Notice of Intent to Remediate. The property is currently an undeveloped track of land, however historically (late 1960s) the area contained two ponds. These ponds contained mine water, pumped from a nearby deep mining operation. It was reported that the sediment remained after the ponds were emptied and backfilled. The sediment layer is located at a depth of 8 to 12 feet below ground and is between 0 and 15 inches thick. Analytical results indicate that arsenic and iron are above the Act 2 residential MSCS for soils. A Statewide Health Standard will be achieved through excavation and disposal of the impacted sediment material.

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

Accuride Erie, LP (Former Kaiser Aluminum), City of Erie, **Erie County**. MACTEC Engineering & Consulting, Carnegie Office Park, Building 4, Suite 200, 700 North Bell Avenue, Pittsburgh, PA 15106 on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510-4658 has submitted a Nonresidential, Nonuse Aquifer Final Report concerning remediation of site soils contaminated with arsenic, cadmium, lead and site groundwater contaminated with aluminum, benzene, beryllium, cadmium, iron, lead, manganese. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Stackpole Center Northeast Area, City of St. Marys, **Elk County**. EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Final Report concerning remediation of site soils contaminated with arsenic, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, lead and site groundwater contaminated with 1,1,2-trichloroethane, 1,1-dichloroethene, 1,2-dichloroethene, 1,2-dichloroethane (total), 1,2-dichloropropane, cis-1,2-dichloroethene, lead, tetrachloroethene, trichloroethene and vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Clean Harbors Environmental Services, Inc., 42 Longwater Drive, Norwell, MA 02061-1612. License No. PA-HC 0053. Effective September 24, 2007.

University of Pittsburgh, Public Safety Building, 4th Floor, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Effective September 7, 2007.

Blood-Line Medical Waste Recovery Systems, Inc., 24 Grove Street, South Hackensack, NJ 07606. License No. PA-HC 0229. Effective October 23, 2007.

JPS Equipment Co., Inc., P. O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Effective October 31, 2007.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Application received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

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

General Permit Application Number WMGI010R001. Pennsylvania University School of Veterinary Medicine, 382 West Street Road, Kennett Square, PA 19348. General Permit Application Number WMGI010R001 authorizes infectious waste processing through digestion of biological tissues. The approved processing is limited to chemical and thermal digestion using sodium or potassium hydroxide. The application for renewal of General Permit Number WMGI010R001 was deemed administratively complete by Central Office on September 5, 2007.

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

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

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

39-313-047: ICO Polymers North America, Inc. (P. O. Box 397, Bloomsbury, NJ 08804) for construction of a plastics processing plant with collectors at their facility to be in Upper Macungie Township, **Lehigh County**.

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

01-05033A: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307) for replacing a 24.5 mmBtu/hr boiler with a new 29.05 mmBtu/hr boiler at the Peach Glen fruit processing facility in Tyrone Township, **Adams County**.

21-05002A: PPG Industries, Inc. (400 Park Drive, Carlisle, PA 17013) for use of a VOC-containing cutting fluid lubricant for glass cutting at the Works No. 6 plant in South Middleton Township, **Cumberland County**.

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

53-00007A: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for modification of a natural gas compressor station (State Line Station) by increasing the allowable fugitive VOC emissions from 2.9 tons in any 12-consecutive month period to 9.0 tons in any 12-consecutive month period in Genessee Township, **Potter County**.

53-00004C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for modification of a natural gas compressor station (Harrison Station) by increasing the allowable fugitive VOC emissions from 4.4 tons in any 12-consecutive month period to 23.2 tons in any 12-consecutive month period in Harrison Township, **Potter County**.

53-00006C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for modification of a natural gas compressor station (Ellisburg Station) by increasing the allowable fugitive VOC emissions from 7.9 tons in any 12-consecutive month period to 31.0 tons in any 12-consecutive month period in Genessee Township, **Potter County**.

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

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

15-0037C: Oberthur Card Systems, Inc. (523 James Hance Court, Exton, PA) for installation of an Eight Color Nonheatset Sheet fed Lithographic Press at their existing facility in West Whiteland Township, **Chester County**. The potential increase of VOC emissions from this new source is 6.5 tpy. This facility is a Title V facility. The Plan Approval will contain monitoring requirements, recordkeeping requirements and operating conditions designed to keep the Eight Color Nonheatset Sheet fed Lithographic Press and the facility operating within the allowable emission limitations 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.

22-03002A: Conopco—d/b/a Unilever Bestfoods NA (523 South 17th Street, Harrisburg, PA 17104) to permit burning of No. 6 fuel oil in their two boilers at their site in the City of Harrisburg, **Dauphin County**. The boilers are subject to 40 CFR, Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Unit. The boilers primarily burn natural gas and currently use No. 4 fuel oil as their secondary fuel. Upon approval, the use of No. 6 fuel oil as an additional secondary fuel is not expected to go beyond a 1 month period in any given calendar year, hence, NOx emissions during that time are not expected to increase more than 1.15 tons/month and subsequent SOx emissions are not expected to increase beyond 0.12 ton/month. The plan approval shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements in the ensuing facilitywide operating permit.

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

12-399-018: Quality Compacted Metals, Inc. (214 South Broad Street, Emporium, PA 15834) for modification of a sintered powdered metal products rust inhibitor dip coating operation in Emporium Borough, **Cameron County**.

The rust inhibitor dip coating operation consists of two dip tanks which were exempt from plan approval when they were constructed in 2001 because the associated VOC emissions were less than 2.7 tpy. The proposed modification is an increase in the usage of coating such that the VOC emissions from the dip coating operation will be as high as 15 tpy.

The facility in which the dip coating operation is located is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Quality Compacted Metals, Inc. indicates that the dip coating operation will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the proposed modification, including the available technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the proposed modification of the sintered powdered metal parts rust inhibitor dip coating operation.

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 dip tanks shall not be heated.
2. The dip tanks shall be covered at all times except when parts are being dipped or drained or when coating is being added to, or removed from, the tanks.
3. The coating used in the dip tanks shall not contain any VHAPs and shall have a maximum vapor pressure of .53 millimeter of mercury at 68° F. The coating shall be used as it is received from the coating supplier or vendor. No additives of any kind shall be added to the coating onsite or to the dip tanks.
4. Only sintered metal parts shall be processed through the dip tanks.
5. Hot or warm parts shall not be processed through the dip tanks. All parts shall be allowed to cool to room temperature before they are dipped in the dip tanks.
6. All parts shall be drained over the dip tanks for at least 15 seconds after being dipped or for the time it takes for the dripping of liquid coating from the parts to cease, whichever is longer. Parts having cavities or holes shall be tipped or rotated while the part is draining to allow liquid coating to drain into the dip tanks.
7. No fans shall be located or positioned so that they blow across the opening of a dip tank.
8. The total combined VOC emissions from the dip coating operation shall not exceed 15 tons in any 12-consecutive month period.
9. Comprehensive accurate records shall be maintained of the identity, vapor pressure, VOC content, VHAP content and amount of coating added to the dip tanks during each month. These records shall be submitted to the Department on an annual basis.

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

AMS 07162: Sun Chemical Corp. (3301 Hunting Park Avenue, Philadelphia, PA 19132) to install one new Kady Mill (KM-12) in the City of Philadelphia, **Philadelphia County**. The Kady Mill will have the following potential annual emissions: 4.8 tons of VOCs, 4.6 tons of PM and 0.3 ton of HAPs. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

40-00008: Offset Paperback Manufacturing, Inc. (P. O. Box N, 101 Memorial Highway, Dallas, PA 18612) for a Title V Operating Permit to operate a Lithographic Printing Presses and gas fired boiler in Dallas, **Luzerne County**. The facility's major source of emissions is VOC.

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

28-05017: Armaclad Doors and Windows, LLC (P. O. Box 455, Mont Alto, PA 17237) for operation of their door manufacturing facility in Quincy Township, **Franklin County**. The Title V Operating Permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the Title V operating permit issued in 2002.

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

56-00181: Southern Alleghenies Landfill, Inc. (625 Cherrington Parkway, Coraopolis, PA 15108) an operating permit renewal for their municipal solid waste landfill in Conemaugh Township, **Somerset County**. Company operates landfill, gas control system and soil processing system at this site. Proposed OP contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

42-00158: TIN Inc.—d/b/a Temple-Inland—Mt. Jewett MDF Operations (303 South Temple Drive, Diboll, TX 75941-2419) The MDF facility consist of chip storage and handling, refining, dryers, press, sawing, sanding, combustion sources for the dryer and press and various wood handling air emission sources located in Sergeant Township, **McKean County**. The facility is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit is being modified to include the MACT requirements of 40 CFR 63, Subpart DDDD pertaining to Plywood and Composite Wood Products. The Permit contains a compliance schedule for the second stage dryer. The Particle Board Sources previously covered by this Permit were removed from operation. Temple uses an RTO (for the dryers) and a TCO (for the press) with the 90% control of Total Hydrocarbons option. The facility is required to maintain the records of the 3-hour block average temperature for the RTO and TCO. The RTO temperature shall not fall below 1,500° F and the TCO temperature shall not fall below 800° F.

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

V07-003: Naval Foundry and Propeller Center (Building 592—Code 1423, Philadelphia, PA 19112) for operation of a cement mixing, metal melting, metal stress relieving and metal grit blasting facility as per foundry operations and for operation of a machining, degreasing, painting and blasting of metal parts facility as per the machine shop in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sand mixing, 14 electric induction furnaces, sand conveying operations, laser welding, blasting, metal grinding, sawing, 17 combustion units each rated at 20 mmBtu/hr or less, propeller cleaning, paint spraying and film developing. The facility's air emission control devices include baghouses, dust collectors and particulate recovery.

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

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

V07-004: PAID Steam Boiler Plant—Philadelphia Naval Business Center—operated by Duke Energy Generation Services of Philadelphia, LLC (2000 Constitution Avenue, Philadelphia, PA 19112) for operation of a facility that acquires, holds, constructs, improves, maintains, operates, owns, finances and leases, either in the capacity of lessor or lessee, industrial, commercial or specialized development projects in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three 217/207 mmBtu/hr boilers that can burn natural gas/No. 6, No. 2 or waste oil controlled by low NOx burners with associated flue gas recirculation.

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

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

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.

15-00055: Highway Materials, Inc. (850 Quarry Road, Downingtown, PA 19335-3449) for a Non-Title V Facility, State-only Operating Permit renewal in East Caln Township, **Chester County**. Highway Materials operates a batch asphalt plant. The source of emissions is the batch asphalt plant, which is controlled by a cyclone/baghouse. In this renewal the percent ash in the Waste Derived Liquid Fuel was increased from 0.5% to 1.0%. Monitoring, recordkeeping and reporting requirements are included in the permit to address applicable limitations.

46-00094: Highway Materials, Inc. (5100 Joshua Road, Plymouth Meeting, PA 19462) for a Non-Title V Facility, State-only Operating Permit in Whitemarsh Township, **Montgomery County**. Highway Materials operates a batch asphalt plant. The source of emissions is the batch asphalt plant, which is controlled by a cyclone/baghouse. In this renewal the percent ash in the Waste Derived Liquid Fuel was increased from 0.5% to 1.0%.

Monitoring, recordkeeping and reporting requirements are included in the permit to address applicable limitations.

09-00135: Met Pro Corporation—Fybroc Division (700 Emlen Way, Telford, PA 18969) for renewal of the State-only Operating Permit in Telford Borough, **Bucks County**. The initial permit was issued on January 28, 2003. The facility's major emission points include resin injection/transfer mold and filament winding processes.

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

06-03078: Brush Wellman, Inc. (P. O. Box 973, Reading, PA 19603) for operation of a beryllium alloy machine shop controlled by various wet scrubbers in Perry Township, **Berks County**. The plant is a State-only facility. The beryllium alloys used at the plant are all less than 5% by weight beryllium. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

06-03091: The Rose Corp. (P. O. Box 15208, Reading, PA 19612-5208) for operation of a steel fabricating shop in the City of Reading, **Berks County**. This action is a renewal of a State-only operating permit issued in 2002.

06-03117: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606-3266) for operation of a custom milling facility controlled by various fabric collectors in Exeter Township, **Berks County**. The facility is a State-only operating permit. The facility has the potential to emit 19 tpy of PM. The permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

21-03047: Cleveland Brothers Equipment, Inc. (2009 State Road, Camp Hill, PA 17011) for operation of a hard chrome plating facility in Lower Allen Township, **Cumberland County**. Chrome emissions are controlled by a fume suppressant and mist eliminators. The State-only operating permit will include emission restrictions, monitoring and recordkeeping 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, New Source Review Chief, (814) 332-6940.

20-00281: Channellock, Inc. (1306 South Main Street, Meadville, PA 16335-3035) for re-issuance of the Natural Minor Permit to operate a metal hand tool manufacturing facility in the City of Meadville, **Crawford County**. The facility's major emission sources include miscellaneous natural gas combustion, waste incinerator, metal polishing and miscellaneous natural gas process use.

43-00294: International Timber & Veneer, LLC (75 McQuiston Drive, Jackson Center, PA 16133) for re-issuance of the Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of a 23.9 mmBtu/hr wood-fired boiler, 8.4 mmBtu/hr natural gas boiler, three space heater, four veneer dryers and sawing, grinding and chipping sources for the processing of hardwood logs into veneer in Jackson Township, **Mercer County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

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

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

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

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

Coal Applications Received

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

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|---------------------------|---------------------------------|----------------------------------|
| Iron (total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |
| Manganese (total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH ¹ | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity ¹ | | | |

¹The parameter is applicable at all times.

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

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

Permit Number 30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company (1 Bridge Street, Monongah, WV 26554), to revise the permit for the Blacksville Mine No. 2 in Jackson and Gilmore Townships, **Greene County** to add acreage for longwall mining and perform stream restoration as may be necessary to alleviate subsidence pooling impacts to Blockhouse Run and UNT 41821 to Blockhouse Run in seven areas bound by the following points on the Holbrook USGS Quad, N: 3 inches; W: 11.5 inches to N: 5 inches; W: 14.7 inches to N: 6.0 inches; W: 13.7 inches and to Roberts Run in four areas bound by the following points on the same USGS Quad, N: 3.2 inches; W: 15.0 inches to N: 1.3 inches; W: 11.9 inches. Underground Acres Proposed 3,852.17, Subsidence Control Plan Acres Proposed 3,171.55. No additional discharges. Application received August 24, 2007.

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

56980102 and NPDES No. PA0234681. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface auger mine in Shade Township, **Somerset County**, affecting 92.7 acres. Receiving streams: UNT to Oven Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 8, 2007.

32060101 and NPDES No. PA0249891. D. J. & W. Mining, Inc., P. O. Box 425, Indiana, PA 15701, revision of an existing bituminous surface mine to change from commercial forestland, unmanaged natural habitat and forestland to pastureland occasionally cut for hay, in Washington Township, **Indiana County**, affecting 80.3 acres. Receiving streams: UNTs to and South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 9, 2007.

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

03020102 and NPDES Permit No. PA0250058. D. J. & W. Mining, Inc. (P. O. Box 425, Indiana, PA 15710) Renewal application for reclamation only of an existing bituminous surface mine, located in North Buffalo and Cadogan Townships, **Armstrong County**, affect-

ing 48.9 acres. Receiving streams: UNTs to Allegheny River, classified for the following use: WWF. The potable water supply that has an intake within 10 miles downstream from the point of discharge: Municipal Authority of Buffalo Township. Renewal application received November 8, 2007.

02070103 and NPDES Permit No. PA0251194. Collier Development Co., Inc. (Box 334, Presto, PA 15142) Application for commencement, operation and reclamation of a bituminous surface mine, located in Collier Township, **Allegheny County**, affecting 9.0 acres. Receiving stream: UNT to Cartiers Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 13, 2007.

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

10060103 and NPDES Permit No. PA0258172. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to encroach upon a UNT to Muddy Creek in Clay and Center Townships, **Butler County** affecting 218.0 acres. Receiving streams: Three UNTs to Muddy Creek, classified for the following use: HQ-CWF; and two UNTs to Stony Run and Stony Run, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 13, 2007.

33-07-11 and NPDES Permit No. PA025458. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849) Proposal to enter into a Government Financed Reclamation Construction Contract on a 13.9 acre site in Winslow Township, **Jefferson County**. The proposal includes total reclamation of 4.9 acres of abandoned deep mine subsidence zones that include 1.4 acres of coal removal incidental and necessary to the reclamation activities. Receiving stream: Soldier Run, classified for the following use: CWF. There are no potable surface water intakes within 10 miles downstream. Application received October 19, 2007.

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

54860108R4 and NPDES Permit No. PA0593508. Reading Anthracite Company (200 Mahantongo Street, P. O. Box 1200, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation in New Castle and Norwegian Townships and St. Clair Borough, **Schuylkill County** affecting 1,469.0 acres, receiving stream: East Branch of Norwegian Creek. Application received November 8, 2007.

Noncoal Applications Received

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

| <i>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.

Permit No. 5074SM4 and NPDES Permit No. PA0595888, New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Fannett Township, **Franklin County**. Receiving stream: tributary to Dry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 1, 2007.

Permit No. 31020302 and NPDES Permit No. PA0249319, Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803-1649, renewal of NPDES Permit, Morris Township, **Huntingdon County**. Receiving streams: UNTs to Frankstown Branch Juniata River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received November 13, 2007.

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

37990302 and NPDES Permit No. PA0241547. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77024). Revision to an existing limestone operation in Shenango and Wayne Townships, **Lawrence County** affecting 801.0 acres. Receiving streams: UNT to Snake Run, classified for the following use: WWF and UNT to Beaver Run, classified for the following use: Unclassified. There are no potable surface water supply intakes within 10 miles downstream. Revision to incorporate 70 acres of underground limestone mining. Application received November 9, 2007.

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

22880302C5 and NPDES Permit No. PA0594211. Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara Township, **Dauphin County**, receiving stream: Swatara Creek, classified for the following use: WWF. Application received November 9, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions

of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E36-830: Scott Sweigart, Forino Developers, 555 Mountainhome Road, Sinking Spring, PA 19608, Mt. Joy Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain: (1) 51.0 feet of 48.0 inch by 76.0 inch HERCP stream crossing having a permanent wetland impact of 0.10 acre, and a permanent stream impact of 70.0 linear feet; (2) 97.0 feet of 60.0 inch diameter RCP having a permanent wetland impact of 0.10 acre, and a permanent stream impact of 97.0 feet; (3) 21.0 feet of 8.0 inch PVC sanitary sewer line utility crossing having a temporary stream impact of 21.0 feet; (4) 47.0 feet of 24.0 inch diameter RCP outfall; (5) a 10.0 foot wide, single span pedestrian bridge having a normal span of 14.5 feet and an underclearance of 32.0 inches, with a permanent stream impact of 15.0 feet; (6) 53.0 feet of 18.0 inch diameter RCP stream crossing, having a

permanent stream impact of 53 linear feet; (7) a 15.0 foot wide, single span footbridge having a normal span of 14.5 feet and an underclearance of 0.5 feet, with a permanent stream impact of 15.0 linear feet; (8) 39.0 feet of 15.0 inch SWCPP stream crossing, having a permanent stream impact of 39.0 linear feet; (9) 19.0 feet of 36.0 inch diameter SWCPP and 13.0 feet of 36.0 inch diameter SLCPP outfall structure; (10) an outfall structure consisting of 40.0 feet of 15.0 inch RCP discharging into wetlands; (11) 0.5 acre of permanent wetland disturbance for the construction of Lots 26 and 27; (12) a 5.0 foot wide walking path permanently impacting 0.04 acre of wetlands; (13) a 10.0 foot wide bike path permanently impacting 0.2 acre of wetlands; (14) a 69.0 foot in length, 24.0 inch diameter RCP outfall structure; and (15) a wetland mitigation of 0.31 acre onsite of the proposed project, all affecting a UNT to Donegal Creek (CWF), for the purpose of constructing an a 241 unit subdivision located off of Schwanger and Campus Roads (Elizabethtown, PA Quadrangle N: 3.5 inches; W: 9.1 inches, Latitude: 40° 8' 76" N; Longitude: 76° 33' 55" W) in Mt. Joy Township, Lancaster County.

E01-273: Franklin Township, Craig Hartley, 55 Scott School Road, Orrtanna, PA 17353, Franklin Township, Adams County, ACOE Baltimore District.

To conduct various activities as follows:

1. To permanently impact 0.27 acre of a wetland to construct a wastewater treatment plant within the 100-year floodplain of, and to construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.62 inches; W: 9.50 inches, Latitude: 39° 51' 51"; Longitude: 77° 19' 03").

2. To construct and maintain an 8-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.93 inches; W: 9.50 inches, Latitude: 39° 51' 56"; Longitude: 77° 19' 01").

3. To construct and maintain a 10-inch diameter outfall pipe along a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.50 inches; W: 9.50 inches, Latitude: 39° 51' 48"; Longitude: 77° 19' 02").

4. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.75 inches; W: 9.75 inches, Latitude: 39° 51' 53"; Longitude: 77° 19' 09").

5. To construct and maintain an 8-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 21.25 inches; W: 9.87 inches, Latitude: 39° 52' 03"; Longitude: 77° 19' 11").

6. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 21.50 inches; W: 10.75 inches, Latitude: 39° 52' 07"; Longitude: 77° 19' 34").

7. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Arendtsville Quadrangle N: 0.06 inch; W: 12.37 inches, Latitude: 39° 52' 31"; Longitude: 77° 20' 15").

8. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Arendtsville Quadrangle N: 0.25 inch; W: 12.50 inches, Latitude: 39° 55' 35"; Longitude: 77° 20' 19").

9. To construct and maintain an 8-inch diameter sewer line within the 100-year floodplain of and in Muskrat Run (CWF) (Arendtsville Quadrangle N: 1.37 inches; W: 15.12 inches, Latitude: 39° 52' 57"; Longitude: 77° 21' 26").

10. To construct and maintain an 8-inch diameter sewer line in a UNT to Muskrat Run (CWF) (Arendtsville Quadrangle N: 1.18 inches; W: 15.31 inches, Latitude: 39° 52' 53"; Longitude: 77° 21' 31").

11. To construct and maintain an 8-inch diameter sewer line in a UNT to Muskrat Run (CWF) (Arendtsville Quadrangle N: 1.06 inches; W: 15.31 inches, Latitude: 39° 52' 52"; Longitude: 77° 21' 31").

12. To construct and maintain an 8-inch diameter sewer line within the 100-year floodplain of and in a UNT to Muskrat Run (CWF) (Arendtsville Quadrangle N: 2.12 inches; W: 13.37 inches, Latitude: 39° 53' 13"; Longitude: 77° 20' 41").

All for the construction of a new wastewater treatment plant and its associated sewer lines in Franklin Township, Adams County.

E67-834: P. H. Glatfelter Company, Attn: Robert J. Miller, 228 South Main Street, Spring Grove, PA 17362, Jackson Township, York County, ACOE Baltimore District.

To repair and maintain approximately 1,000 linear feet of flood control levee using R-5 and R-7 rip-rap, to install and maintain a gabion retaining wall, and to fill 0.03 acre of wetland all impacts are associated with Bunch and Codorus Creeks (WWF). The project is located approximately 1,700 feet west of the intersection of South Main and Church Streets (Seven Valleys, PA Quadrangle, N: 22.0 inches; W: 17.25 inches, Latitude: 39° 52' 18"; Longitude: 76° 52' 23") in Jackson Township, York County.

E36-833: John Glick, 183 Stony Hill Road, Quarryville, PA 17566, Eden Township, Lancaster County, ACOE Baltimore District.

To construct and maintain a 12.0 foot wide single span bridge having a normal span of 25.0 feet, and an underclearance of 6.15 feet, crossing over Big Beaver Creek (TSF) for the purpose of constructing an access drive to existing agricultural lands (Quarryville, PA Quadrangle N: 9.5"; W: 12.5", Latitude: 39° 55' 40"; Longitude: 76° 09' 36") just north of the intersection of Miller and Springville Roads in Eden Township, Lancaster County.

E38-159: Pennsy Supply, Dino Faiola, 1 Clear Spring Road, Annville, PA 17003, North Annville Township, Lebanon County, ACOE Baltimore District.

To construct and maintain a 157.0 square foot concrete fishing pad, an associated 50.0 square foot concrete access walkway and minor grading and paving for 378.0 foot access drive and a 1,000 square foot parking area, all for the purposed of creating a handicapped accessible fishing area in the floodway of the Quittapahilla Creek (TSF) (Palmyra, PA Quadrangle N: 15.1"; W: 5.8", Latitude: 40° 19' 50"; Longitude: 76° 32' 26") off of Clear Spring Road in North Annville Township, Lebanon County.

E28-343: Washington Township, Michael A. Christopher, 13013 Welty Road, Waynesboro, PA 17268, Washington Township, Franklin County, ACOE Baltimore District.

To construct and maintain a 152.67-foot long three-span open bottom precast concrete arch bridge each having a clear span of 48.0 feet and a minimum underclearance of 8 feet and to repair and maintain an existing 13-foot wide single span steel stringer bridge having a clearspan of 26.7 feet and an average underclearance of 5 feet. Both structures impact the East Branch Antietam Creek (CWF). The project is located approximately 1/4 mile

southeast of Country Club Road approximately 1 mile from its intersection with Gehr Road (Waynesboro, PA Quadrangle, N: 0.9 inch; W: 6.2 inches, Latitude: 39° 45' 10"; Longitude: 77° 32' 0") in Washington Township, Franklin County.

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

E02-145 A1. Orion Power Midwest, LP, 121 Champion Way, Canonsburg, PA 15317. Amendment to include the construction of a Gypsum Conveyor in Springdale Borough, **Allegheny County**, Pittsburgh ACOE District (New Kensington West, PA Quadrangle N: 7.1 inches; W: 6.0 inches, Latitude: 40° 32' 21"; Longitude: 79° 47' 35"). The applicant proposes to amend permit No. E02-145 to include the construction and maintenance of a Gypsum Conveyor on the right bank of the Allegheny River (WWF) for the purpose of loading and unloading barges. The project is located at River Mile 15.6 at the Cheswick Power Station, approximately 6,100 feet upstream from the Lock and Dam No. 3.

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

E16-134, Donald L. Shirey, 127 West Garfield Street, New Bethlehem, PA 16242. Private Residence in Floodway of Leisure Run, in New Bethlehem Borough, **Clarion County**, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 41° 00' 14", W: 79° 19' 43").

To complete construction of a private residence and associated grading and landscaping within the assumed right floodway (50 feet from top of bank) of Leisure Run extending approximately 175 feet upstream from Penn Street.

E61-281, Titusville Oil & Gas Associates, Inc., 16899 Jerusalem Corners Road, Pleasantville, PA 16341. Titusville Oil & Gas Associates, Inc., in Cornplanter Township, **Venango County**, ACOE Pittsburgh District (President, PA Quadrangle N: 41° 27' 22.4"; W: 79° 36' 39.3").

The applicant proposes to construct and maintain a 2-inch diameter plastic pipe outfall (for an oil well production water treatment facility) to the Allegheny River within the Federal Scenic River corridor approximately 100 feet downstream of the confluence of Pithole Creek and the Allegheny River. The Allegheny River is a perennial stream classified as a WWF.

ENVIRONMENTAL ASSESSMENTS

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

EA17-003. The Clearfield Foundation, P. O. Box 250, Clearfield, PA 16830. Wetland restoration project at the former SB Elliott State Tree Nursery in Pine Township, **Clearfield County**, ACOE Baltimore District (Elliott Park Quadrangle; Latitude N: 41° 7' 24"; Longitude W: 78° 31' 45").

The applicant proposes to restore 4.8 acres of wetlands at the former SB Elliott State Tree Nursery near SB Elliott State Park, within the Stony Run Watershed (HQ-CWF). The wetland restoration also includes 0.5 acre of wetland enhancement and 3.8 acres of terrestrial/wetland fringe enhancement through vegetative plantings. Wetland restoration will result in 0.1 acre of permanent PEM wetland impact due to the placement of water level control structures and 0.2 acre of temporary PEM wetland impact due to the placement of access roads.

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D15-023EA. Bureau of Waterways Engineering, P. O. Box 8460, Harrisburg, PA 17105-8460. East Vincent Township, **Chester County**, Limerick Township, **Montgomery County**, ACOE Philadelphia District.

Project proposes to breach and remove Vincent Dam across the Schuylkill River (WWF, MF) for the purpose of eliminating a threat to public safety and restoring the river to a free flowing condition. The project will restore approximately 1,000 lineal feet of stream channel. The dam is located approximately 80 feet east of the intersection of SR 4022 and T-304 (Phoenixville, PA Quadrangle Latitude: 40° 12' 26"; Longitude: 75° 33' 56").

DAM SAFETY

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

D64-015. Lake Underwood Nimrod Club c/o Charles Westgate, R. R. 1, Box 38, Thompson, PA 18465. To modify, operate and maintain the Lake Underwood Dam across a tributary to Equinunk Creek (HQ-CWF), with no proposed impacts to wetlands or the stream channel, for the purpose of rehabilitating the existing dam and increasing spillway capacity to ensure compliance with Commonwealth Regulations (Lake Como, PA-NY Quadrangle N: 16.0 inches; W: 15.8 inches) in Preston Township, **Wayne County**.

ACTIONS

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

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

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|-------------------------------------|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or amendment |

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

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--|-----------------------------|
| PA0087891 (Stormwater) | Growmark FS, Inc. 1701 Towanda Avenue Bloomington, IL 61702-2500 | Adams County Latimore Township | Drainage swale tributary to Mud Run 7F | 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> |
|-----------------------------|---|--|--------------------------------------|---------------------------|
| PA0094455 Sewage | Derry Township Municipal Authority P. O. Box 250 New Derry, PA 15671 | Westmoreland County Derry Township | McGee Run | Y |
| PA0001775 Sewage | McFadden Machine Company, Inc. 160 Hill Road Blairsville, PA 15717 | Indiana County Blacklick Township | UNT of Muddy Run | Y |
| PA0091243 Sewage | Allegheny Trails Council Flag Plaza 1275 Bedford Avenue Pittsburgh, PA 15219 | Fayette County Wharton Township | UNT of Pine Run | Y |
| PA0031844 Sewage | Kiski Area School District 200 Poplar Street Vandergrift, PA 15690 | Westmoreland County Washington Township | UNT of Pine 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> |
|-----------------------------|---|---|--|---------------------------|
| PA0090786 Sewage | Hempfield Township Supervisors 1132 Woodward Drive Suite A Greensburg, PA 15601 | Westmoreland County Hempfield Township | UNT to Brush Creek | Y |
| PA0041238 Sewage | Meyersdale-Summit Park Recreation Commission P. O. Box 194 Meyersdale, PA 15552-0194 | Somerset County Summit Township | Blue Lick Creek | Y |
| PA0205087 Sewage | Scottyland Camping Resort 1628 Barron Church Road Rockwood, PA 15557 | Somerset County Middlecreek Township | Lost Creek | Y |
| PA0204854 Sewage | D'Atri, Inc. 320 Sunset Drive Baden, PA 15005 | Beaver County New Sewickley Township | UNT of Pine Run | Y |
| PA0219371 Sewage | Frank and Leona Van Scoyoc 7480 Prim Rose Drive Mentor on the Lake, OH 44060 | Cambria County Dean Township | Drainage Swale Tributary to Clearfield Creek | Y |
| PA0096652 Sewage | Miley Motor Sports P. O. Box 4530 Pittsburgh, PA 15205 | Allegheny County North Fayette Township | UNT (Drainage Swale) to Half Crown Run | Y |
| PA0217727 Sewage | Rices Landing Borough P. O. Box 185 100 Water Street Rices Landing, PA 15357 | Greene County Rices Landing Borough | Monongahela River | Y |
| PA0026417 Sewage | Municipality of Penn Hills 12245 Frankstown Road Pittsburgh, PA 15235 | Allegheny County Municipality of Penn Hills | Allegheny River | N |
| PA0219347 Sewage | Patricia L. Iams 4124 Finleyville-Elrama Road Finleyville, PA 15332 | Washington County Union Township | Lobbs Run | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--|--------------------------------------|-----------------------------|
| PA0020346 | Borough of Punxsutawney Mahoning East Civic Center 301 East Mahoning Street Punxsutawney, PA 15767 | Punxsutawney Borough Jefferson County | Mahoning Creek 17-D | N |
| PA0035513 | Department of Transportation Rest Area E I-80 Eastbound Department of Transportation P. O. Box 3060 Harrisburg, PA 17120-3060 | Shenango Township Mercer County | Shenango River 20-A | 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. PA0011444, Industrial Waste, **Congoleum Corporation**, Ridge Road and Yates Avenue, Marcus Hook, PA 19061. This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge noncontact cooling water, stormwater and groundwater into the Marcus Hook Creek.

NPDES Permit No. PA0050482, Amendment No. 1, Sewage, **Freedoms Foundation at Valley Forge**, 1601 Valley Forge Road, Valley Forge, PA 19482-0706. This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the amendment to upgrade the treatment plant and collection system the discharge will be to Jug Hollow in Watershed 3F.

NPDES Permit No. PA0026603, Sewage, **Ambler Borough**, 122 East Butler Avenue, Abler, PA 19002-4476. This proposed facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage. The permit was issued November 7, 2005. The permit was appealed and, as a result of stipulation of settlement, the phosphorus limits and compliance dates are revised.

NPDES Permit No. PA0053929, Sewage, **Barryway Enterprises, Inc., Bubba's Pot Belly Stove Restaurant**, 1485 Route 309, Quakertown, PA 18951. This proposed facility is located in Springfield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into a UNT to Tohickon Creek in Watershed 2D.

NPDES Permit No. PA0021512, Sewage, **Royersford Borough**, 300 Main Street, P. O. Box 188, Royersford, PA 19468-0188. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into the Schuylkill River in Watershed 3E—Perkiomen.

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

NPDES Permit No. PA0021075, Amendment No. 1, Sewage, **Robin Hemperly, Borough Manager**, Borough of Myerstown, 101 East Washington Street, Myerstown, PA 17067-1142. This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to Tulpehocken Creek in Watershed 3-C.

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

NPDES Permit No. PA0253499, Sewage, **Janice Polito**, 256 Park Lane, Darlington, PA 16115. This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for a small flow single residence sewage treatment plant.

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

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

WQM Permit No. WQG02010702, Sewage, **Abbottstown-Paradise Joint Sewer Authority**, P. O. Box 505, Abbottstown, PA 17301. This proposed facility is located in Abbottstown Borough and Paradise Township, **York and Adams Counties**.

Description of Proposed Action/Activity: Construction/Operation of the Country Club Road Pumping Station and Sewer Extension.

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

WQM Permit No. WQG018584, Sewerage, **Roger Rouse**, 9638 Haskell Hill Road, Wattsburg, PA 16442. This proposed facility is located in Venango Township, **Erie County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|------------------------|---------------------------------|
| PAI011507030 | Andrew Jones and Michael Losito 485 Willow Street Toughkenamon, PA 19374 | Chester | Lower Oxford Township | West Branch Big Elk Creek HQ |
| PAI011507035 | Kurt Wolter P. O. Box 611 Devon, PA 19333 | Chester | Tredyffrin Township | Tributary Valley Creek EV |
| PAI011507036 | William and Wendy Neuhoff 979 Fairview Road Glenmoore, PA 19343 | Chester | East Nantmeal Township | Marsh Creek HQ-TSF-MF |
| PAI012306006 | Pulte Homes of PA, LP 1100 Northbrook Drive Suite 200 Trevose, PA 19053 | Delaware | Marple Township | Crum Creek EV |
| PAI012306009 | Halcyon Construction Co. P. O. Box 828 Concordville, PA 19331 | Delaware | Edgmont Township | Rocky Run HQ-CWF-MF |

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------|----------------------------|
| PAI014607004 | Jeffery Clemens 531 Main Street Harleysville, PA 19438-1305 | Montgomery | Upper Salford Township | UNT Unami Creek HQ-TSF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------|---|
| PAI024506006 | C & M at Mountain Hollow, LP 2421 Bristol Road Warrington, PA 18976 | Monroe | Stroud Township | Brodhead Creek HQ-CWF |
| PAI024805024 | Nic Zawarski & Sons Developers, Inc. 1441 Linden Street Bethlehem, PA 18018-2685 | Northampton | Bethlehem City | Monocacy Creek HQ-CWF |
| PAI024804002 | Richard and Rhonda Bartolacci R. B. Associates Two Courtney Place Suite 140 3864 Courtney Street Bethlehem, PA 18017 | Northampton | Forks Township | Bushkill Creek HQ-CWF |
| PAI024806016 | Spectrum Land Acquisition, Inc. 3312 7th Street Whitehall, PA 18052 | Northampton | Bushkill Township | East Branch Monocacy Creek HQ-CWF |
| PAI024506009 | Superior Custom Homes, Inc. P. O. Box 794 Brodheads ville, PA 18322 | Monroe | Chestnuthill Township | Poplar Run EV |
| PAI023905039 | Jerome and Ina Goldstein 812 North Second Street Emmaus, PA 18049-2518 | Lehigh | Upper Milford Township | Little Lehigh Creek HQ-CWF |

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

Somerset County Conservation District, Somerset County AG Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--|--|---------------|---------------------|-----------------------------|
| PAI055607002 Note: This was originally published as PAI055607007 as an application. | The Buncher Company 5600 Forward Avenue Pittsburgh, PA 15217 | Somerset | Jefferson Township | Laurel Hill Creek HQ/CWF |

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

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

List of NPDES and/or Other General Permit Types

| | |
|-------------|--|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated 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

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---|---|
| Bensalem Township Bucks County | PAG2000907015 | Turnpike Commission Box 67676 Harrisburg, PA 17106-7676 | Neshaminy and Poquessing Creeks WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Makefield Township Bucks County | PAG2000907042 | Paul Inderbitzin 910 Old Dolington Road Newtown, PA 18940 | Houghs Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Wrightstown Township Bucks County | PAG2000906065 | Anthony Pagano 747 Swamp Road Newtown, PA 18940 | Neshaminy Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Falls and Middletown Townships Bucks County | PAG2000907037 | Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525 | UNT Queen Anne Creek and Mill Creek | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015106072 | Homeownership Developers, LLC 721 Chestnut Street Philadelphia, PA 19106 | Schuylkill River CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015107011 | Fiacco, LLC Engineers 111 Buck Road Unit 100 Huntingdon Valley, PA 19006 | City of Philadelphia Storm Sewer System | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015107027 | Steve Steinbrook 3138 Chestnut Street Philadelphia, PA 19104 | Delaware River WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Jessup Borough Lackawanna County | PAG2003507017 | Robert McCormick 9450 West Bryn Mawr Avenue No. 150 Rosemont, IL 60018 | Grassy Island Creek CWF | Lackawanna County Conservation District (570) 281-9495 |
| Smithfield Township Monroe County | PAG2004505005 | Kenbar Investment Group P. O. Box 404 Marshalls Creek, PA 18335 | Brodhead Creek TSF, MF | Monroe County Conservation District (570) 629-3060 |
| Upper Saucon Township Lehigh County | PAG2003907018 | Robert Snyder De Sales University 2755 Station Road Center Valley, PA 18034 | Saucon Creek CWF | Lehigh County Conservation District (610) 391-9583 |
| Palmer Township Northampton County | PAG2004803044R | Atlantic Equity Van Buren Road, LLC 25A Hanover Road Suite 310 Florham Park, NJ 07923 | Shoeneck Creek WWF | Northampton County Conservation District (610) 746-1971 |

NOTICES

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---|--|
| Middletown Borough Dauphin County | PAG2002207045 | The Catholic Dioceses of Harrisburg 280 North Race Street Middletown, PA 17057 | Swatara Creek WWF | Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 |
| Spring Township Berks County | PAG2000607056 | Pastor Brian Koch Glad Tidings Assembly of God Church 1110 Snyder Road West Lawn, PA 19609-1151 | Cacoosing Creek CWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| Spring Garden Township York County | PAR10Y6551 | Dr. Kenneth Martin York College of Pennsylvania 439 Country Club Road York, PA 17405-7199 | Codorus Creek-Oil Creek WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Dover Township York County | PAG2006707021 | James Craft JG Leasing Co., Inc. P. O. Box 8 York Haven, PA 17370 | Fox Run TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| South Londonderry Township Lebanon County | PAG2003807016 | South Londonderry Township Thomas Ernharth Township Manager P. O. Box 3 Campbelltown, PA 17010 | Spring Creek-Killinger Creek WWF-TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 (717) 272-3908 Ext. 4 |
| Jackson Township York County | PAG20067040601 | Jackson Heights, LLC Joseph A. Myers 160 Ram Drive Hanover, PA 17331 | UNT to Codorus Creek WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Allegheny Township Blair County | PAG2000707017 | Scranton-Altoona Terminals Corp. P. O. Box 2621 Harrisburg, PA 17105 | Beaverdam Branch of Juniata River WWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext. 5 |
| Richmond Township Berks County | PAG2000607043 | George C. Yialamas 300 Hill Road Kutztown, PA 19530 | UNT to Sacony Creek TSF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| Boyertown Borough Berks County | PAG2000607053 | James Hollenbach Hollenbach Construction 166 Holly Road P. O. Box 507 Boyertown, PA 19512-0507 | UNT to Swamp Creek TSF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|--|--|
| Birdsboro Borough Berks County | PAG2000607044 | Thomas Brown F. M. Brown Sons, Inc. P. O. Box 67 Birdsboro, PA 19508 | Hay Creek CWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| City of Reading Berks County | PAG2000607058 | Larry Orkus Reading Eagle Company 345 Penn Street P. O. Box 582 Reading, PA 19603-0582 | Schuylkill River WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| South Londonderry Township Lebanon County | PAG2003807016 | Thomas Ernharth, Township Manager South Londonderry Township P. O. Box 3 Campbelltown, PA 17010 | Spring Creek-Killinger Creek WWF-TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4 |
| North Cornwall Township Lebanon County | PAG2003807024 | John Wengert WGR Dairy, Inc. 2401 Walnut Street Lebanon, PA 17042 | Snitz Creek- Quittapahilla Creek TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4 |
| Heidelberg Township Lebanon County | PAG2003807022 | Dale Kauffman 826 Weavertown Road Myerstown, PA 17067 | UNT to Tulpehocken Creek TSF | Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 Ext. 4 |
| Fulton Township Lancaster County | PAR100588R | Rick Tindall Tindall's Virgin Timber Box 200 Black Barren Road Peach Bottom, PA 17563 | UNT to Conowingo Creek CWF | Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149 (717) 299-5361 |
| Brecknock Township Lancaster County | PAG2003607031 | Hawk Valley Developers, LLC 1319 Crestview Drive Denver, PA 17517 | UNT to Muddy Creek WWF | Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601-3149 (717) 299-5361 |
| Hellam Township York County | PAG2006707059 | Keith Kline 1 Waterford Professional Center York, PA 17402 | Wildcat Run-Kreutz Creek WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Delta Borough York County | PAG2006707050 | Randolph Nooft 1051 Bridgeton Road Fawn Grove, PA 17321 | UNT to Scott Creek TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Columbia County Franklin Township | PAG2001906012 | Robert E. Krum 100 Orchard Drive Catawissa, PA 17820 | UNT to Roaring Creek CWF | Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310 Ext. 102 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--|---|
| Columbia County Town of Bloomsburg | PAG2001907012 | Eric Milner Bloomsburg University Buckingham Maintenance 400 East Second Street Bloomsburg, PA 17815 | Fishing Creek WWF | Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310 Ext. 102 |
| Tioga County Tioga Township | PAG2005907010 | Nate Kissell New Enterprise Stone & Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664 | Bentley Creek WWF Tioga River WWF | Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 Ext. 3 |
| Allegheny County Upper St. Clair Township | PAR10A4512R | Williamson & Jefferson, Inc. 212 Sussez Way McMurray, PA 15317 | Painters Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County City of Pittsburgh | PAR10A583R | Little Sisters of the Poor 1028 Benton Avenue Pittsburgh, PA 15212 | Ohio River WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County O'Hara Township | PAR10A586R | Thomson Properties, Inc. 9400 McKnight Road Pittsburgh, PA 15237 | Allegheny River WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County City of Pittsburgh | PAG20002060691 | Housing Authority of the City of Pittsburgh 200 Ross Street 9th Floor Pittsburgh, PA 15219 and Bedford Phase II, LP 1415 Oliver Street St. Louis, MO 63102 | Ohio River WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Findlay Township | PAG20002060751 | Findlay Township P. O. Box 409 Route 30 Clinton, PA 15026 | Potato Garden Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Plum Borough | PAG2000206096 | Keith Nowalk 150 Nowalk Drive Pittsburgh, PA 15239 | Plum Creek WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Ross Township | PAG2000206117 | Mark A. Brantner 594 Wible Run Road Pittsburgh, PA 15209 | Nelson Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Ohio Township | PAG20002061231 | Charles Lenzner 665 Duff Road Sewickley, PA 15243 | Bear Run TSF | Allegheny County CD (412) 241-7645 |
| Allegheny County North Fayette Township | PAG20002070071 | A & E Land Development 8051 Steubenville Pike Oakdale, PA 15071 | Robinson Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County West Deer and Fawn Townships | PAG2000207011 | Deer Creek Drainage Basin Authority 945 Little Deer Creek Road Russellton, PA 15076 | Bull Creek, Little Deer Creek TSF | Allegheny County CD (412) 241-7645 |
| Allegheny County McCandless Township | PAG20002070151 | UPMC Passavant 9100 Babcock Boulevard Pittsburgh, PA 15237 | Pine Creek TSF | Allegheny County CD (412) 241-7645 |
| Allegheny County Penn Hills and Churchill Boroughs | PAG2000207021 | Associated Investors, Inc. 800 Mutual Building 816 Fifth Avenue Pittsburgh, PA 15219 | Duffs Run WWF | Allegheny County CD (412) 241-7645 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--------------------------------------|---------------------------------------|
| Allegheny County Marshall Township | PAG2000207033 | Mitsubishi Electric Power Products, Inc. 512 Kaystone Drive Warrendale, PA 15086 | Brush Creek WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County McCandless Township | PAG2000207046 | Vincentian Sisters of Charity 8200 McKnight Road Pittsburgh, PA 15237 | Little Pine Creek TSF | Allegheny County CD (412) 241-7645 |
| Allegheny County North Fayette Township | PAG2000207049 | Cliff Mine Road, LP 315 Payday Drive Elizabeth, PA 15037 | Montour Run TSF | Allegheny County CD (412) 241-7645 |
| Allegheny County McKees Rocks Borough | PAG2000207050 | Old Town Properties, LP One Atlantic Avenue Pittsburgh, PA 15212 | Chartiers Creek WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County South Fayette Township | PAG2000207051 | Newbury Development Association, LP 2214 Liberty Avenue Pittsburgh, PA 15222 | Charters Creek Millers Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Pine Township | PAG2000207055 | Learning Child Center, LLC 9331 Marshall Road Cranberry Township, PA 16066 | Brush Creek WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Bethel Park Borough | PAG2000207061 | David Knaus P. O. Box 152 Bethel Park, PA 15102 | Peters Creek WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County North Fayette Township | PAG2000207062 | Community College of Allegheny County 800 Allegheny Avenue Pittsburgh, PA 15239 | Robinson Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County North Fayette Township | PAG2000207066 | Wood Waste Recycling, Inc. 111 Bridge Street Burgettstown, PA 15021 | Half Crown Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County South Fayette Township | PAG2000207067 | Mearl Kamyk 1224 Ridge Road McDonald, PA 15057 | Millers Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Moon Township | PAG2000207069 | Eaton Corporation 1000 Cherrington Parkway Coraopolis, PA 15108 | Montour Run TSF | Allegheny County CD (412) 241-7645 |
| Allegheny County Harmar and Fawn Townships | PAG2000207070 | Joseph B. Fray Company P. O. Box 66 Russellton, PA 15076 | Allegheny River WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Harmar and Fawn Townships and Plum Borough | PAG20002070701 | Joseph B. Fray, Co. P. O. Box 66 Russellton, PA 15076 | Allegheny River WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Fawn, Plum and Harmar Townships | PAG20002070702 | Joseph B. Fray Company P. O. Box 66 Russellton, PA 15076 | Allegheny River WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County Monroeville | PAG2000207073 | SimpleMed, LLC 8035 McKnight Road Pittsburgh, PA 15237 and TRI Contracting P. O. Box 96 McKeesport, PA 15135 | East Thompson Run WWF | Allegheny County CD (412) 241-7645 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------------|---|
| Allegheny County North Fayette Township | PAG2000207082 | Seabright Land Corporation 6 Commerce Drive Pittsburgh, PA 15239 | Robinson Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County O'Hara Township | PAG2000207089 | O'Hara Capital Partners 103 Gamma Drive Pittsburgh, PA 15238 | Powers Run WWF | Allegheny County CD (412) 241-7645 |
| Allegheny County South Fayette Township | PAG2000207090 | Hickory Grade Land Company P. O. Box 401 Bridgeville, PA 15017 and Heartland Homes, Inc. P. O. Box 535 Lawrence, PA 15055 | Coal Run WWF | Allegheny County CD (412) 241-7645 |
| Armstrong County Redbank Township | PAG2000307008 | Justin and Jennifer Moore 175 Walker Flat Road Mayport, PA 16240 | UNT to Redbank Creek TSF | Armstrong County CD (724) 548-3425 |
| Fayette County North Union Township | PAG20026050191 | Steve Solomon 1758 Mileground Morgantown, WV 26505 | Redstone Creek WWF | Fayette County CD (724) 438-4497 |
| Fayette County Georges Township | PAG2002607023 | Fayette Industrial Fund P. O. Box 2101 Uniontown, PA 15401 | Georges Creek WWF | Fayette County CD (724) 438-4497 |
| Westmoreland County Penn Township | PAG2006507031 | Fabyonic Construction Don Fabyonic 301 McWilliams Road Trafford, PA 15085 | Tributary to Turtle Creek TSF | Westmoreland County CD (724) 837-5271 |
| Westmoreland County East Huntingdon Township | PAG2006507032 | Wendell H. Stone Co., Inc. R. D. 12 Box 613 Roseytown Road Greensburg, PA 15601 | Belson Run WWF | Westmoreland County CD (724) 837-5271 |
| Westmoreland County Ligonier Township | PAG2006507035 | James D. Rossi 193 Sugarbush Drive Latrobe, PA 15650 | Loyalhanna Creek CWF | Westmoreland County CD (724) 837-5271 |
| Westmoreland County East Huntingdon Township | PAG2006507038 | Penske Truck Leasing 801 Katie Court Harrisburg, PA 17109 | Tributary to Buffalo Run WWF | Westmoreland County CD (724) 837-5271 |
| Westmoreland County Murrysville | PAG2006507040 | Craig Cozza Alex Development 2nd Floor 5770 Forbes Avenue Pittsburgh, PA 15217 | Turtle Creek TSF | Westmoreland County CD (724) 837-5271 |
| Mercer County Jackson Township | PAG2004307008 | Ernest D. May George J. Howe Co. 629 West Main Street Grove City, PA 16127 | UNT Yellow Creek TSF | Mercer Conservation District (724) 662-2242 |

*General Permit Type—PAG-3**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> |
|---|-------------------------|---|------------------------------|---|
| Upper Nazareth Township Northampton County | PAR702210 | Highway Materials, Inc. 1750 Walton Road Blue Bell, PA 19422-2303 | UNT to Shoeneck Creek WWF | DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511 |
| Berks County Muhlenberg Township | PAR803661 (transfer) | Farm & Home Oil Company 420 State Road Telford, PA 18969 | UNT Laurel Run WWF 3C | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| New Castle Township Lawrence County | PAR208370 | International Specialty Alloys Aerospace Division P. O. Box 5186 New Castle, PA 16105-5547 | UNT to Shenango River | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

*General Permit Type—PAG-04**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> |
|--------------------------------------|-------------------|--|---|---|
| Hayfield Township Crawford County | PAG048867 | Matthew F. and Patricia D. Koehler 16615 Maple Drive Saegertown, PA 16433 | UNT to Cussewago Creek 16-D | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Venango Township Erie County | PAG049385 | Roger Rouse 9638 Haskell Hill Road Wattsburg, PA 16442 | A Drainage swale to the West Branch of French Creek 16-A | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Fairview Township Erie County | PAG048889 | Mr. and Mrs. Kevin Luke McCann 6065 Bridlewood Drive Fairview, PA 16415-2709 | UNT to Bear Creek 15-BE | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

*General Permit Type—PAG-8 (SSN)**Facility Location & County/Municipality*

| <i>County/Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---------------------------------|---|
| Plum Creek Township Armstrong County | | Synagro 3239 Route 981 New Alexandria, PA 15670 | Reefer Farm | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

*General Permit Type—PAG-10**Facility Location & Municipality*

| <i>County/Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|-------------------------------------|-------------------------|--|-----------------------------|---|
| Berks County Muhlenberg Township | PAG103529 (transfer) | Farm & Home Oil Company 420 State Road Telford, PA 18969 | UNT Laurel Run WWF 3C | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Wellhead Protection Program Approval issued to Roamingwood Sewer and Water Association, P. O. Box 6, (SR 590), Lake Ariel, PA 18436, PWSID No. 2640025, Lake and Salem Townships, **Wayne County**, on August 22, 2007.

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

Permit No. 1907501—Construction, Public Water Supply.

| | |
|----------------------|---|
| Applicant | Aqua PA, Inc.—Roaring Creek Division |
| Township or Borough | Conyngham Township |
| County | Columbia |
| Responsible Official | Patrick R. Burke Regional Manager Aqua PA, Inc.—Roaring Creek Division 204 East Sunbury Street Shamokin, PA 17872 |
| Type of Facility | Public Water Supply—Construction |

| | |
|-----------------------|---|
| Consulting Engineer | William A. LaDieu, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112-1788 |
| Permit Issued Date | November 16, 2007 |
| Description of Action | Major permit amendment for the rehab of the Roaring Creek Well Station. |

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

Permit No. 1099501—MA1, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Borough of Mars |
| Borough or Township | Adams Township |
| County | Butler County |
| Type of Facility | Municipal Water Authority |
| Consulting Engineer | Steven H. Greenberg KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205 |

Permit to Construct Issued November 2, 2007

Permit No. 2507503, Public Water Supply.

| | |
|---------------------|--|
| Applicant | Saint Boniface School |
| Borough or Township | Greene Township |
| County | Erie County |
| Type of Facility | School |
| Consulting Engineer | Mark J. Corey & Associates 5845 Jordan Road Erie, PA 16510 |

Permit to Construct Issued November 14, 2007

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

Permit WA 10-1009. Water Allocations. **Mars Borough**, 598 Spring Avenue, P. O. Box 395, Mars, PA 16046. Grants the applicant's right to acquire water from the Municipal Authority of Adams Township (Permit WA 10-1006) for use during emergency situations. The service provided will be at a flow rate not to exceed 150 gpm (216,000 gpd) for a period not to exceed 30 days. Mars Borough Water Department serves customers located in Mars Borough, **Butler County**.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Washington Township | 11800 Edinboro Road Edinboro, PA 16412 | Erie |
| Edinboro Borough | 124 Meadville Street Edinboro, PA 16412 | Erie |

Plan Description: The approved plan provides for expanding and upgrading the Borough of Edinboro WWTP from 1.2 to 1.8 mgd at its present location and converting the Washington Township Angling Road WWTP to a pump station to convey all Township flows to the Borough WWTP. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

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

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Bethel Township | 3015 South Pine Grove Street Fredericksburg, PA 17026 | Lebanon |

Plan Description: The proposed Judith Brown Sterner Subdivision, A3-38905-204-2 consists of two new residential lots and a residual tract served by individual onlot disposal systems. The plan was disapproved because the hydrogeologic study included in the planning module submission that was received by the Department of Environmental Protection indicated that lots 11 and 12 will pollute the groundwater of this Commonwealth in violation of The Clean Streams Law. Specifically, the groundwater recharge easements are not down gradient of the proposed sewage disposal systems and the groundwater recharge easements are located across a groundwater discharge divide. This condition is considered a nuisance and is prohibited.

**Public Notice of Proposed Settlement Agreement
Department of Environmental Protection,
Fish and Boat Commission,
Game Commission and
Department of Conservation and Natural Resources
Norfolk Southern Train Derailment Site
McKean County and Cameron County**

Under the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.101—6020.1305); Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); section 1917-A of The Administrative Code of 1929 (71 P.S. § 510-17); 30 Pa.C.S. §§ 101—7314 (relating to Fish and Boat); Conservation and Natural Resources Act (71 P.S. §§ 1340.101—1340.1102); Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21—820.29); Wild Resources Conservation Act (32 P.S. §§ 5301—5314); and 34 Pa.C.S. §§ 101—2901 (relating to Game and Wildlife Code), notice is hereby provided that the Department of Environmental Protection (Department), Fish and Boat Commission, Game Commission

and Department of Conservation and Natural Resources, (collectively, the Commonwealth Parties) have entered into a proposed Settlement Agreement with Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively Norfolk Southern).

The proposed Settlement Agreement concerns the contamination of the environment that occurred on June 30, 2006, when approximately 31 rail cars of a train operated by Norfolk Southern Railway Company derailed near Gardeau, in Norwich Township, McKean County. During the derailment, liquid sodium hydroxide spilled from three railcars into wetlands and entered Big Fill Run, a tributary of the Sinnemahoning—Portage Creek that flows through McKean County and into Cameron County. From Big Fill Run, the spilled sodium hydroxide traveled down Sinnemahoning-Portage Creek, which flows into the Driftwood Branch of Sinnemahoning Creek (collectively the Site). This release of liquid sodium hydroxide contaminated soils, sediments, surface water, groundwater and wetlands and killed or damaged fish and other aquatic life and terrestrial plant and animal life at the Site.

Under the supervision of the Department and the Fish and Boat Commission, Norfolk Southern have completed the response actions to clean up and restore the environment at the Site in accordance with the May 2007, Consent Order and Agreement between Norfolk Southern and the Department. The May 2007, Consent Order and Agreement remains in effect and is maintained as a public record at the Department's Northwest Regional Office at 230 Chestnut Street, Meadville, PA, and at the repository for public documents for the Site located at the Cameron County Conservation District Office, 20 East Fifth Street, Room 105, Emporium, PA 15834.

Under the terms of the proposed Settlement Agreement that is the subject of this Public Notice, Norfolk Southern shall pay \$3,675,000 for distribution by the Department and \$3,675,000 for distribution by the Fish and Boat Commission. These payments will resolve Norfolk Southern's civil liability for the Site including, but not limited to, their liability for natural resources damages at the Site.

On behalf of the Commonwealth Parties, the Department will receive comments relating to the proposed Settlement Agreement for 60 days from the date of this Public Notice. The Commonwealth Parties have the right to withdraw their consent to the proposed Settlement Agreement if the comments disclose facts or considerations which indicate that the proposed Settlement Agreement is inappropriate, improper, or not in the public interest.

If the Commonwealth Parties do not withdraw their consent to the proposed Settlement Agreement after the public comment period, this Settlement Agreement will then be final. Thereafter, the Department, on behalf of the Commonwealth Parties, will publish a Public Notice of the final Settlement Agreement and this Public Notice will start the 30 day period for an appeal of the final Settlement Agreement (Appeal Period).

The final Settlement Agreement shall be effective on the date on which the Appeal Period has expired without any review or appeal having been taken or, if such review or appeal is taken during the Appeal Period, then when such review or appeal has finally been determined by the highest court or reviewing body, or the matter has been resolved by all of the parties to such appeal or review.

The proposed Settlement Agreement is available for inspection and copying at the Department's Northwest

Regional Office at 230 Chestnut Street, Meadville, PA and at the repository for public documents for the Site located at the Cameron County Conservation District Office, 20 East Fifth Street, Room 105, Emporium, PA 15834.

Comments may be submitted, in writing, to Ricardo F. Gilson, Regional Manager, Department of Environmental Protection, Water Management, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Ricardo F. Gilson at (814) 332-6942. TDD users should contact the Department through the Pennsylvania Relay Service at (800) 645-5984.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Gettysburg College, Borough of Gettysburg, Adams County. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17103, on behalf of

Gettysburg College, 300 North Washington Street, Campus Box 392, Gettysburg, PA 17325, submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The applicant is seeking to remediate the site to the Site-Specific Standard.

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

Pittsburgh Business Park (Formerly Papercraft), O'Hara Township, Allegheny County. David Oliveri-McGovern, SESTECH Environmental, 650 North Sam Houston Parkway East, Suite 410, Houston, TX 77060, has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil contaminated with other organics. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

Willoughby Woods Plan of Lots, Peters Township, Washington County. Joseph G. Prokopik, CP Environmental Group, Inc., 1092 Fifth Avenue, New Kensington, PA 15068 (on behalf of Woody Welsch, Briwood, Inc., 122 Cedar Lane, McMurray, PA 15317) has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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 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 a No. 2 fuel oil as a result of an accidental release. The report documented attainment of the Residential Statewide Health Standard and was approved on November 9, 2007. No relief from liability can be granted for the "vapor intrusion pathway" since it was not evaluated in the report.

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

Chambersburg Mall—Parcel A-20, Greene Township, **Franklin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Pennsylvania Real Estate Investment Trust, 200 South Broad Street, Philadelphia, PA 19120, submitted a Final Report concerning the remediation of site groundwater contaminated with leaded and unleaded gasoline. The Final Report demonstrated attainment of the background standard and was approved by the Department of Environmental Protection on November 5, 2007.

D & A Truck Lines, Inc. Diesel Fuel Spill, Womelsdorf Borough, **Berks County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Valley Forge Flag Co., Inc., 8875 Berkshire Boulevard, Wyomissing, PA 19610-1246 and D & A Truck Lines, Inc., 926 North Front Street, New Ulm, MN 56073-1193, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report, which was submitted within 90 days of the release, demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on November 6, 2007.

Nguyen Tran Residence, City of Lancaster, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Nguyen Tran, 618 East End Avenue, Lancaster, PA 17602-3712

and State Farm Insurance, P. O. Box 13, Concordville, PA 19331, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released into a basement by means of an unconnected fill pipe. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on November 8, 2007.

Miller Optical, Inc., City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, P. O. Box 384, Lititz, PA 17543-0384, on behalf of Miller Optical, Inc., 845 Columbia Avenue, Lancaster, PA 17603-3224, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on November 8, 2007.

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

Apex Homes, Inc., Monroe Township, **Snyder County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Apex Homes, Inc., 7172 SR 522, Middleburg, PA 17842 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 7, 2007.

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

Groveton Reducing Station—Columbia Gas, Robinson Township, **Allegheny County**. Christopher H. Kupfer, P. G., Michael Baker Jr., Inc., 100 Airside Drive, Airside Business Park, Coraopolis, PA 15108 on behalf of Marc Okin, Columbia Gas of Pennsylvania/NiSource, 200 Civic Center Drive, Columbus, OH 43215 and Scott Freshwater, Contractor Services, Inc., 929 Charleston Road, Spencer, WV 25276 has submitted a Final Report concerning the remediation of site soil contaminated with benzene, PCBs, lead and arsenic. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 23, 2007.

Wilksburg Save-A-Lot, Wilksburg Borough, **Allegheny County**. Dennis Guthrie, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Wesley Johnson, Wilksburg Borough Manager, 713 South Avenue, Wilksburg, PA 15221 and Fred Ralston, Allegheny County Department of Economic Development, 425 Sixth Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil contaminated with lead and arsenic and site groundwater contaminated with petroleum compounds (benzene, ethylbenzene, toluene and xylenes). The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on May 24, 2007.

CoGo's—North Canal Street, Borough of Sharpsburg, **Allegheny County**. William A. McGill, The GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238 on behalf of Mrs. Wateska, 103 Valley View Drive, Sharpsburg, PA 15215 and Robert L. Helmstadter, CoGo's Company, 638 Rostraver Road, Suite 103, Belle Vernon, PA 15012 has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil No. 2. The Final

Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 22, 2007.

Couy Trust Auto Image Plus Facility, City of Pittsburgh, **Allegheny County**. Frank W. Benacquista, P. G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Suzanne Staab, Mellon Bank NA—Trustee, 3 Mellon Center, Room 1315, Pittsburgh, PA 15259 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with VOCs typically associated with gasoline and petroleum products associated with the operation of the former gasoline station located on the property. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 29, 2007.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Veolia ES Technical Solutions, LLC, 1 Eden Lane, Flanders, NJ 07836. License No. PA-AH 0500. Effective September 27, 2007.

RSO, Inc., P. O. Box 1450, Laurel, MD 20725-1450. License No. PA-AH 0578. Effective September 28, 2007.

The Environmental Service Group (NY), Inc., 177 Wales Avenue, Tonawanda, NY 14150. License No. PA-AH S144. Effective October 2, 2007.

Robbie D. Wood, Inc., P. O. Box 125, Dolomite, AL 35061. License No. PA-AH 0504. Effective October 4, 2007.

Miller Environmental Group, Inc., 538 Edwards Avenue, Calverton, NY 11933. License No. PA-AH 0501. Effective October 4, 2007.

Feecorp Corporation, 7995 Allen Road, Canal Winchester, OH 43110. License No. PA-AH 0515. Effective October 11, 2007.

Action Resources, Inc., 40 County Road 517, Hanceville, AL 35077. License No. PA-AH 0650. Effective October 17, 2007.

PSC Industrial Outsourcing, Inc., 1802 Shelton Drive, Hollister, CA 95023. License No. PA-AH 0395. Effective October 22, 2007.

AERC.Com, Inc., 2591 Mitchell Avenue, Allentown, PA 18103-6609. License No. PA-AH 0687. Effective October 23, 2007.

Fortress Trucking Limited, 7079 Wellington Road 124, Guelph ON N1H 6J3. License No. PA-AH 0512. Effective October 24, 2007.

Superior Carriers, Inc., 711 Jorie Boulevard, Suite 101 North, Oak Brook, IL 60523. License No. PA-AH 0686. Effective October 30, 2007.

JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002. License No. PA-AH 0648. Effective November 7, 2007.

Hazardous Waste Transporter License Issued

Tri-Line Carriers GP, Inc., 1179 Ridgeway Road, Woodstock, ON N4S 8P6. License No. PA-AH 0736. Effective October 23, 2007.

Hazardous Waste Transporter License Voluntarily Terminated

Clean Streams, Inc., P. O. Box 3059, Munster, IN 46321. License No. PA-AH 0441. Effective September 21, 2007.

Autumn Industries, Inc., 518 Perkins-Jones Road, Warren, OH 44483. License No. PA-AH 0267. Effective October 2, 2007.

Hazardous Waste Transporter License Expired

Siemens Water Technologies Transport Corp., 1657 Commerce Drive, Suite 10-B, South Bend, IN 46628. License No. PA-AH 0722. Effective October 31, 2007.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Clean Harbors Environmental Services, Inc., 42 Longwater Drive, Norwell, MA 02061-1612. License No. PA-HC 0053. Effective October 10, 2007.

University of Pittsburgh, Public Safety Building, 4th Floor, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Effective October 18, 2007.

Blood-Line Medical Waste Recovery Systems, Inc., 24 Grove Street, South Hackensack, NJ 07606. License No. PA-HC 0229. Effective November 2, 2007.

JPS Equipment Co., Inc., P. O. Box 788, Edgemont, PA 19028. License No. PA-HC 0142. Effective November 6, 2007.

Infectious and Chemotherapeutic Waste Transporter License Expired

Abington Memorial Hospital, 1200 Old York Road, Abington, PA 19001-3720. License No. PA-HC 0095. Effective October 31, 2007.

MUNICIPAL WASTE GENERAL PERMITS

Permits 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. WMGM035. Robert T. Winzinger, Inc., 1704 Marne Highway, Hainesport, NJ 08036.

General Permit Number WMGM035 is for the processing of: (1) reclaimed asphalt pavement; (2) unpainted brick, block, concrete; and (3) unprocessed wood waste (that is, trees, tree stumps, stump grinding, roots and grubbing material) at Winzinger Philadelphia Port Richmond facility for beneficial use as a construction and mulch material. The general permit was issued by Central Office on November 15, 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 Land Recycling and 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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

IESI Blue Ridge Landfill Greene Township, Franklin County Permit Number 100934. Submitted an application to increase their average daily volume from 1,450 tpd to 1,700 tpd on August 15, 2007. A Local Municipal Involvement Process meeting was held on October 30, 2007, at which point the application was considered received. The Department of Environmental Protection (Department), applicant and Greene Township negotiated a Department review time frame of 365 days. The application was considered administratively complete on November 5, 2007.

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

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

Permit No. 101680. Waste Mgmt Disposal Service of PA, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County.** This permit is for a new 162.4 acre landfill to be known as GROWS North Landfill. The permit was issued by Southeast Regional Office on November 15, 2007.

AIR QUALITY

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

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

39-310-038GP3: Kerns Crushing, Inc. (180 Barns Road, Sinking Spring, PA 19608) on November 13, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Upper Macungie Township, **Lehigh County.**

39-329-008GP9: Kerns Crushing, Inc. (180 Barns Road, Sinking Spring, PA 19608) on November 13, 2007, to install and operate an internal combustion engine at their site in Upper Macungie Township, **Lehigh County.**

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

GP5-26-00546: Atlas Pipeline Pennsylvania, LLC (1550 Coraopolis Heights Road, 2nd Floor, P. O. Box 611, Moon Township, PA 15108) on November 14, 2007, a General Operating Permit to operate two Caterpillar Model 3516LE 1,265-bhp compressor engines and a Hanover Smith Dehydrator rated at .475 mmBtu/hr at their Prah Compressor station at German Township, **Fayette County.**

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

GP-25-079: Rexam Plastic Packaging—Erie Plant (316 West 16th Street, Erie, PA 16502) on October 31, 2007, for a burn off oven BAQ/GPA/GP-4 in **Erie County.** This permit was previously permitted under Owens-Brockway Closures.

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.

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

01-03034A: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on November 14, 2007, to construct a natural gas compressor station with electric compressor, which is exempt from permitting in Tyrone Township, **Adams County.**

67-03144A: KRB Machinery (1058 Cool Creek Road, Wrightsville, PA 17368) on November 13, 2007, to install one NorAm M-3 downdraft paint booth in Lower Windsor Township, **York County.**

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

17-00017B: Rescar, Inc. (450 Osborn Avenue, DuBois, PA 15801), on October 30, 2007, to construct a rail car refurbishing facility, including car cleaning, abrasive blasting, interior and exterior surface coating operations and minor combustion sources for general purpose heating and curing of surface coatings, at the company's site in the City of DuBois, **Clearfield County.**

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

11-00241A: Department of Corrections (P. O. Box A, Cresson, PA 16699-0001) on November 13, 2007, to construct a wood fired boiler at the State Correctional Institution in Cresson Township, **Cambria County.**

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

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

23-0003H: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on November 15, 2007, to operate an isocraker expansion/sour water drum in Trainer Borough, **Delaware County**.

23-0003F: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061) on November 15, 2007, to operate an internal scrubber platformer unit in Trainer Borough, **Delaware County**.

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

41-00010F: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on November 9, 2007, to operate a shot blasting system, an arc welding station, four grinding stations, four plasma arc cutting/welding stations and associated air cleaning device (a fabric collector) on a temporary basis until March 9, 2008, in Muncy Borough, **Lycoming County**. The plan approval has been extended.

14-00014C: Glenn O. Hawbaker, Inc. (411 East College Avenue, Bellefonte, PA 16823) on November 13, 2007, to approve the construction of a 6' by 16' double deck aggregate screen in an asphalt plant at the Pleasant Gap site in Spring Township, **Centre 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.

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

06-05063: Boyertown Foundry Co. (P. O. Box 443, New Berlinville, PA 19545-0443) on November 14, 2007, to modify their mold making operation by constructing a third mold making machine controlled by a wetted packed bed scrubber in the Boyertown Borough, **Berks County**. This Title V Operating Permit has been administratively amended to incorporate Plan Approval 06-5063C. This is revision No. 2.

67-05004: P. H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362-1000) on November 8, 2007, to operate a pulp and paper mill in Spring Grove Borough, **York County**. This Title V operating permit was administratively amended to incorporate Plan Approval numbers 67-05004H and 67-05004J. This is revision No. 1.

67-05008: York International Corp. (P. O. Box 1592-361Q, York, PA 17405-1592) on November 6, 2007, for refrigeration and heating equipment in Spring Garden Township, **York County**. This is a minor modification of the Title V Operating Permit.

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

25-00783: Haysite Reinforced Plastics (5599 Perry Highway, Erie, PA 16509-3562) on November 13, 2007, to reissue a Title V Operating Permit to produce laminated

sheets, custom molded parts, pultruded shapes and molding compound at their plant located in the City of Erie, **Erie County**. The primary emission sources include a flat sheet molding line, a BMC-SMC Molding line, a SMC machine, an injection molding line, a pultrusion molding line, a mix room, two natural gas fired boilers and miscellaneous natural gas heating units.

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

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

38-05036: Grosfillex, Inc. (230 Old West Penn Avenue, Robesonia, PA 19551-8904) on November 9, 2007, to operate two automated paint lines controlled by dry filters in South Lebanon Township, **Lebanon County**.

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

63-00016: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601) on November 16, 2007, for an Operating Permit renewal that includes a Best Available Retrofit Technology determination. The facility's major sources of emissions include one coal-fired boiler, rated at 2,988 mmBtu/hr and three oil-fired boilers, each rated at 841 mmBtu/hr, that emit major quantities of CO, NO_x, PM and SO_x. The proposed permit includes all applicable emission restrictions, testing, monitoring, recordkeeping and reporting requirements. No emission changes are being approved in this action for their Mitchell Plant, in Monongahela City, **Washington County**.

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

10-00345: Allegheny Mineral Corp. (102 Van Dyke Road, Harrisville, PA 16038-2524) on November 7, 2007, to issue a Natural Minor Operating Permit to operate a limestone processing facility at their facility in Marion Township, **Butler County**. The facility's primary emission sources include a primary crushing station, a scalping screen station, a secondary crushing station, a tertiary crusher station, a dry dust screen station, a wash screen station, storage piles, paved roadways, unpaved roadways and truck loading.

42-00194: Glenn O. Hawbaker, Inc.—Shinglehouse Plant (497 Horse Run Road, Shinglehouse, PA 16748) on November 13, 2007, to re-issue the State-only Operating Permit 42-00194 to operate the facility's air contamination sources consisting of two crushers, three feeders, four screening operations and 11 conveyor transfers in Ceres Township, **McKean County**. This facility is subject to 40 CFR Part 60, Subpart OOO for the sand and gravel process.

61-00200: Webco Industries, Inc. (363 Seneca Street, Oil City, PA 16301) on November 13, 2007, to re-issue the State-only Operating Permit for the operation of the facility's air contamination sources consisting of annealing furnace, two 8.0 mmBtu/hr space heaters, gas generator, emergency generators and a cold lube draw tank in Oil City, **Venango County**. The facility manufactures boilers and mechanical tubing.

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.

23-00091: Union Packaging (6250 Baltimore Pike, Yeadon, PA 19050) on November 7, 2007, to incorporate Plan Approval PA 23-0091A for Bobst Lamanic (7-color) flexographic press in Yeadon Borough, **Delaware County**. The Administrative Amendment of State-only Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

19-320-005: Press Enterprise, Inc. (3185 Lackawanna Avenue, Bloomsburg, PA 17815) on November 8, 2007, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate the conditions established in Plan Approval 19-320-005A for two heatset web offset lithographic printing presses and two nonheatset web offset lithographic printing press in Scott Township, **Columbia County**.

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

65-00634: Dominion Transmission Incorporated—Tonkin Compressor Station (445 West Main Street, Clarksburg, WV 26302-2450) on November 8, 2007, whose major source of emissions include two internal combustion engines and a space heating boiler which primarily emit NOx, a parts washer and fugitive VOC emissions from facility pumps, valves, flanges, and the like. The permit is being amended to revise the company's address and permit contact phone number as well as to add three storage tanks to the list of insignificant activities for the facility in Murrysville Borough, **Westmoreland County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

Permit Number 32841601 and NPDES Permit No. PA0214159, Robindale Energy Services, Inc., (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to revise the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** to use beneficial coal ash as coal ash placement for reclamation. No additional discharges. Application received February 15, 2007. Permit issued November 15, 2007.

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

63070102 and NPDES Permit No. 0251186. Oxford Mining Company (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812) Commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Township, **Washington County**, affecting 99.7 acres. Receiving streams: UNTs to Scott Run. Application received June 27, 2007. Permit issued November 8, 2007.

03020104 and NPDES Permit No. 0250091. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal application for reclamation only to an existing bituminous surface mine, located in Valley and Kittanning Townships, **Armstrong County**, affecting 261.5 acres. Receiving stream: UNT to Cowanshannock Creek. Renewal application received September 12, 2007. Renewal permit issued November 9, 2007.

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

16070101 and NPDES Permit No. PA0258270. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous strip operation in Monroe Township, **Clarion County** affecting 166.0 acres. Receiving streams: UNTs to Brush Run and Brush Run, UNT to Piney Creek. Application received March 15, 2007. Permit issued November 8, 2007.

1475-16070101-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to upgrade and maintain a haul road crossing over UNT No. 7 to Brush Run in Monroe Township, **Clarion County**. Receiving streams: UNTs to Brush Run and Brush Run, UNT to Piney Creek. Application received March 15, 2007. Permit issued November 8, 2007.

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

17860144 and NPDES No. PA0115711. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 324.0 acres. Receiving streams: Shimmel Run and UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 12, 2007. Permit issued November 8, 2007.

EnerCorp, Inc., GFCC No. 17-07-06, Graham Township, Clearfield County (Mons Run to Alder Run—Upper West Branch Watershed): A Government-Financed Construction Contract has been awarded to EnerCorp, Inc., that will result in the reclamation of 16.0 acres of abandoned mine spoil in Graham Township,

Clearfield County. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the Lower Kittanning mining area at a rate of 310 tons/acre. The value of this reclamation is estimated at \$96,000. Contact John Varner, (814) 342-8200, Moshannon.

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

22030201C2. Meadowbrook Coal Co., Inc., (6690 SR 209, Lykens, PA 17048), correction to an existing anthracite coal refuse reprocessing operation to include the utilization of biosolids as a soil supplement and update the post-mining land use in Wiconisco Township, **Dauphin County**, receiving stream: none. Application received May 29, 2007. Correction issued November 15, 2007.

Noncoal Permits Actions

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

26970401 and NPDES Permit No. PA0202100. Laurel Aggregates, Inc. (P. O. Box 1209, Morgantown, WV 26507) Revision to permit for E & S Controls and to add acreage to an existing noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 271.52 acres. Receiving streams: Rubles Run and UNTs to Rubbles Run. Revision application received February 8, 2007. Permit issued November 9, 2007.

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

62071002. Munsee Sand and Gravel (927 West Smith Street, Corry, PA 16407) Authorization to extract noncoal (industrial minerals) in Columbus Township, **Warren County** to provide fill material to the Tonnard Addition construction project. Receiving stream: Brokenstraw Creek. Application received November 2, 2007. Authorization approved November 13, 2007.

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

52070803. John Beisel, (135 Rowland Road, Greeley, PA 18425-9621), commencement, operation and restoration of a quarry operation in Lackawaxen Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received July 24, 2007. Permit issued November 14, 2007.

58060865. Alexander Jubinski, Jr., (R. R. 1, Box 1311, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received September 13, 2006. Permit issued November 15, 2007.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

21074168. John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for warehouse development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is August 15, 2008. Permit issued November 6, 2007.

28074154. Geological Tech, Inc., P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for residential development in Greencastle Borough, **Franklin County**. Blasting activity permit end date is April 30, 2008. Permit issued November 7, 2007.

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

02074011. Chambers Development Co. (Monroeville Landfill, 600 Thomas Street, Monroeville, PA 15146) Blasting activity permit issued for landfill cell development at the Monroeville Landfill located in Monroeville Borough, **Allegheny County**, with an expected duration of 180 days. Permit issued November 13, 2007.

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

16074003. Appalachian Geophysical Services, LLC (2659 SR 60, P. O. Box 426, Killbuck, OH 44637-0426) Blasting activity permit for well exploration in Washington, Farmington and Green Townships, **Clarion and Forest Counties**. This blasting activity permit will expire on December 31, 2007. Application received November 8, 2007. Permit issued November 13, 2007.

42074007. U. S. Energy (2350 North Forrest Road, Getzville, NY 14068) Blasting activity permit for road construction for well exploration in Foster Township, **McKean County**. This blasting activity permit will expire on November 13, 2008. Application received November 9, 2007. Permit issued November 13, 2007.

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

67074007. Explosives Experts, Inc., (P. O. Box 879, Sparks, MD 21152), construction blasting at Willow Springs Tract Industrial Park in East Manchester Township, **York County** with an expiration date of May 8, 2008. Permit issued November 8, 2007.

09074127. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Interchange Business Park in Milford Township, **Bucks County** with an expiration date of November 1, 2008. Permit issued November 13, 2007.

39074129. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Whitfield Estates in Lower Macungie Township, **Lehigh County** with an expiration date of November 30, 2008. Permit issued November 13, 2007.

45074157. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hill Acres in Smithfield Township, **Monroe County** with an expiration date of November 30, 2008. Permit issued November 13, 2007.

45074158. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2008. Permit issued November 13, 2007.

45074159. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wilderness

Acres in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2008. Permit issued November 13, 2007.

45074160. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Shawnee Oakdale Subdivision in Middle Smithfield and Smithfield Townships, **Monroe County** with an expiration date of November 30, 2008. Permit issued November 13, 2007.

45074161. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Farms in Coolbaugh Township, **Monroe County** with an expiration date of November 30, 2008. Permit issued November 13, 2007.

47074104. Kesco, Inc., (127 Oneida Valley Road, Butler, PA 16001), construction blasting for US Gypsum in Washingtonville Borough, **Montour County** with an expiration date of March 9, 2008. Permit issued November 13, 2007.

48074117. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Chrin Commerce Center Phase II in Palmer and Lower Nazareth Townships, **Northampton County** with an expiration date of November 30, 2007. Permit issued November 13, 2007.

06074130. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Carpenter Tech in the City of Reading, **Berks County** with an expiration date of November 16, 2008. Permit issued November 14, 2007.

360741120. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a pool in Manheim Township, **Lancaster County** with an expiration date of November 30, 2007. Permit issued November 14, 2007.

360741121. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for a warehouse in East Lampeter Township, **Lancaster County** with an expiration date of November 30, 2008. Permit issued November 14, 2007.

360741122. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Lap Ridge Development in East Lampeter Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued November 14, 2007.

360741123. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Beiler Manure Storage in Salisbury Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued November 14, 2007.

38074127. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Cornwall Borough, **Lebanon County** with an expiration date of December 30, 2007. Permit issued November 14, 2007.

38074128. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting to remove rocks in field at 1453 Horseshoe Pike in South Annville Township, **Lebanon County** with an expiration date of December 30, 2007. Permit issued November 14, 2007.

46074126. Eastern Blasting Co., Inc., (1292 Street Road, New Hope, PA 18938), construction blasting for Glaxo Smith-Kline in Upper Providence Township, **Montgomery County** with an expiration date of September 10, 2008. Permit issued November 14, 2007.

46074127. Allan A. Myers, Inc. d/b/a Independence Construction Materials, (P. O. Box 98, Worcester, PA 19490), construction blasting for Glaxo Smith-Kline in Upper Providence Township, **Montgomery County** with an expiration date of November 1, 2008. Permit issued November 14, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1018. Borough of Conshohocken, 720 Lafayette Street, Conshohocken, PA 19482, Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To perform minor grading and construction of a surface parking facility within the 100-year floodway of the Schuylkill River (WWF-MF) associated with a proposed residential development. This project is associated with the Millennium Institute for Corporate Excellence Project, a mixed-use residential/commercial development and waterfront open space development, which previously received Encroachment Permit No. E46-633. This site is located approximately 1,900 feet downstream of the Fayette Street Bridge and is bound by Ash, Washington and Cherry Streets (Norristown, PA USGS Quadrangle N: 13.0 inches; W: 7.25 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1019. Washington Street Associates, IV, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406, Conshohocken Borough, **Montgomery County**, ACOE Philadelphia District.

To perform minor grading and construction of a surface parking facility within the 100-year floodway of the Schuylkill River (WWF-MF) associated with a proposed residential development. This project is associated with the Millennium Institute for Corporate Excellence Project, a mixed-use residential/commercial development and waterfront open space development, which previously received Encroachment Permit No. E46-663. This site is located approximately 1,900 feet downstream of the Fayette Street Bridge and is bound by Ash, Washington and Cherry Streets (Norristown, PA USGS Quadrangle N: 13.0 inches; W: 7.25 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E09-921. Newtown Grant Homeowners Associates, 6 Gladiola Circle, Newtown, PA 18940-9224, Newtown Township, **Bucks County**, ACOE Philadelphia District.

To construct and maintain an approximately 19-foot, 8-inch long by 3-foot wide pedestrian bridge across Newtown Creek (WWF) and associated wetlands which will connect an existing walking path within the common grounds of the Newtown Grant Subdivision. The site is located in the vicinity of 360 Eagle Road (Langhorne, PA USGS Quadrangle, N: 5.5 inches; W: 2.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E48-349. R. B. Associates, Two Courtney Place, Suite 140, Bethlehem, PA 18017. Forks Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 147-foot long stormwater outfall channel in the floodway of Bushkill Creek (HQ-CWF) which is associated with a 5-lot subdivision known as Sullivan Trail Commercial Development. The project is located between SR 2025 (Sullivan Trail) and Bushkill Creek, northwest of the intersection of SR 1002 and SR 2025 (Easton, PA-NJ Quadrangle N: 22.2 inches; W: 17.1 inches). (Subbasin: 1F)

E39-463. Airport Associates, Inc., 1288 Valley Forge Road, Suite 987, Valley Forge, PA 19482. Hanover Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 1,800 foot long, 12-foot by 8-foot single cell concrete box stream enclosure with a 170-foot long energy dissipator consisting of a cable-concrete and riprap, in a tributary to the Lehigh River (CWF); to construct and maintain numerous utility line crossings above the stream enclosure; to construct and maintain a cable-concrete outfall channel in the floodway of the tributary; and to construct and maintain a 1,000-foot long channel change consisting of a riprap lined low-flow channel, floodplain grading and riparian plantings. The water obstructions and encroachments are part of the Airport Center Retail Development. The project is located immediately north of the intersection of Airport Road (SR 1003) and Downs Drive (Catasauqua, PA Quadrangle N: 2.6 inches; W: 9.0 inches). (Subbasin: 2C)

E64-270. Roy and Louise Montalvan, 200 Jersey Avenue, Greenwood Lake, NY 10925. Salem Township, **Wayne County**, United States Army Corps of Engineers Philadelphia District.

To fill 0.39 acre of isolated wetlands within the Wallenpaupack Creek Watershed (HQ-CWF) for the purpose of constructing a commercial building, associated parking and stormwater facilities. The project is located on the north side of SR 0590 approximately 2.3 miles east of its intersection with SR 0191 (Lakeville, PA Quadrangle N: 6.1 inches; W: 14.6 inches). (Subbasin: 01C)

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

E67-822: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Newberry and Conewago Townships, **York County**, ACOE Baltimore District.

To: (1) remove an existing, three span steel I-Beam bridge having a total span of 188 feet, a width of 20 feet and minimum underclearance of 23.8 feet; (2) construct and maintain a three span continuous prestressed concrete spread box beam bridge having a total clear span of 217.5 feet, a width of 30.0 feet and a minimum underclearance of 24.0 feet carrying York Road (SR 4009) over Conewago Creek (WWF) at a point approximately 3.1 miles south of Lewisberry Road (Dover, PA Quadrangle N: 16.1 inches; W: 11.3 inches, Latitude 40° 05' 19"; Longitude: 76° 49' 51"); and (3) construct and maintain two 18-inch reinforced concrete pipe outfall structure discharging stormwater to Conewago Creek (Dover, PA Quadrangle N: 16.1 inches; W: 11.3 inches, Latitude 40° 05' 19"; Longitude: 76° 49' 51") in Newberry and Conewago Townships, York County. The project will involve the installation of a temporary causeway and cofferdams.

E67-807: Worthington Investments, LLP, Eight Greenspring Valley Road, Suite 200, Owings Mills, MD 21117 in Conewago Township, **York County**, ACOE Baltimore District.

To construct and maintain a 6.0-foot high, 25.0-foot span, 55.0-foot long reinforced concrete box culvert with rip-rap rock aprons in Locust Run (TSF) at a point just East of Canal Road (Dover, PA Quadrangle N: 5.7 inches; W: 5.1 inches, Latitude: 40° 3' 50"; Longitude: 76° 78' 40") in Conewago Township, York County.

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

E08-444. South Creek Township, P. O. Box 60, Gillett, PA 16925. Water Obstruction and Encroachment Joint Permit Application, in South Creek Township, **Bradford County**, ACOE Baltimore District (Gillett, PA Quadrangle N: 41° 59' 10"; W: 76° 46' 24").

To construct, operate and maintain 24,000 feet of 8-inch gravity and 15,000 feet of 4-inch force main sanitary sewer line within the Susquehanna River watershed (WWF) for the treatment of municipal wastewater. Construction of the sanitary sewer lines will require stream and wetland crossings as follows:

| <i>Crossing</i> | <i>Stream</i> | <i>Impact</i> |
|-----------------|------------------|------------------------|
| No. 1 | South Creek (SC) | 70 feet |
| No. 2 | UNT to SC | 30 feet |
| No. 3 | UNT to SC | 25 feet |
| No. 4 | UNT to SC | 30 feet |
| No. 5 | Blodgett Hollow | 45 feet |
| No. 6 | UNT to SC | 40 feet |
| No. 7 | Plant Outfall | 30 feet |
| Wetland | Wetland | 0.096 acre (temporary) |

All sewer line crossings shall be constructed with a minimum of 3-feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing a waterway to ensure the hydrology of the streams is not altered. Construction of the treatment plant will require the placement of fill in the floodway of South Creek (WWF). The project will temporarily impact 140 linear feet of wetlands while impacting 240-feet of waterway. The project is located along the eastern and western right-of-way of SR 0014 from the Borough of Gillett to the Borough of Fassett.

E08-446: Water Obstruction and Encroachment. Troy Area School District, 310 Elmira Street, Sayre, PA. 16947. Troy Borough, **Bradford County**. United States Army Corps of Engineers Baltimore District (Troy, PA 7.5' Quadrangle N: 7.4"; W: 4.9").

To place and maintain fill in 0.55 acre of a palustrine emergent/scrub shrub wetland system and to place and maintain fill in 0.84 acre of an open water system for the purpose of constructing a new track on the Middle School property. 0.60 acre of replacement wetlands are proposed in the same watershed. The site is located in the Sugar Creek watershed, approximately 1,000 feet north of the Middle School property, near the intersection of King and High Streets in Troy, PA.

E17-435. Boggs Township, P. O. Box 69, West Decatur, PA 16878. Emigh Run Headwaters Acid Mine Drainage Treatment Project in Boggs Township,

Clearfield County, ACOE Baltimore District (Wallacetown, PA Quadrangle Latitude: 40° 57' 12"; Longitude: 78° 16' 29").

The applicant proposes to realign 611-feet of Emigh Run and construct, operate and maintain a: (1) passive treatment acid mine drainage treatment system; (2) dam for flow diversion; (3) two road crossings; and (4) three rock outlet aprons in Emigh Run and associated wetlands for acid mine drainage abatement. The earthen dam constructed for flow diversion shall not exceed a maximum height of 2.0-feet and top width of 6.0-feet. The Emigh Run Headwaters Acid Mine Drainage Treatment Project permanently impacts 0.15-acre of wetland, for which the permittee has agreed to construct 0.17-acre of replacement wetland to mitigate the 0.15-acre of impact. Construction of the 0.17-acre replacement wetland shall commence prior to the construction activities authorized by this permit. For mitigation of the stream impacts, the applicant has proposed operation and maintenance of the acid mine treatment system that will provide for significant water quality improvement Emigh Run downstream of the project. The project is located along the southern right-of-way of Clearfield Street approximately 0.86-mile east of T-674 and Clearfield Street intersection in Wallacetown Borough.

E55-216. Department of Conservation and Natural Resources, 18865 Old Turnpike Road, Millmont, PA 17845. High Top Road Rehabilitation, in Spring Township, **Snyder County**, ACOE Baltimore District (Weikert, PA Quadrangle N: 40° 48' 7.2"; W: 77° 17' 12.8").

To construct, operate and maintain a road rehabilitation project within the floodway of a UNT to Swift Run, HQ-CWF. The road shall be widened 4 feet to a width of 14 feet for a distance of 400 feet to improve safe vehicular travel along High Top Trail. This project is located on Jacks Mountain, 150 yards up High Top Trail from the intersection with Swift Run Road. This permit was issued under Section 105.13(e) "Small Projects."

E60-185. Jill and Siavash Amirpashaie, 2173 Ferguson Court, Woodbridge, VA 22191. Creekside Cabin, in Hartley Township, **Union County**, ACOE Baltimore District (Beavertown, PA Quadrangle N: 21.74 inches; W: 9.20 inches).

To: 1) remove an existing cottage; 2) to construct and maintain a 50-foot by 37-foot cottage on 32 collars with lattice work surround in the left floodway of Penns Creek; 3) a 190-foot by 3-foot high by 18-inch deep stone masonry wall on the left bank of Penns Creek located at 37 Apple Drive, which is 0.2 mile west on Creek Road from Davis Road. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-584-A1. Hanson Aggregates PMA, Inc., 2200 Springfield Pike, Connellsville, PA 15425, in East Franklin and Pine Townships, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 9.1 inches; W: 12.4 inches). To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 55.0 to 55.2 right and left descending bank in East Franklin and Pine Townships, Armstrong County.

NOTICES

6351

Permit No. E02-584—Attachment No. 1, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|--------------------|---|-----------------------------------|--|
| Allegheny | Allegheny | 4 | 26.4 to 26.7 L | Allegheny Township Westmoreland County | | 01/18/11 |
| | | | 26.8 to 27.2 R | Harrison Township | | 01/18/11 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

Permit No. E02-584—Attachment No. 2, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------------|-------------------------|---|--|--|
| Beaver | Ohio | Montgomery | 19.2 to 20.2 R | Baden Borough | | 04/12/11 |
| | | | 20.6 to 21.6 R | Conway Borough Economy Borough | | 03/21/10 |
| | | | 21.0 to 21.1 L | Hopewell Township | Minimum 250 ft. Setback from NP shoreline. | 05/16/09 |
| | | | 21.1 to 21.3 L | Hopewell Township | | 05/16/09 |
| | | | 21.3 to 21.4 L | Hopewell Township Center Township | Minimum 250 ft. setback from NP shoreline. | 05/16/09 |
| | | | 21.4 to 21.6 L | Center Township | Minimum 200 ft. setback from NP shoreline. | 05/16/09 |
| | | | 21.6 to 21.7 L | Center Township | | 05/16/09 |
| | | | 26.2 to 27.2 L and R | Beaver Borough Center Township Potter Township Vanport Borough | | 04/12/11 |
| | | | 31.0 to 31.4 R | Industry Borough | | 07/26/10 |
| | Ohio | New Cumberland | 35.5 to 36.0 L and R | Greene Township Midland Borough Shippingport Borough | | 03/21/10 |
| | | | 36.6 to 36.8 R | Midland Borough | | 05/22/08 |
| | | | 37.1 to 37.2 R | Midland Borough Ohio Borough | | 01/02/08 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP"—refers to normal pool.

Permit No. E02-584—Attachment No. 3, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|-------------------------|---|-----------------------------------|--|
| Armstrong | Allegheny | 7 | 48.2 to 49.0 L and R | East Franklin Township Rayburn Township | | 12/05/07 |
| | | | 49.1 to 49.3 L | Rayburn Township | | 12/05/07 |
| | | 8 | 52.8 to 53.3 L | Boggs Township Washington Township | | 09/17/08 |
| | | | 53.3 to 54.0 L and R | Boggs Township Pine Township Washington Township | | 01/02/08 |
| | | | 55.0 to 55.2 L and R | Pine Township East Franklin Township | | 10/08/11 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

E02-919-A1. Tri-State River Products, Inc., Box 218, 334 Insurance Street, Beaver, PA 15009, in East Franklin and Pine Townships, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 9.1 inches; W: 12.4 inches). To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 55.0 to 55.2 right and left descending bank in East Franklin and Pine Townships, Armstrong County.

Permit No. E02-919—Attachment No. 1, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|--------------------|---|-----------------------------------|--|
| Allegheny | Allegheny | 4 | 26.4 to 26.7 L | Allegheny Township (Westmoreland County) | | 01/18/11 |
| | | | 26.8 to 27.2 R | Harrison Township | | 01/18/11 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

Permit No. E02-919—Attachment No. 2, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|--------------------|--|--|--|
| Beaver | Ohio | Montgomery | 19.2 to 20.2 R | Baden Borough | | 04/12/11 |
| | | | 20.6 to 21.6 R | Conway Borough Economy Borough | | 03/21/10 |
| | | | 21.0 to 21.1 L | Hopewell Township | Minimum 250 ft. Setback from NP shoreline. | 05/16/09 |
| | | | 21.1 to 21.3 L | Hopewell Township | | 05/16/09 |
| | | | 21.3 to 21.4 L | Hopewell Township Center Township | Minimum 250 ft. setback from NP shoreline. | 05/16/09 |
| | | | 21.4 to 21.6 L | Center Township | Minimum 200 ft. setback from NP shoreline. | 05/16/09 |
| | | | 21.6 to 21.7 L | Center Township | | 05/16/09 |

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------------|-------------------------|--|-----------------------------------|--|
| | | | 26.2 to 27.2 L and R | Beaver Borough Center Township Potter Township Vanport Borough | | 04/12/11 |
| | | | 31.0 to 31.4 R | Industry Borough | | 07/26/10 |
| | Ohio | New Cumberland | 35.5 to 36.0 L and R | Greene Township Midland Borough Shippingport Borough | | 03/21/10 |
| | | | 36.6 to 36.8 R | Midland Borough | | 05/22/08 |
| | | | 37.1 to 37.2 R | Midland Borough Ohio Borough | | 01/02/08 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP"—refers to normal pool.

Permit No. E02-919—Attachment No. 3, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|-------------------------|---|-----------------------------------|--|
| Armstrong | Allegheny | 7 | 48.2 to 49.0 L and R | East Franklin Township Rayburn Township | | 12/05/07 |
| | | | 49.1 to 49.3 L | Rayburn Township | | 12/05/07 |
| | | 8 | 52.8 to 53.3 L | Boggs Township Washington Township | | 09/17/08 |
| | | | 53.3 to 54.0 L and R | Boggs Township Pine Township Washington Township | | 01/02/08 |
| | | | 55.0 to 55.2 L and R | Pine Township East Franklin Township | | 10/08/11 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

E02-1326-A1. Glacial Sand and Gravel Company, P. O. Box 1022, Kittanning, PA 16201, in East Franklin and Pine Townships, **Armstrong County**, Pittsburgh ACOE District (Templeton, PA Quadrangle N: 9.1 inches; W: 12.4 inches). To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 55.0 to 55.2 right and left descending bank in East Franklin and Pine Townships, Armstrong County.

Permit No. E02-1326—Attachment No. 1, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|--------------------|---|-----------------------------------|--|
| Allegheny | Allegheny | 4 | 26.4 to 26.7 L | Allegheny Township Westmoreland County | | 01/18/11 |
| | | | 26.8 to 27.2 R | Harrison Township | | 01/18/11 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

Permit No. E02-1326—Attachment No. 2, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|-------------------------|--|--|--|
| Beaver | Ohio | Montgomery | 19.2 to 20.2 R | Baden Borough | | 04/12/11 |
| | | | 20.6 to 21.6 R | Conway Borough Economy Borough | | 03/21/10 |
| | | | 21.0 to 21.1 L | Hopewell Township | Minimum 250 ft. Setback from NP shoreline. | 05/16/09 |
| | | | 21.1 to 21.3 L | Hopewell Township | | 05/16/09 |
| | | | 21.3 to 21.4 L | Hopewell Township Center Township | Minimum 250 ft. setback from NP shoreline. | 05/16/09 |
| | | | 21.4 to 21.6 L | Center Township | Minimum 200 ft. setback from NP shoreline. | 05/16/09 |
| | | | 21.6 to 21.7 L | Center Township | | 05/16/09 |
| | | | 26.2 to 27.2 L and R | Beaver Borough Center Township Potter Township Vanport Borough | | 04/12/11 |
| | | | 31.0 to 31.4 R | Industry Borough | | 07/26/10 |
| | | | 35.5 to 36.0 L and R | Greene Township Midland Borough Shippingport Borough | | 03/21/10 |
| | | | 36.6 to 36.8 R | Midland Borough | | 05/22/08 |
| | | | 37.1 to 37.2 R | Midland Borough Ohio Borough | | 01/02/08 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP"—refers to normal pool.

Permit No. E02-1326—Attachment No. 3, Approved Dredging Areas by River Mile

| <i>County</i> | <i>River</i> | <i>Pool</i> | <i>River Miles</i> | <i>Municipalities</i> | <i>Comments/ Restrictions</i> | <i>Mussel Survey Expiration Date</i> |
|---------------|--------------|-------------|-------------------------|---|-----------------------------------|--|
| Armstrong | Allegheny | 7 | 48.2 to 49.0 L and R | East Franklin Township Rayburn Township | | 12/05/07 |
| | | | 49.1 to 49.3 L | Rayburn Township | | 12/05/07 |
| | | 8 | 52.8 to 53.3 L | Boggs Township Washington Township | | 09/17/08 |
| | | | 53.3 to 54.0 L and R | Boggs Township Pine Township Washington Township | | 01/02/08 |

| County | River | Pool | River Miles | Municipalities | Comments/ Restrictions | Mussel Survey Expiration Date |
|--------|-------|------|-------------------------|--|---------------------------|----------------------------------|
| | | | 55.0 to 55.2 L and R | Pine Township East Franklin Township | | 10/08/11 |

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

E65-911. Westmoreland County Department of Public Works, RDIC, Box 203, Greensburg, PA 15601. To construct and maintain a replacement bridge in Penn Township, **Westmoreland County**, Pittsburgh ACOE District (Irwin, PA Quadrangle N: 10.5 inches; W: 3.5 inches, Latitude: 40° 21' 25"; Longitude: 79° 38' 51"). To construct and maintain a replacement bridge with a span of 20' and an underclearance of 4.4' to convey the Harrison City—Export Road (County Road 193) across a UNT to Bushy Run (TSF), for the purpose of correction of roadway curvature deficiency, narrow lane widths and provide for a center turning lane. The project is located about 150' north of the intersection of County Road 193 and SR 31.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D15-396EA. Culbertson Realty Associates, LP, 1595 Paoli Pike, Suite 202, P. O. Box 1906, West Chester, PA 19380. West Brandywine Township, **Chester County**, ACOE Philadelphia District.

Project proposes to breach and remove Culbertson Village Dam across Culbertson Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 550 lineal feet of stream channel. The dam is located approximately 500 feet south of the intersection of Andover Drive and SR 322 (Wagontown, PA Quadrangle Latitude: 40° 03' 02"; Longitude: 75° 47' 35"). The project also proposes construction and maintenance of an 8-inch PVC sanitary sewer line crossing Culbertson Run (HQ-CWF) at a point located approximately 50 feet south of the intersection of Andover Drive and SR 322 (Wagontown, PA Quadrangle Latitude: 40° 03' 07"; Longitude: 75° 47' 37").

[Pa.B. Doc. No. 07-2153. Filed for public inspection November 30, 2007, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Notice to Rescind Technical Guidance

DEP ID: 257-2300-001. Title: Final Rulemaking: Chapter 245, Subchapters A and B (relating to general provisions; and certification program for installers and inspectors of storage tanks and storage tank facilities general certification requirements).

DEP ID: 257-2318-004. Title: Summary for the Permitting of Underground and Aboveground Storage Tank Systems and Facilities; Chapter 245, Subchapter C (relating to permitting of underground and aboveground storage tank systems and facilities).

DEP ID: 257-2318-002. Title: P. E. Certification for ASTs

DEP ID: 257-4180-003. Title: Strategy for Addressing the 1998 Federal and State Deadline for Upgrading Existing USTs

DEP ID: 257-2318-001. Title: ASNT Level II Certification

DEP ID: 257-0900-020. Title: Summary of the Technical Standards for USTs, Chapter 245, Subchapter E (relating to technical standards for underground storage tanks).

DEP ID: 257-0900-018. Title: Summary of Technical Requirements for ASTs, Chapter 245, Subchapter F (relating to technical standards for aboveground storage tanks and facilities).

DEP ID: 257-0900-019. Title: Summary of the Simplified Program for Small ASTs, Chapter 245, Subchapter G (relating to simplified program for small aboveground storage tanks).

DEP ID: 257-2318-003. Title: Upgrade Requirements Triggered by Substantial Modification of USTs

Description: The previous guidance documents were formerly issued by the Department to aid in the understanding of the Underground and Aboveground Storage Tank Regulations. When the Storage Tank Program amendments to Chapter 245 were published as final

rulemaking at 37 Pa.B. 5979 (November 10, 2007), the guidance documents identified previously became outdated and no longer valid. Contact: Questions concerning the rescission of the technical guidance documents listed previously should be directed to Raymond S. Powers, Department of Environmental Protection, Storage Tank Division, Rachel Carson State Office Building, 14th Floor, P. O. Box 8762, Harrisburg, PA 17105-8772, (717) 772-5834, rapowers@state.pa.us. Effective Date: December 1, 2007.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-2154. Filed for public inspection November 30, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charges or records either: a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Worker's Compensation Act (77 P.S. §§ 1—104.4 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to financial responsibility) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2006, through October 31, 2007, the consumer price index was 2.5%.

Accordingly, the Secretary provides notice that, effective January 1, 2008, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

| | |
|---|----------------------|
| | <i>Not to Exceed</i> |
| Amount charged per page for pages 1—20 | \$ 1.28 |
| Amount charged per page for pages 21—60 | \$.95 |
| Amount charged per page for pages 61—end | \$.32 |
| Amount charged per page for microfilm copies | \$ 1.88 |
| Flat fee for production of records to support any claim under Social Security | \$24.08 |
| Flat fee for supplying records requested by a district attorney | \$19.00 |
| * Search and retrieval of records | \$19.00 |

*NOTE: Federal regulations enacted under the Health Insurance Portability and Accountability Act (HIPAA) at 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, www.hhs.gov/ocr/hipaa.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department of Health is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Room 825, Health and Welfare Building, Harrisburg, PA 17120 or for speech and or hearing impaired persons, the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT) or V/TT (717) 783-6514.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2155. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.1, 553.31(b), 555.1, 557.1, 557.2 and 567.1.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2156. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Allegheny General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Allegheny General Hospital has requested an exception to the requirements of 28 Pa. Code §§ 103.1, 103.3—103.5 and 103.8—103.10.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2157. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Alle-Kiski Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Alle-Kiski Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.9.2.3.1.1(1)(2) (relating to

square footage), 3.9.2.3.1.3 (relating to vacuum outlets), 3.9.2.3 (relating to patient holding), 3.9.2.3.3.3 (relating to patient toilet room) and 3.9-2.5 (relating to support areas for patients).

Alle-Kiski Medical Center is also requesting exception to 28 Pa. Code § 101.31(7) (relating to hospital requirements).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2158. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Altoona Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Altoona Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 5.1.3.8(1) (relating to airborne infection isolation room) and 5.1.3.8(3)(a—d) (relating to secured holding room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2159. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Brownsville Tri-County Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brownsville Tri-County Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.1.1.1(1) (relating to maximum number of beds per room), 3.1.1.5(1) (relating to hand-washing station in the toilet room), 3.1.5.9(3) (relating to special bathing facilities), 5.1.3.7(1)(a) (relating to space requirements for examination room), 5.1.3.7(5)(e) (relating to decontamination capability), 5.1.3.9(4) (relating to scrub stations), 5.1.3.9(9) (relating to housekeeping room), 5.5.3.4 (relating to patient toilet), 5.5.8.3(1) (relating to hand-washing stations in procedure room), 5.11.2.5 (relating to support areas for staff), 6.2.2.11 (relating to vending devices) and 2.1.1.5(3) (relating to toilet room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2160. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of The Center for Specialized Surgery LP for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Center for Specialized Surgery LP has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2161. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 551.3

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions):

Eynon Surgery Center—PS3 patients
Endoscopy Center of Bucks County—PS3 patients
Valley View Surgical Center—PS3 and PS4 patients
Hypertension—Nephrology Associates, PC—PS3 and PS4 patients
Delaware Valley Nephrology & Associates—PS3 and PS4 patients

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and

require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2162. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Healthsouth Hospital of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Healthsouth Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 5.7.2.4(1) (relating to handwashing).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2163. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Northeast Regional Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Northeast Regional Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2164. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Robert Packer Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Robert Packer Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 5.3.3.2 (relating to postanesthetic care units).

Robert Packer Hospital has also requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2165. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Saint Catherine Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Saint Catherine Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2166. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Select Specialty Hospital—Johnstown for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Johnstown has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.1.1.5(2) (relating to hand washing in patient rooms) and 3.1.5.9(2) (relating to central bathing).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other

accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2167. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Somerset Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Somerset Hospital has requested an exception to the requirements of 28 Pa. Code §§ 138.15 and 138.18(b) (relating to high-risk cardiac catheterizations; and EPS studies).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2168. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of Surgery Center of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgery Center of Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 2.3.1.3(a) (relating to OR size).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2169. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of The Western Pennsylvania Hospital—Forbes Regional Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital—Forbes Regional Campus has requested an exception to the requirements of 28 Pa. Code §§ 103.1, 103.3—103.5, 103.8—103.10, 107.1, 107.11, 107.23, 107.25 and 107.26.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2170. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of The Western Pennsylvania Hospital—West Penn Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Western Pennsylvania Hospital—West

Penn Campus has requested an exception to the requirements of 28 Pa. Code §§ 103.1, 103.3—103.5, 103.8—103.10, 107.1, 107.11, 107.23, 107.25 and 107.26.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2171. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application of The Williamsport Hospital and Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Williamsport Hospital and Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 3.7.5.2.1.1 (relating to corridor width).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980,

V/TT (717) 783-6154 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2172. Filed for public inspection November 30, 2007, 9:00 a.m.]

Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, December 12, 2007, at 10 a.m., in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120.

For additional information or if you are a person with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Lewis Wolkoff, Bureau of Health Planning at (717) 772-5298, lwolkoff@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2173. Filed for public inspection November 30, 2007, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Menno Haven, Inc.
2075 Scotland Avenue
Chambersburg, PA 17201
FAC ID 132202

Menno Haven Penn Hall, Inc.
1425 Philadelphia Avenue
Chambersburg, PA 17201
FAC ID 064902

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Baldock Health Care Center
8850 Barnes Lake Road
North Huntingdon, PA 15642
FAC ID 020102

LaFayette Manor, Inc.
147 Lafayette Manor Road
Uniontown, PA 15401
FAC ID 120202

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2174. Filed for public inspection November 30, 2007, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on December 5, 2007, from 10 a.m. to 2 p.m., at the Civil War Museum, 1 Lincoln Circle, Harrisburg, PA 17103.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jessica Zilka, Public Health Educator, Health Education and Information Program, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2175. Filed for public inspection November 30, 2007, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, December 6, 2007, from 10 a.m. to 3 p.m., in the Administration Building, Conference Room B/C, Dixon University Center located at 2986 North Second Street, Harrisburg, PA 17110.

For additional information, or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Wendy Queen, Public Health Program Administrator, Division of Child and Adult Health Services at

(717) 772-2762 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2176. Filed for public inspection November 30, 2007, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Frederick Mennonite Community v. DEP; EHB Doc. No. 2007-253-L

Frederick Mennonite Community has appealed the issuance by the Department of Environmental Protection of NPDES permit to Frederick Mennonite Community for a facility in Upper Frederick Township, Montgomery 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. 07-2177. Filed for public inspection November 30, 2007, 9:00 a.m.]

Willow Creek, LLC v. DEP; EHB Doc. No. 2007-254-MG

Willow Creek, LLC has appealed the denial by the Department of Environmental Protection of an NPDES stormwater construction permit to Willow Creek, LLC for Ballymeade Subdivision 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. 07-2178. Filed for public inspection November 30, 2007, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on December 11, 2007, at 9:45 a.m. in Room 125C, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to participate should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the agency can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

Allegheny Plateau Region

1. *Mexican War Streets Historic District Boundary Increase*, roughly bounded by West North, Sandusky, Arch, and Alpine Streets, Pittsburgh, Allegheny County, No. 082601.

2. *Pittsburgh Plate Glass Building*, 632—642 Fort Duquesne Boulevard, Pittsburgh, Allegheny County, No. 004936.

3. *Lake City School*, 27586 Lake City Road, Spring Creek Township, Elk County, No. 114464.

Great Valley and Piedmont Region

4. *Gomery-Schwartz Autocar Building*, 130—140 North Broad Street, Philadelphia County, No. 052889.

5. *Heinrich Knauss House*, 152 East Main Street, Emmaus, Lehigh County, No. 101486.

Anthracite and Poconos Region

6. *Grace Episcopal Church*, 827 Church Street, Honesdale, Wayne County, No. 119183.

Ridge and Valley Region

7. *York Casket Company*, 700—710 Linden Avenue, York City, York County, No. 143024.

Southwestern Pennsylvania Region

No nominations.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 07-2179. Filed for public inspection November 30, 2007, 9:00 a.m.]

concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2181. Filed for public inspection November 30, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT**Alleged Violation of Insurance Laws; Jacqueline M. Taylor; Doc. No. SC-07-11-015**

Notice is hereby given of the Order to Show Cause issued on November 16, 2007, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: 40 P.S. §§ 310.11(20), 310.78(a).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn J. Culbertson, Disabilities Services Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2180. Filed for public inspection November 30, 2007, 9:00 a.m.]

Application for Approval to Acquire Control

Alleghany Insurance Holdings, LLC has filed an application for approval to acquire control of Homesite Insurance Company of Pennsylvania, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. §§ 991.1402—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a

Application for Voluntary Surrender of Certificate of Authority

Lakeland Insurance Company, a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department (Department) Certificate of Authority. Persons wishing to comment on the grounds of public or private interest concerning the surrender, are invited to submit a written statement to the Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Room 1345, Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2182. Filed for public inspection November 30, 2007, 9:00 a.m.]

Arson and Insurance Fraud Reporting; Notice No. 2007-06

This notice is issued to advise and remind insurers of their obligations under Pennsylvania law in the reporting of suspected arson and insurance fraud.

Arson and insurance fraud are recognized in Pennsylvania as serious crimes. Pennsylvania law explicitly requires insurer reporting of suspected arson (40 P.S. § 1610.3(b)(1)) and suspected insurance fraud (75 Pa.C.S. § 1817 and 18 Pa.C.S. § 4117) to a law enforcement agency for consideration of criminal investigation and prosecution. Pennsylvania law provides immunity to encourage and protect persons in that reporting. Accordingly, the Insurance Department releases the following guidance to insurers seeking to meet their statutory obligation for reporting of suspected arson and insurance fraud:

1. Each insurer has the burden of determining through their investigation when the probable cause of a fire loss is arson or when a reasonable basis exists to believe that insurance fraud has occurred, is occurring or is to occur.

2. Upon reaching such a determination, insurers will within 30 days make a written report of the suspected arson or insurance fraud to a Federal, State or local criminal law enforcement agency.

3. An insurer's entry of the suspected arson or suspected insurance fraud matter to a claims database or other information system serving the insurance industry will not in and of itself be viewed by the department as satisfying that insurer's statutory obligation to report suspected arson or insurance fraud to a criminal law enforcement agency.

4. Examination of insurer fraud control programs will include a review of insurer determination of suspected arson and insurance fraud, and a confirmation of the insurer's written reporting to a criminal law enforcement agency.

Questions regarding this notice may be addressed to the Chief, Anti-fraud Compliance Division, Bureau of Enforcement, Insurance Department, 12th Floor, Strawberry Square, Harrisburg, PA 17120 or ra-infraud@state.pa.us.

This notice supersedes the notice printed at 31 Pa.B. 5508 (September 29, 2001).

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2183. Filed for public inspection November 30, 2007, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Filing No. 1377-SEC65-EXCOMRATE-4/1/08; Application for Approval of Revised Rates for Community Rated 65 Special Program and Experience Rated 65 Special Program; Rate Filing

Blue Cross of Northeastern Pennsylvania has filed for approval revised rates for its community rated and experience rated 65 Special programs. The requested effective date of the revised rates is April 1, 2008. The most recent prior rate adjustment for this program took effect on January 1, 2006. The current and requested rates and the requested rate adjustment percentages are as follows:

| | <i>Current Rate</i> | <i>Proposed Rate</i> | <i>Rate Adjustment</i> |
|-----------------------------|---------------------|----------------------|------------------------|
| 65 Special Community Rated | \$69.95 | \$72.77 | 4.03% |
| 65 Special Experience Rated | \$72.45 | \$72.77 | 0.44% |

The composite impact of these proposed rate adjustments is approximately 2.34%. These changes would impact approximately 3,709 subscribers and would produce approximately \$74,000 in additional premium annually.

Unless formal administrative action is taken prior to February 14, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filings are also available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo,

Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2184. Filed for public inspection November 30, 2007, 9:00 a.m.]

Capital Blue Cross and Capital Advantage Insurance Company; Filing No. 07-MM; Application for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plans A, B, C and H; Rate Filing

Highmark, Inc. has filed for approval revised rates for its nongroup Medicare supplemental Security program. The aggregate rate increase requested is approximately 5.0%. The requested effective date of the revised rates is January 1, 2008. The most recent prior rate adjustment for this program took effect on January 1, 2006. The current and requested rates for First Eligible issues, and the requested rate adjustments, are as follows:

| <i>Standardized Benefit Plan</i> | <i>Current Rate</i> | <i>Proposed Rate</i> | <i>Rate Adjustment</i> |
|----------------------------------|---------------------|----------------------|------------------------|
| Plan A | \$88.43 | \$91.91 | 3.9% |
| Plan B | \$115.60 | \$119.08 | 3.0% |
| Plan C | \$136.40 | \$143.86 | 5.5% |
| Plan H w/Rx | \$209.46 | \$223.65 | 6.8% |
| Plan H w/o Rx | \$140.35 | \$151.45 | 7.9% |

These rate adjustments would affect approximately 34,371 members and would produce approximately \$2.8 million in additional premium annually.

Unless formal administrative action is taken prior to February 7, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2185. Filed for public inspection November 30, 2007, 9:00 a.m.]

Children's Health Insurance Program Advisory Council Meeting

The Insurance Department (Department) has scheduled a meeting of the Children's Health Advisory Council (Council) on Friday, December 7, 2007, at 1 p.m. in the Heritage B Conference Room, Lobby Level, 333 Market Street, Harrisburg, PA 17120. The Children's Health Care Act (40 P. S. §§ 991.2301—991.2361) charges the Council with the responsibilities of overseeing outreach activities and evaluating access and quality of service provided to children enrolled in the Children's Health Insurance Program. The public is invited to attend. Persons who need accommodations due to a disability who wish to attend the meeting should contact Kirk Montrose, Insurance Department, 1300 Strawberry Square, Harrisburg, PA 17120, (717) 214-4781, at least 24 hours in advance so that arrangements can be made.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2186. Filed for public inspection November 30, 2007, 9:00 a.m.]

Progressive Specialty Insurance Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On October 23, 2007, the Insurance Department (Department) received from Progressive Specialty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 5.3% increase amounting to \$9.233 million annually, to be effective February 1, 2008, for new business and March 12, 2008, for renewals.

Unless formal administrative action is taken prior to December 22, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-2187. Filed for public inspection November 30, 2007, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's Board of Directors on Tuesday, December 11, 2007, at 10:30 a.m. in the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 07-2188. Filed for public inspection November 30, 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 24, 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.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfers of rights as described under this application.

A-00124199. Billy L. Sankey, t/a Sankey's Amish Transportation (54 First Avenue, Greenville, Mercer County, PA 16125)—persons, in paratransit service, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Borough of Greenville and the Townships of Hempfield, Salem and Sugar Grove, Mercer County, and the Townships of East Fallowfield and West Fallowfield, Crawford County; and from said borough and townships to other points in Pennsylvania, and return; which is to be a transfer of all the right authorized under the certificate issued at A-00121046 to Gail DeEtta Stevenson, subject to the same limitations and conditions.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Podgorica, Inc.; Doc. No. A-00111461C0701

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Podgorica, Inc. (respondent) is under suspension effective 06/22/2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Podgorica, Inc., 8 Trent Road, Wynnewood, PA 19096.

3. That respondent was issued a Certificate of Public Convenience by this Commission on 7/30/2002 at Application Docket No. A-00111461.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00111461 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.*

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. USA Legal Services Trucking . . . ; Doc. No. A-00123349C0701

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to USA Legal Services Trucking . . . (respondent) is under suspension effective 05/08/2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at USA Legal Services Trucking . . . , 7601 Castor Avenue, Suite 200A, Philadelphia, PA 19152.

3. That respondent was issued a Certificate of Public Convenience by this Commission on 3/09/2007 at Application Docket No. A-00123349.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance and cargo insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00123349 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.*

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Owens, Brian J., t/a Owens, Brian J. Excavting, LLC; Doc. No. A-00123285 C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Owens, Brian J. (respondent) is under suspension effective 02/03/2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Owens, Brian J., t/a Owens, Brian J. Excavting, LLC, 1984 Jerry Run Road, Clearfield, PA 16830.

3. That respondent was issued a Certificate of Public Convenience by this Commission on 1/03/2007 at Application Docket No. A-00123285.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00123285 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements

herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.*

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2189. Filed for public inspection November 30, 2007, 9:00 a.m.]

Water Service

A-212285F0150. Pennsylvania-American Water Company and Mountain Top Estates Property Owners Association. Application of Pennsylvania-American Water Company and Mountain Top Estates Property Owners Association for approval of: 1) the transfer, by sale, of the water works property and rights of the Mountain Top Estates Property Owners Association to Pennsylvania-American Water Company; and 2) the commencement by Pennsylvania-American Water Company of water service to the public in additional portions of Middle Smithfield Township, Monroe County, presently being served by Mountain Top Estates Property Owners Association.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before December 17, 2007. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and by Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-2190. Filed for public inspection November 30, 2007, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 1:30 p.m. on December 5, 2007, at Woods Conference Room, Alumni Sports and Fitness Complex, Franklin and Marshall College, 929 Harrisburg Pike, Lancaster, PA. At the public hearing, the Commission will consider: 1) the approval of certain water resources projects; 2) enforcement actions involving three projects; 3) consideration of a request for an administrative hearing; 4) extension of two emergency water withdrawal certificates; and 5) revision of the Commission's current project fee schedule. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0423, Ext. 301, fax (717) 238-2436, ddickey@srbc.net.

In addition to the public hearing and its related action items identified, the business meeting also includes the following items on the agenda: 1) special recognitions for Pennsylvania Senator Noah Wenger and New York Alternate Commissioner Scott Foti; 2) a report on the present hydrologic conditions of the basin; 3) adoption of a final rulemaking for agricultural consumptive water use; 4) approval of certain low flow augmentation for agricultural consumptive use mitigation; 5) revision of aquifer test standards; 6) approval of the Fiscal Year 2007 independent audit; and 7) various contract and grant approvals.

Public Hearing—Projects Scheduled for Action:

1. Project Sponsor and Facility: Village of Waverly (Well 4), Tioga County, NY. Modification of groundwater approval (Doc. No. 20030207).

2. Project Sponsor and Facility: Snow Mountain, LLC, Scranton City, Lackawanna County, PA. Application to transfer approvals for surface water withdrawal of 7.300 mgd and consumptive water use of up to 1.600 mgd (Doc. No. 20030405).

3. Project Sponsor: Graymont (PA) Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Modification of consumptive water use approval (Doc. No. 20050306).

4. Project Sponsor: Glenn O. Hawbaker, Inc. Project Facility: Pleasant Gap Facility, Spring Township, Centre County, PA. Modification of consumptive water use approval (Doc. No. 20050307).

5. Project Sponsor: Parkwood Resources, Inc. Project Facility: Cherry Tree Mine, Burnside Township, Indiana and Clearfield Counties, PA. Application for consumptive water use of up to 0.225 mgd.

6. Project Sponsor and Facility: Mountainview Thoroughbred Racing Association, Inc., East Hanover Township, Dauphin County, PA. Modification of consumptive water use approval (Doc. No. 20020819).

7. Project Sponsor and Facility: King Drive Corp., Middle Paxton Township, Dauphin County, PA. Modification of consumptive water use approval (Doc. No. 20020615).

8. Project Sponsor and Facility: York Plant Holding LLC, Springettsbury Township, York County, PA. Application for consumptive water use of up to 0.575 mgd.

Public Hearing—Projects Scheduled for Enforcement Actions:

1. Project Sponsor and Facility: Cooperstown Dreams Park, Inc. (Doc. No. 20060602), Town of Hartwick, Otsego County, NY.

2. Project Sponsor: Sand Springs Development Corp. (Doc. No. 20030406). Project Facility: Sand Springs Golf Community, Butler Township, Luzerne County, PA.

3. Project Sponsor and Facility: BC Natural Chicken, LLC (Doc. No. 20040305), Bethel Township, Lebanon County, PA.

Public Hearing—Request for Administrative Hearing:

1. Project Sponsor: PPL Susquehanna, LLC. Project Facility: Susquehanna Steam Electric Station, Salem Township, Luzerne County, PA (Doc. No. 19950301).

Public Hearing—Extension of Emergency Water Withdrawal Certificates:

1. Project Sponsor and Facility: City of Lock Haven, Wayne Township, Clinton County, PA.

2. Project Sponsor and Facility: Houtzdale Municipal Authority (Doc. No. 19950101), Rush Township, Centre County, PA.

Public Hearing—Fee Schedule Revision:

Revise the project fee schedule to include escalations for the Consumer Price Index and the addition of a fee category for withdrawals less than 100,000 gpd.

Opportunity to Appear and Comment:

Interested parties may appear at the previous hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to

limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, ddickey@srbc.net. Comments mailed or electronically submitted must be received prior to December 5, 2007, to be considered.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: November 9, 2007.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 07-2191. Filed for public inspection November 30, 2007, 9:00 a.m.]

