

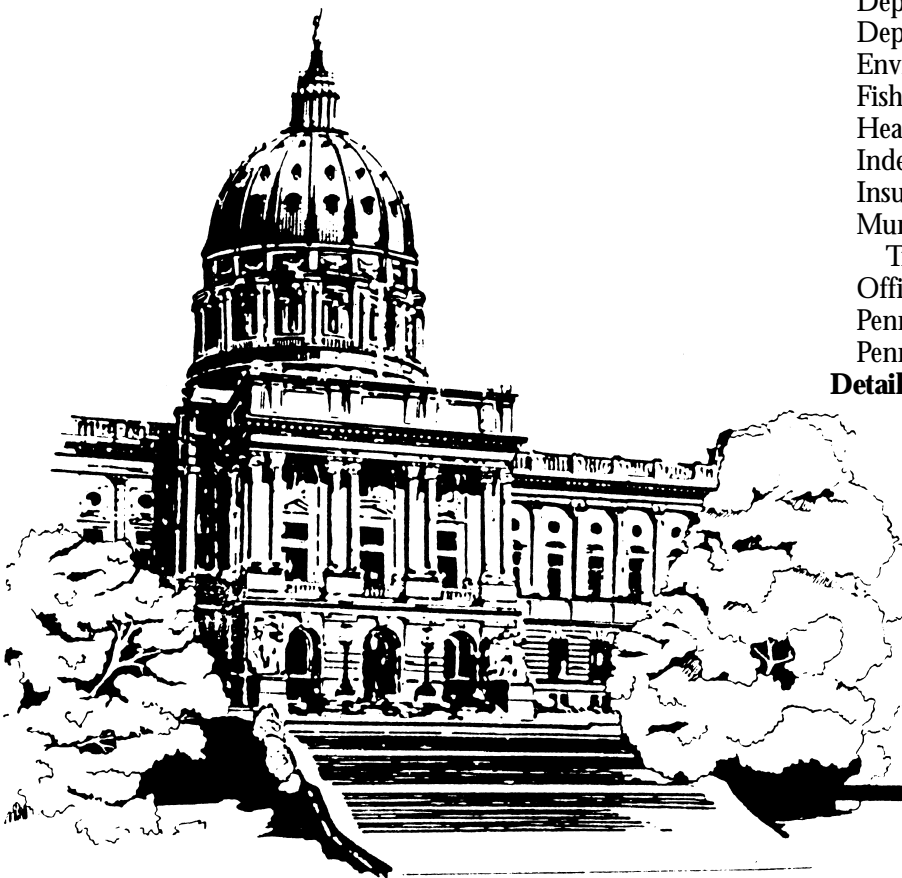
# PENNSYLVANIA BULLETIN

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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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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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 5 ..... 1025, 1303, 2409, 4178  
 6 ..... 4170  
 100 ..... 6396  
 400 ..... 6396  
 500 ..... 6392, 6396  
 900 ..... 6396

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**  
 1 ..... 1123, 1483, 4866  
 2 ..... 1483  
 3 ..... 1123, 4866  
 5 ..... 2506, 4866  
 6 ..... 1123  
 8 ..... 1123, 1483  
 11 ..... 1123

**Proposed Rules**

1 ..... 527, 1306  
 3 ..... 527  
 5 ..... 527  
 6 ..... 3096  
 11 ..... 943  
 12 ..... 943  
 13 ..... 943, 5976  
 14 ..... 943  
 15 ..... 943  
 16 ..... 943  
 17 ..... 943  
 18 ..... 943

**246 Pa. Code (Minor Court Civil Rules)****Adopted Rules**

100 ..... 2092

**249 Pa. Code (Philadelphia Rules)**

Unclassified ..... 2932, 6262

**252 Pa. Code (Allegheny Rules)**

Unclassified .....2411, 2933

**255 Pa. Code (Local Court Rules)**

Unclassified . . . . . 255, 400, 401, 404, 530, 670, 671, 761,  
 768, 770, 772, 773, 949, 950, 1026, 1124, 1215, 1216,  
 1414, 1642, 1962, 2094, 2095, 2096, 2289, 2509, 2510,  
 2681, 2684, 2800, 2802, 2803, 2939, 2940, 3227, 3228,  
 3229, 4430, 4517, 4617, 4618, 4750, 4975, 4985, 4986,  
 4988, 4995, 5253, 5524, 5594, 5596, 5737, 5743, 6263

# THE GENERAL ASSEMBLY

## Recent Actions during the 2007 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 059 through 061</b>					
059	Oct 25	HB1624	PN2077	60 days	William F. Gittler, Sr., Memorial Bridge—designation
060	Oct 25	HB1644	PN2119	Immediately	Dr. L. G. Guiser Memorial Highway—designation
061	Nov 1	HB1166	PN1640	60 days	Sergeant James R. Miller Memorial Highway—designation

\* denotes an effective date with exceptions

### Effective Dates of Statutes

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

### Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 07-2192. Filed for public inspection December 7, 2007, 9:00 a.m.]

# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

Amendment of Rule 701(A)(3) of the Rules of Judicial Administration; No. 310; Judicial Administration Doc. No. 1

### Order

*Per Curiam:*

And Now, this 20th day of November, 2007, Rule 701(A)(3) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

To the extent that notice of proposed rulemaking would be required by Rule 103 of the Pennsylvania Rules of Judicial Administration or otherwise, the immediate amendment of Rule 701(A)(3) is hereby found to be required in the interest of justice and efficient administration.

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

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 7. ASSIGNMENT OF JUDGES

##### ASSIGNMENT AND TRANSFER OF JUDGES

Rule 701. Assignment of judges to courts.

(A) [ *Conditions Applicable for the Certification of Senior District Justices, Judges or Justices.* ] Conditions applicable for the certification of senior magisterial district judges, judges or justices.

\* \* \* \* \*

(3) Senior status shall end on the last day of the calendar year in which a **magisterial** district judge, judge or justice attains age [ **seventy-five** ] **seventy-eight**; however, those serving in senior status as of the effective date of this rule who were previously excepted from the age seventy-five limitation pursuant to the amendment of January 1, 1999 may continue to serve until the last day of the calendar year in which they attain age eighty.

\* \* \* \* \*

[Pa.B. Doc. No. 07-2193. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL PROVISIONS

[ 231 PA. CODE CH. 1900 ]

Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation No. 92

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Penn-

sylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 15, 2008 directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, Pennsylvania 17055  
FAX (717) 795-2175  
E-mail: patricia.miles@pacourts.us

*By the Domestic Relations  
Procedural Rules Committee*

NANCY P. WALLITSCH, Esq.  
*Chair*

### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

##### CHAPTER 1900. ACTIONS PURSUANT TO THE PROTECTION FROM ABUSE ACT

Rule 1905. Forms for Use in PFA Actions. Notice and Hearing. Petition. Temporary Protection Order. Final Protection Order.

\* \* \* \* \*

(b) The petition in an action filed pursuant to the Act shall be substantially in the following form, **but the first page (paragraphs 1 through 4) must be exactly as set forth in this rule:**

[ (Caption)

#### PETITION FOR PROTECTION FROM ABUSE

1. Plaintiff's name is: \_\_\_\_\_

2. I am filing this petition on behalf of: Myself and/or  Another Person.

If you checked "myself," please answer all questions referring to yourself as "Plaintiff." If you checked "another person," please answer all questions referring to that person as the "Plaintiff," and provide your address here, unless confidential:

If you checked "Another Person," indicate your relationship with Plaintiff:

- parent of minor Plaintiff(s)
- applicant for appointment as guardian ad litem of minor Plaintiff(s)
- adult household member with minor Plaintiff(s)
- court appointed guardian of incompetent Plaintiff(s)

3. Name(s) of ALL person(s), including Plaintiff and minor children, who seek protection from abuse:

\_\_\_\_\_

\_\_\_\_\_

- 4.  Plaintiff's address is confidential or
- Plaintiff's address is:

\_\_\_\_\_

5. Defendant is believed to live at the following address:

Defendant's Social Security Number (if known) is:

\_\_\_\_\_

Defendant's date of birth is: \_\_\_\_\_

Defendant's place of employment is: \_\_\_\_\_

- Check here if you have reason to believe that Defendant is a licensed firearms dealer is employed by a licensed firearms dealer or manufacturer, is employed as a writer, researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.*
- Check here if Defendant is 17 years old or younger. ]*

(Editor's Note: The following new form is proposed to be adopted at final rulemaking.)

<b>PETITION FOR PROTECTION FROM ABUSE</b>	IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA NO. _____
---	--

**1. PLAINTIFF**

--	--	--

First Middle Last Plaintiff DOB

Plaintiff's Address:

Plaintiff's address is confidential or  Plaintiff's address is: \_\_\_\_\_

**V.**

**2. DEFENDANT**

--	--	--

First Middle Last Suffix

Defendant's Address:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

**CAUTION:**

- Weapon Involved**
- Weapon Present on the Property**
- Weapon Requested Relinquished**

Defendant's Place of employment is: \_\_\_\_\_

Check here if you have reason to believe that Defendant is a licensed firearms dealer, is employed by a licensed firearms dealer or manufacturer; is employed as a writer, researcher or technician in the firearms or hunting industry or is required to carry a firearm as a condition of employment.

**3. I am filing this Petition on behalf of:**  Myself and/or  Another Person

If you checked "myself", please answer all questions referring to yourself as "Plaintiff". If you ONLY checked "another person", please answer all questions referring to that person as the "Plaintiff", and provide your name and address here, as filer, unless confidential.

Filer's Name:

--	--	--

First Middle Last Suffix

Filer's Address is Confidential or  Filer's address is: \_\_\_\_\_

If you checked "Another Person", indicate your relationship with Plaintiff:

- parent of minor Plaintiff(s)
- applicant for appointment as guardian ad litem of minor Plaintiff(s)
- adult household member with minor Plaintiff(s)
- court appointed guardian of incompetent Plaintiff(s)

**4. Name(s) of All persons, including minor child/ren who seek protection from abuse:**

\_\_\_\_\_  
 \_\_\_\_\_

[ 6 ] 5. Indicate the relationship between Plaintiff and Defendant.

CHECK ALL THAT APPLY:

- spouse or former
- spouse of Defendant
- parent of a child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant
- Check here if Defendant is 17 years old or younger.**

[ 7 ] 6. Have Plaintiff and Defendant been involved in any of the following court actions?

- Divorce
- Custody
- Support
- Protection From Abuse

\* \* \* \* \*

[ 8 ] 7. Has Defendant been involved in any criminal court action? \_\_\_\_\_

\* \* \* \* \*

[ 9 ] 8. Plaintiff and Defendant are the parents of the following minor child/ren:

Name(s)	Age(s)	who reside at (list address unless confidential)
---------	--------	--

\_\_\_\_\_

[ 10 ] 9. If Plaintiff and Defendant are parents of any minor child/ren together, is there an existing court order regarding their custody? \_\_\_\_\_

\* \* \* \* \*

[ 11 ] 10. The following other minor child/ren presently live with Plaintiff:

\* \* \* \* \*

[ 12 ] 11. The facts of the most recent incident of abuse are as follows:

\* \* \* \* \*

[ 13 ] 12. If Defendant has committed prior acts of abuse against Plaintiff or the minor child/ren, describe these prior incidents, including any threats, injuries, or incidents of stalking, and indicate approximately when such acts of abuse occurred (attach additional sheets of paper if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ 14 ] 13. (a) Has Defendant used or threatened to use any firearms or other weapons against Plaintiff or the minor child/ren? If so, please describe the use or threatened use below and list on Attachment A to Petition, which is incorporated by reference into this petition, any firearms, other weapons or ammunition Defendant used or threatened to use against Plaintiff and/or the minor child/ren:

\* \* \* \* \*

[ 15 ] 14. Identify the sheriff, police department or law enforcement agency in the area in which Plaintiff lives that should be provided with a copy of the protection order:

\_\_\_\_\_  
\_\_\_\_\_

[ 16 ] 15. There is an immediate and present danger of further abuse from Defendant.

\* \* \* \* \*

(c) The Temporary Order of Court entered pursuant to the Act shall be substantially in the following form, but the first page must be exactly as set forth in this rule:

[ (Caption)

**TEMPORARY PROTECTION FROM ABUSE ORDER**

**Defendant's Name:** \_\_\_\_\_

**Defendant's Date of Birth:** \_\_\_\_\_

**Defendant's Social Security Number:** \_\_\_\_\_

**Names of All Protected Persons, including Plaintiff and minor child/ren:**

\_\_\_\_\_  
\_\_\_\_\_ ]

(Editor's Note: The following new form is proposed to be adopted at final rulemaking.)



<b>TEMPORARY PROTECTION FROM ABUSE ORDER</b> <input type="checkbox"/> Amended Order <input type="checkbox"/> Continued Order	IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA NO. _____
---	---

**PLAINTIFF**

First	Middle	Plaintiff DOB

Name(s) of All protected persons, including minor child/ren and DOB:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**V.**

**DEFENDANT**

First	Middle	Suffix

Defendant's Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DEFENDANT IDENTIFIERS			
DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

**CAUTION:**

- Weapon Involved
- Weapon Present on the Property
- Weapon Ordered Relinquished

**The Court Hereby Finds:** That it has jurisdiction over the parties and subject matter, and the Defendant will be provided with reasonable notice and opportunity to be heard.

**The Court Hereby Orders:**

- Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.
- Except for such contact with the minor child/ren as may be permitted under paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
- Additional findings of this order are set forth below.

**Order Effective Date** \_\_\_\_\_ **Order Expiration Date** \_\_\_\_\_

**NOTICE TO THE DEFENDANT**

Defendant is hereby notified that violation of this order may result in arrest for indirect criminal contempt, which is punishable by a fine of up to \$1,000 and/or up to six months in jail. 23 Pa.C.S.A. § 6114. Consent of Plaintiff to Defendant's return to the residence shall **not** invalidate this order, which can only be changed or modified through the filing of appropriate court papers for that purpose. 23 Pa.C.S.A. § 6108 (g). If Defendant is required to relinquish any firearms, other weapons or ammunition or any firearm license, those items must be relinquished to the sheriff within 24 hours of the service of this order. As an alternative, Defendant may relinquish any firearm, other weapon or ammunition listed herein to a third party provided Defendant and the third party first comply with all requirements to obtain a safekeeping permit. If, due to their current location, firearms, other weapons or ammunition cannot reasonably be retrieved within the time for relinquishment, Defendant shall provide an affidavit to the sheriff listing the firearms, other weapons or ammunition and their current location no later than 24 hours after the service of this order. Defendant is further notified that violation of this order may subject him/her to state charges and penalties under the Pennsylvania Crimes Code and to federal charges and penalties under the Violence Against Women Act, 18 U.S.C. § 2261-2262.

AND NOW, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, upon consideration of the attached Petition for Protection From Abuse, the court hereby enters the following Temporary Order:

**Plaintiff's request for a Temporary Protection Order is *denied*.**

**Plaintiff's request for a Temporary Protection Order is *granted*.**

1. Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.

2. Defendant is evicted and excluded from the residence at [NONCONFIDENTIAL ADDRESS FROM WHICH DEFENDANT IS EXCLUDED] or any other permanent or temporary residence where Plaintiff or any other person protected under this order may live. Plaintiff is granted exclusive possession of the residence. Defendant shall have no right or privilege to enter or be present on the premises of Plaintiff or any other person protected under this order.

3. Except for such contact with the minor child/ren as may be permitted under Paragraph 5 of this order, Defendant is prohibited from having ANY CONTACT with Plaintiff, or any other person protected under this order, either directly or indirectly, at any location, includ-

ing but not limited to any contact at Plaintiff's school, business, or place of employment. Defendant is specifically ordered to stay away from the following locations for the duration of this order:

\* \* \* \* \*

(e) The Final Order of Court entered pursuant to the Act shall be substantially in the following form, **but the first page must be exactly as set forth in this rule:**

**[ (Caption)**

**FINAL ORDER OF COURT**

**Defendant's Name:** \_\_\_\_\_

**Defendant's Date of Birth:** \_\_\_\_\_

**Defendant's Social Security Number:** \_\_\_\_\_

**Names and Dates of Birth of All Protected Persons, including Plaintiff and minor children:**

Names	Dates of Birth
_____	_____
_____	_____
_____	_____

**(Editor's Note:** The following new form is proposed to be adopted at final rulemaking.)

<b>FINAL PROTECTION FROM ABUSE ORDER</b> <input type="checkbox"/> Extended Order <input type="checkbox"/> Amended Order	IN THE COURT OF COMMON PLEAS OF _____ COUNTY, PENNSYLVANIA NO. _____
--	---

**PLAINTIFF**

--	--

First Middle Last Plaintiff DOB

Name(s) of All protected persons, including minor child/ren and DOB:

\_\_\_\_\_

\_\_\_\_\_

**V.**

**DEFENDANT**

--	--	--	--

First Middle Last Suffix

Defendant's Address:

\_\_\_\_\_

\_\_\_\_\_

**DEFENDANT IDENTIFIERS**

DOB		HEIGHT	
SEX		WEIGHT	
RACE		EYES	
HAIR			
SSN			
DRIVERS LICENSE #			
EXP DATE		STATE	

**CAUTION:**

- Weapon Involved
- Weapon Present on the Property
- Weapon Ordered Relinquished

**The Court Hereby Finds:** That it has jurisdiction over the parties and subject matter, and the Defendant has been provided with reasonable notice and opportunity to be heard.

**The Court Hereby Orders:**

- Defendant shall not abuse, harass, stalk or threaten any of the above persons in any place where they might be found.
- Except as provided in paragraph 5 of this order, Defendant shall not contact Plaintiff, or any other person protected under this order, by telephone or by any other means, including through third persons.
- Additional findings of this order are set forth below.

**Order Effective Date** \_\_\_\_\_ **Order Expiration Date** \_\_\_\_\_

**NOTICE TO THE DEFENDANT**

Violation of this order may result in your arrest on the charge of indirect criminal contempt which is punishable by a fine of up to \$1,000 and/or a jail sentence of up to six months. 23 PA C.S.A. §6114. Violation may also subject you to prosecution and criminal penalties under the Pennsylvania Crimes Code. A violation of this order may result in the revocation of the safekeeping permit, which will require the immediate relinquishment of your firearms, other weapons and ammunition to the sheriff. Plaintiff's consent to contact by Defendant shall not invalidate this order which can only be modified by further order of court. 23 PA C.S.A. § 6108(g).

This order is enforceable in all fifty (50) States, the District of Columbia, Tribal Lands, U.S. Territories and the Commonwealth of Puerto Rico under the Violence Against Women Act, 18 U.S.C. §2265. If you travel outside of the State and intentionally violate this order, you may be subject to federal criminal proceedings under that Act. 18 U.S.C §§2261-2262. If you possess a firearm or any ammunition while this order is in effect, you may be charged with a federal offense even if this Pennsylvania order does not expressly prohibit you from possessing firearms or ammunition. 18 U.S.C §922(g)(8).

## CHECK ALL THAT APPLY:

Plaintiff or Protected Person(s) is/are:

- spouse or former spouse of Defendant
- parent of a child with Defendant
- current or former sexual or intimate partner with Defendant
- child of Plaintiff
- child of Defendant
- family member related by blood (consanguinity) to Defendant
- family member related by marriage or affinity to Defendant
- sibling (person who shares parenthood) of Defendant
- current or former cohabitant (person who lives with) Defendant

Defendant was served in accordance with Pa.R.C.P. 1930.4 and provided notice of the time, date and location of the hearing scheduled in this matter.

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the court having jurisdiction over the parties and the subject-matter, it is ORDERED, ADJUDGED AND DECREED as follows:

\* \* \* \* \*

**Explanatory Comment—2008**

**The Protection From Abuse petition form, temporary order form and final order form are being modified to conform to the model template used in Project Passport. Project Passport was designed to improve recognition and enforcement of protection orders within and between states and tribes by encouraging states and tribes to adopt a recognizable first page for protection orders. Use of the model template is supported by the National Center for State Courts and the National American Indian Court Judges Association.**

**The critical aspects of the model template for the first page are common data elements jointly identified by multi-disciplinary teams. Using a recognizable first page for protection orders with this essential data readily available and easily recognizable on a protection order, particularly on "foreign protection orders," helps strengthen the safety net for domestic violence survivors and their children by offering greater consistency in the issuance and enforcement of protection orders.**

**Implementation of the model first page for Project Passport requires several changes to the Pennsylvania Protection From Abuse petition, temporary order and final order forms. The petition form caption, as well as the plaintiff's or filer's name, relationship to the plaintiff, names and dates of birth of the protected persons, plaintiff's address, defendant's address, social security number, place of employment, and age, were moved to the Project Passport first page. The petition paragraphs are also renumbered. On the temporary order and final order forms, the captions and the defendant's name, date of birth and social security number, as well as the names of the plaintiff and protected persons and dates of birth, were moved to the Project Passport first page. The Project Passport first page for the petition and temporary and final orders all include physical identifiers for the defendant and an indication if weapons were involved,**

**present on the property or relinquished. The first page of the final order also includes the effective and expiration dates of the protection order and the notice to the defendant.**

[Pa.B. Doc. No. 07-2194. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 500 ]

**Proposed Amendments to Pa.R.Crim.P. 513**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rule 513 to provide for (1) the temporary delay in the dissemination and (2) temporary sealing of arrest warrant information to the public prior to execution. This Supplemental Report resulted from the Committee's review of the correspondence received after publication of our original explanatory Report that explained the Committee's proposal for procedures for delay in dissemination of arrest warrant information only. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The text of the proposed amendments to Rule 513 precedes the Report. Additions are shown in bold and are underlined; deletions are in bold and brackets.

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

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

no later than Monday, January 14, 2008.

*By the Criminal Procedural Rules Committee:*

NICHOLAS J. NASTASI,  
*Chair*

**Annex A**

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

#### PART B(3). Arrest Procedures in Court Cases (a) Arrest Warrants

Rule 513. Requirements for Issuance; **dissemination of arrest warrant information; sealing of arrest warrant.**

**(A) Issuance of Arrest Warrant**

(1) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

**[ (B) ] (2)** No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

**[ (C) ] (3)** Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by any device which, at a minimum, allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

**[ (D) ] (4)** At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph **[ (B) ] (A)(2)**.

**(B) Dissemination of Arrest Warrant Information**

**(1)** At the request of the affiant or the attorney for the Commonwealth when an arrest warrant is issued following the filing of a complaint, the criminal complaint, the arrest warrant, and any affidavit(s) of probable cause shall not be made available by the court for inspection or dissemination until the warrant has been executed or 10 days after the warrant is issued, whichever occurs first.

**(2)** In those counties in which the attorney for the Commonwealth requires that complaints and arrest warrant affidavits be approved prior to filing as provided in Rule 507, only the attorney for the Commonwealth may request a delay in the dissemination of the criminal complaint, the arrest warrant, and any affidavit(s) of probable cause.

**(3)** The period of the delay in dissemination may not be extended for any reason. However, nothing in this rule prevents the sealing of an arrest warrant following the procedures in paragraph (C).

**(C) Sealing of Arrest Warrant**

**(1)** For purposes of this paragraph, "arrest warrant information" is defined as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, and any affidavit(s) of probable cause.

**(2) Prior to Execution of an Arrest Warrant:**

**(a)** At the request of the attorney for the Commonwealth, the arrest warrant information may be sealed upon good cause shown.

**(b)** When the attorney for the Commonwealth intends to request that the arrest warrant information be sealed,

**(i)** the complaint and the arrest warrant affidavit(s) shall be presented by the attorney for the Commonwealth to a judge of the court of common pleas or an appellate court justice or judge, and

**(ii)** the affidavit(s) for the arrest warrant shall include the facts and circumstances that are alleged to establish good cause for the sealing of the arrest warrant information.

**(c)** When the justice or judge seals the arrest warrant information, he or she shall also certify on the face of the warrant that for good cause shown

the arrest warrant information is sealed and shall remain sealed and shall state the length of time the warrant information will be sealed.

**(d)** The sealed arrest warrant information shall be filed with the clerk of courts in the judicial district in which the arrest warrant is issued unless otherwise ordered by the justice or judge.

**(e)** The arrest warrant information shall be sealed for a period of not more than 60 days, unless the time period is extended as provided in paragraph (f) or paragraph (g).

**(f)** Upon motion of the attorney for the Commonwealth for good cause shown, the justice or judge who sealed the arrest warrant information may extend the period of time that the warrant information will remain sealed. If the justice or judge is unavailable, another justice or judge shall be assigned to decide the motion.

**(g)** Upon motion for good cause shown, the justice or judge may grant an unlimited number of extensions of the time that the arrest warrant information shall remain sealed. Each extension shall be for a period of not more than 30 days.

**(h)** Upon motion of the attorney for the Commonwealth, the justice or judge shall order the arrest warrant information to be unsealed.

**(i) After the arrest warrant is executed:**

**(i)** a copy of the complaint, arrest warrant, and supporting affidavits shall be given to the defendant at the preliminary arraignment as provided in Rule 540, unless otherwise ordered as provided in paragraph (i)(ii).

**(ii)** Upon motion of the attorney for the Commonwealth, the justice or judge who issued the warrant, for good cause shown, may delay giving the defendant a copy of the sealed arrest warrant affidavit(s) for periods of not more than 30 days. In no case shall the delay extend beyond the date of the court arraignment.

**(iii)** If the justice or judge is unavailable, another justice or judge shall be assigned to decide the motion.

**(j)** If the motion requesting any extension pursuant to paragraphs (f) or (g) is granted, the motion and any record of the hearing on the motion shall be sealed and transmitted with the extension order to the clerk of courts.

**(k)** When the order sealing the affidavit(s) and any extensions thereof expires, the clerk of courts shall make the warrant information available for public inspection.

**(3) After Execution of an Arrest Warrant,**

**(a)** at the request of the attorney for the Commonwealth or the attorney for the defendant, the arrest warrant affidavit(s) of probable cause may be sealed upon good cause shown.

**(b)** When the attorney for the Commonwealth or the attorney for the defendant intends to request that the arrest warrant affidavit(s) of probable cause be sealed,

(i) arrest warrant affidavit(s) shall be presented by the attorney for the Commonwealth or the attorney for the defendant to a judge of the court of common pleas or an appellate court justice or judge, and

(ii) the affidavit(s) for the arrest warrant shall include the facts and circumstances that are alleged to establish good cause for the sealing of the arrest warrant affidavits.

(c) When the justice or judge seals the arrest warrant affidavits, he or she also shall issue an order stating that for good cause shown the arrest warrant affidavit(s) is sealed and shall remain sealed and shall state the length of time the affidavit(s) will be sealed.

(d) The court's order and the sealed arrest warrant affidavit(s) shall be filed with the clerk of courts in the judicial district in which the arrest warrant was issued unless otherwise ordered by the justice or judge.

(e) The arrest warrant affidavit(s) shall be sealed for a period of not more than 60 days or until the date of the court arraignment, whichever is shorter.

(h) Upon motion of the attorney for the Commonwealth or the attorney for the defendant, the justice or judge shall order the arrest warrant affidavit(s) to be unsealed.

(j) When the order sealing the affidavit(s) expires, the clerk of courts shall make the affidavit(s) available for public inspection.

#### Comment

This rule was amended in 2008 to add provisions concerning the delay in dissemination of warrant information and sealing the arrest warrant information. Paragraph (A) retains the existing requirements for the issuance of arrest warrants. Paragraph (B) establishes the procedures for a temporary delay in the dissemination of arrest warrant information prior to the execution of the warrant. Paragraph (C) establishes the procedures for temporarily sealing, for good cause shown, the criminal complaint, the arrest warrant, and the affidavit(s) supporting an arrest warrant, the "arrest warrant information."

#### Issuance of Arrest Warrants

Paragraph (A)(1) recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority prior to the issuance of the warrant. The language "sworn to before the issuing authority" contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. See paragraph [(C)] (A)(3).

\* \* \* \* \*

The "visual" requirement in paragraph [(C)] (A)(3) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received.

Under Rule 540, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

#### Delay in Dissemination of Arrest Warrant Information

Paragraph (B) was added in 2008 to address the potential dangers to law enforcement and the general public and the risk of flight when arrest warrant information is disseminated prematurely, that is prior to the execution of the arrest warrant. The paragraph provides that the affiant or the attorney for the Commonwealth may request the delay in dissemination of the criminal complaint, the arrest warrant and any affidavit(s) of probable cause for 10 days or until execution. Upon such request, the issuing authority must delay the dissemination. The provisions in the rule that any delay must be specifically requested by law enforcement and any delay is limited to pre-execution arrest warrants reduce the impact of the delay in the disclosure of the arrest warrant information upon the right of public access to warrant information.

Although paragraph (B) permits the filing of a request for delay in dissemination in any case in which an arrest warrant is issued following the filing of a complaint, it is expected that the procedure will be used most frequently in those cases in which arrest warrants are issued at the initiation of the case, either immediately or shortly after the filing of the complaint. In other words, cases in which a summons is issued as the original process but later an arrest warrant is issued may utilize the procedure in paragraph (B). However, the requester should recognize that information might have already been released to the public prior to the request.

Once the arrest warrant is executed, or when 10 days have elapsed from the issuance of the order and the warrant has not been executed, the information must be disseminated unless sealed pursuant to paragraph (C).

#### Sealing of Arrest Warrants

Paragraph (C) was added in 2008 to codify and further define the practice of temporarily sealing arrest warrants previously recognized in case law such as *Commonwealth v. Fenstermacher*, 515 Pa. 501, 530 A.2d 414 (1987). Unlike existing case law, which only addresses the sealing of arrest warrants after execution, the procedures in paragraph (C) apply to all arrest warrants.

Magisterial district judges, bail commissioners, and municipal court judges do not have authority to seal arrest warrant information. In cases in which it is believed that there is good cause to seal the arrest warrant information, the request for the warrant must be presented to a judge of the court of common pleas or a justice or judge of an appellate court.

Paragraph (C) establishes two procedures, recognizing that there will be a different purpose for the request to seal based upon the time when the request is made either prior to or after the execution of the warrant. The first procedure, contained in paragraph (C)(2), permits the attorney for the Commonwealth to request that the criminal complaint, the arrest warrant, and any affidavit of

probable cause be sealed. Ordinarily the sealing of arrest warrants under these procedures would be limited to cases in which there is concern that premature disclosure of the existence of the arrest warrant will endanger those serving the warrant or will impel the subject of the warrant to flee. Therefore, when determining whether good cause exists to seal the arrest warrant information, the justice or judge should consider whether revealing the information would encourage flight or resistance.

The procedure in paragraph (C)(2) may be used to seal an arrest warrant from the time the arrest warrant is issued or after the expiration of an order delaying dissemination of arrest warrant information under paragraph (B). In the former situation, the usual practice would be to request the arrest warrant information to be sealed in conjunction with the request for the warrant itself. In the latter situation, the request to seal would obviously be made separately.

Paragraph (C)(3) contains the second procedure that permits either the attorney for the Commonwealth or the attorney for the defendant to request the sealing of any affidavit(s) of probable cause. Ordinarily the sealing of arrest warrant affidavits under this procedure would be limited to cases in which there is concern that disclosure of the contents of affidavits to the public would prejudice the possibility of a fair trial or when there is information that might jeopardize an ongoing investigation or an informant.

Paragraphs (C)(2)(c) requires that the justice or judge issuing the warrant certify on the face of the warrant that for good cause shown the arrest warrant information was sealed, thereby giving notice of the sealing to the defendant. Since paragraph (C)(3)(c) contemplates that the sealing order will be issued only after the warrant has been executed, the judge must certify in the order that for good cause shown the arrest warrant affidavit(s) were sealed.

Unless the justice or judge orders otherwise, paragraphs (C)(2)(d) and (C)(3)(d) requires that the sealed arrest warrant information must be filed with the clerk of courts in the judicial district in which the arrest warrant is issued.

Under paragraph (C)(2), an order sealing the arrest warrant information is limited in duration to not more than 60 days. Extension of this period may be granted only upon the showing of good cause for the extension.

Under paragraph (C)(3), an order sealing the arrest warrant affidavit(s), is limited to a duration of not more than 60 days or until the date of the court arraignment, whichever is shorter. No extensions may be requested.

Paragraph (C)(2)(h) provides that the attorney for the Commonwealth may move to unseal the arrest warrant information and the judge or justice must order the information unsealed. Ordinarily, this will occur in circumstances in which law enforcement wishes to publicize the existence of a previously sealed warrant in order to obtain public assistance in the apprehension of the defendant. The judge or justice may not deny the motion.

When a sealed copy of the arrest warrant information has been given to the defendant, nothing in this rule is intended to preclude the attorney for the Commonwealth from requesting that the justice or judge issue a protective order to prevent or restrict the defendant from disclosing the arrest warrant or the contents of the affidavit. *See* Rule 573(F).

When the order sealing the arrest warrant information terminates, the clerk of courts must make the arrest warrant information available for inspection.

**Official Note:** Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; **amended** , **2008**, effective , **2008**.

*Committee Explanatory Reports:*

\* \* \* \* \*

**Report explaining the proposed amendments concerning procedures for delay in dissemination of arrest warrant information and for sealing arrest warrants published at 37 Pa.B. 4178 (August 4, 2007); Supplemental Report explaining the proposed amendments that would provide procedures for delay in dissemination and sealing of arrest warrant information published at 37 Pa.B. 6395 (December 8, 2007).**

#### SUPPLEMENTAL REPORT

##### *Proposed Amendments to Pa.R.Crim.P. 513*

##### **Delay in Dissemination Arrest Warrant Information; Sealing of Arrest Warrant information**

The Committee has examined the question of an issuing authority's obligation to disseminate arrest warrant information to the public prior to the execution of these warrants. This concern has been heightened by the increased level of automation of court records and increased accessibility of this information. The Committee recognizes that premature disclosure of arrest warrant information has the potential for injury or loss of life to the executing officers in addition to the possibility of flight on the part of the defendant. The Committee concluded that such disclosure was inappropriate and that reasonable limitations on pre-execution disclosure should be put into place, regardless of whether that information was disseminated electronically or was physically available for inspection at the issuing authority's office. As a result, in August 2007, the Committee published for comment a proposal that would have added a procedure for delaying the dissemination of pre-execution arrest warrant information.<sup>1</sup>

Based on comments received, the Committee realized that the limited procedure contemplated in the original proposal did not sufficiently address the safety needs that prompted the question nor ensure that the defendant's or the public's right to access were not unduly impinged. Among the questions raised by the Committee's proposal were: (1) whether there should be a specific time limit on the delay in dissemination after which the warrant information would be available to the public regardless of whether the warrant had been executed; (2) whether the issuing authority should have any discretion in granting

<sup>1</sup> The original Report was published at 37 Pa.B. 4178 (August 4, 2007).

a request for a hold on dissemination; (3) whether there should be a "good cause" requirement; and (4) whether the request should be limited to being made by the attorney for the Commonwealth.

The Committee concluded that the best method of addressing these questions was by the creation of a "two-tiered" system for access to arrest warrant information. The first tier would be an expedited procedure in which a brief delay in the dissemination of the warrant information could be granted by an issuing authority as an essentially ministerial function.

The second tier would be a procedure providing for the sealing of arrest warrants. This would be a more deliberative procedure with greater procedural safeguards. It would not necessarily be dependant upon the execution of the warrant. Furthermore, the procedure for sealing arrest warrants could be used to extend the time under which public access to arrest warrant information is limited or could be used as a sealing order from the start in those situations in which a higher degree of confidentiality was deemed necessary.

Detailing procedures for sealing arrest warrants would have the added benefit of providing definition to a practice currently established only in caselaw, *see Commonwealth v. Fenstermacher*, 515 Pa. 501, 530 A.2d 414 (1987).<sup>2</sup> The Committee determined that, while the authority of a court to seal arrest warrants was generally recognized, gaps exist in the practice. This point is highlighted in *Fenstermacher* that explicitly left open the question of public access to pre-execution arrest warrant information. The Committee believes that judges, practitioners, and the public would benefit from the clarity and uniformity that a detailed rule would provide as to how access to arrest warrant information may be restricted and the standards for determining if such restrictions should be granted. This clarity and uniformity would provide law enforcement and prosecutors with the tools to ensure public safety while ensuring that defense and public interests are protected.

Therefore, the Committee is proposing amendments to Rule 513 incorporating these principles. Rule 513 would be reorganized with the current text of the rule appearing as paragraph (A), titled "Issuance of Arrest Warrant." The first tier procedures would follow as paragraph (B), titled "Dissemination of Arrest Warrant Information" and the second tier would be placed in paragraph (C), titled "Sealing of the Arrest Warrant."

The paragraph (B) procedures for delay in dissemination are similar to the Committee's original proposal. An affiant or attorney for the Commonwealth may request that an issuing authority delay dissemination of arrest warrant information, in any form, to the public for 10 days only or until the warrant is executed, whichever occurs sooner. The delay may not be extended under this procedure. The issuing authority would not have discretion in granting the delay. It is contemplated that the criminal complaint, the arrest warrant itself, the affidavit of probable cause and the existence of the warrant are included in this limitation.

<sup>2</sup> In *Fenstermacher*, a newspaper filed a motion for access to the probable cause affidavits for an executed arrest warrant, the Supreme Court of Pennsylvania noted that there were important policy considerations which underlay a general right to public access to court records, such as discouraging perjury, enhancing police and prosecutorial performance, and promoting a public perception of fairness in the arrest warrant process. However, the Court found that the public's right to inspect judicial documents is not absolute and the decision regarding public access to arrest warrant affidavits is best left to the discretion of the court. The remedy the Court supported was to require that affidavits be sealed under a court order, not simply upon the request of one of the parties.

The delay in dissemination is intended to bind all court personnel. On the other hand, if law enforcement or the prosecution later determines that dissemination of the arrest warrant information would be beneficial, they may do so without seeking rescission of the delay order.

The paragraph (C) procedures for sealing arrest warrants are based upon those for sealing search warrants in Rule 211. They are intended to be used in those cases in which confidentiality of the arrest warrant information needs to be of longer duration or cases in which, from the outset, a higher level of protection is needed. The request must be made by an attorney for the Commonwealth, and may be made only in a court of record, usually the court of common pleas. The sealing order may be granted only upon a showing of good cause. A sealing order will last for 60 days with the possibility of obtaining an extension but only upon a further showing of good cause.

A distinction is made between requests made pre-execution and post-execution sealing. The reason for this distinction is that there will be a different purpose for the request to seal based upon the time when the request is made. Prior to execution, the primary concern will be preventing premature disclosure due to concerns over safety and risk of flight. In this situation, the request will be made on behalf of law enforcement and so the request is limited to the attorney for the Commonwealth. Post-execution requests will most likely be directed to preventing adverse pre-trial publicity or to protect an informant. Therefore, the rule would permit either the attorney for the Commonwealth or the defendant's attorney to make the request to seal.

When the arrest warrant information is sealed prior to execution, upon execution, a copy of the complaint, the arrest warrant, and any affidavits of probable cause shall be given to the defendant unless, for good cause shown, the court grants a delay.

When the arrest warrant affidavit(s) are sealed post-execution, the sealing order must be filed with the clerk of courts.

Unlike the delay in dissemination provisions which bind only the court, arrest warrant information that is sealed may not be divulged by any party until the expiration of the sealing order or until the court grants a request to unseal the arrest warrant information.

[Pa.B. Doc. No. 07-2195. Filed for public inspection December 7, 2007, 9:00 a.m.]

[ 234 PA. CODE CHS. 100, 400, 500 AND 900 ]  
**Proposed Revisions of the Comments to  
 Pa.Rs.Crim.P. 114, 430, 451, 509, 511, 536, 576,  
 907 and 908**

The Criminal Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania approve the revision of the Comments to Pa.Rs. Crim.P. 114, 430, 451, 509, 511, 536, 576, 907, and 908. The proposed Comment revisions make it clear that judicial districts may utilize the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.



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

The text of the proposed changes to the rules precedes the Report. Additions are shown in bold and are underlined; deletions are in bold and brackets.

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

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

no later than Friday, January 11, 2007.

By the Criminal Procedural Rules Committee:

NICHOLAS J. NASTASI,  
*Chair*

**Annex A**

**TITLE 23A. RULES OF CRIMINAL PROCEDURE  
CHAPTER 1. SCOPE OF RULES, CONSTRUCTION  
AND DEFINITIONS, LOCAL RULES**

**Rule 114. Orders and Court Notices: Filing Service;  
and Docket Entries.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Nothing in this rule is intended to preclude the use of automated or other electronic means for the transmission of the orders or court notices between the judge, court administrator, and clerk of courts, or for time stamping or making docket entries.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

\* \* \* \* \*

**Official Note:** Formerly Rule 9024, adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective as to cases in which the determination of guilt occurs on or after January 1, 1994; renumbered Rule 9025 and Comment revised June 2, 1994, effective September 1, 1994; renumbered Rule 114 and Comment revised March 1, 2000, effective April 1, 2001; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended July 20, 2006, effective September 1, 2006; **Comment revised , 2008, effective , 2008.**

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**CHAPTER 4 PROCEDURES IN SUMMARY CASES**

**PART D. Arrest Procedures in Summary Cases**

**PART D(1). Arrests With a Warrant**

**Rule 430. Issuance of Warrant.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

A bench warrant may not be issued under paragraph (B)(1) when a defendant fails to respond to a citation or summons that was served by first class mail. See Rule 451.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

\* \* \* \* \*

**Official Note:** Rule 75 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended January 31, 1991, effective July 1, 1991; amended April 18, 1997, effective July 1, 1997; amended October 1, 1997, effective October 1, 1998; amended July 2, 1999, effective August 1, 1999; renumbered Rule 430 and amended March 1, 2000, effective April 1, 2001; amended February 28, 2003, effective July 1, 2003; Comment revised August 7, 2003, effective July 1, 2004; Comment revised April 1, 2005, effective October 1, 2005; amended June 30, 2005, effective August 1, 2006; amended January 26, 2007, effective August 1, 2007; **Comment revised , 2008, effective , 2008.**

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**PART E. General Procedures in Summary Cases**

**Rule 451. Service.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (B) makes it clear that the issuing authority must only provide additional notice to a defendant by personal service or certified mail when a defendant fails to respond to a summons. It is intended that, when a defendant fails to appear for trial pursuant to a trial notice served by first class mail, the issuing authority need provide no further notice, but should proceed to conduct the trial in the defendant's absence pursuant to Rule 455.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

**Official Note:** Rule 80 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; amended February 1, 1989, effective July 1, 1989; Comment revised June 2, 1994, effective September 1, 1994;

renumbered Rule 451 and amended March 1, 2000, effective April 1, 2001; Comment revised March 3, 2004, effective July 1, 2004; **Comment revised , 2008, effective , 2008.**

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

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

**PART B(1). Complaint Procedures**

**Rule 509. Use of Summons or Warrant of Arrest in Court Cases.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Before a warrant may be issued pursuant to paragraph (2) (d) when a summons is returned undelivered, the summons must have been served upon the defendant by both first class mail and certified mail, return receipt requested as provided in Rule 511(A), and both the certified mail and the first class mail must have been returned undelivered. "Undelivered" includes a return receipt that is signed by someone other than the defendant.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

\* \* \* \* \*

**Official Note:** Original Rule 108 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 108 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 102 and amended September 18, 1973, effective January 1, 1974; amended December 14, 1979, effective April 1, 1980; Comment revised April 24, 1981, effective July 1, 1981; amended October 22, 1981, effective January 1, 1982; renumbered Rule 109 and amended August 9, 1994, effective January 1, 1995; renumbered Rule 509 and amended March 1, 2000, effective April 1, 2001; Comment revised August 24, 2004, effective August 1, 2005; amended June 30, 2005, effective August 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **Comment revised , 2008, effective , 2008.**

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**PART B(2). Summons Procedures**

**Rule 511. Service of summons; proof of service.**

\* \* \* \* \*

**Comment**

This rule was amended in 2004 to require that the summons be served by both first class mail and certified mail, return receipt requested.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

\* \* \* \* \*

**Official Note:** Original Rule 111, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 111 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 112 September 18, 1973, effective January 1, 1974; renumbered Rule 511 March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **Comment revised , 2008, effective , 2008.**

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**PART C(2). General Procedures in all Bail Cases**

**Rule 536. Procedures Upon Violation of Conditions: Revocation of Release and Forfeiture; Bail Pieces; Exoneration Of Surety.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (A)(1)(b) was amended and paragraph (A)(1)(d) was deleted in 2005 to make it clear that a warrant for the arrest of the defendant for failure to comply with a condition of bail is a bench warrant. For the procedures when a paragraph (A)(1)(b) bench warrant is executed, see Rule 150 (Bench Warrants). For the procedures for issuing a bench warrant when a defendant fails to appear for a preliminary hearing, see paragraph (D) of Rule 543 (Disposition of Case at Preliminary Hearing).

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

\* \* \* \* \*

**Official Note:** Former Rule 4016 adopted July 23, 1973, effective 60 days hence, replacing prior Rule 4012; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rule 4016. Present Rule 4016 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 536 and Comment revised March 1, 2000, effective April 1, 2001; amended March 2, 2004, effective July 1, 2004; Comment revised August 24, 2004, effective August 1, 2005; amended December 30, 2005,

effective August 1, 2006; Comment revised May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **Comment revised** , 2008, **effective** , 2008.

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**PART F(1). Motion Procedures**

**Rule 576. Filing and Service by Parties.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

See *Commonwealth v. Jones*, 549 Pa. 58, 700 A.2d 423 ([ Pa. ] 1997); and *Commonwealth v. Little*, 716 A.2d 1287 (Pa. Super. 1998) concerning the timeliness of filings by prisoners proceeding pro se (the "prisoner mailbox rule").

\* \* \* \* \*

A facsimile number or an electronic address set forth on letterhead is not sufficient to authorize service by facsimile transmission or other electronic means under paragraph (B)(2)(f). The authorization for service by facsimile transmission or other electronic means under this rule is document specific and only valid for an individual document. Counsel will have to renew the authorization for each document.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

\* \* \* \* \*

**Official Note:** Former Rule 9022 adopted October 21, 1983, effective January 1, 1984; amended March 22, 1993, effective January 1, 1994; amended July 9, 1996, effective September 1, 1996; renumbered Rule 576 and amended March 1, 2000, effective April 1, 2001. Former Rule 9023 adopted October 21, 1983, effective January 1, 1984; amended June 2, 1994, effective September 1, 1994; renumbered Rule 577 and amended March 1, 2000, effective April 1, 2001; rescinded March 2, 2004, effective July 1, 2004. Rules 576 and 577 combined and amended March 3, 2004, effective July 1, 2004; **Comment revised** , 2008, **effective** , 2008.

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**CHAPTER 9. POST-CONVICTION COLLATERAL PROCEEDINGS**

**Rule 907. Disposition Without Hearing.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Second or subsequent petitions will not be entertained unless a strong prima facie showing is offered to demonstrate that a miscarriage of justice may have occurred. See *Commonwealth v. Szuchon*, 534 Pa. 483, 486, 633 A.2d 1098, 1099 ([ Pa. ] 1993) (citing *Commonwealth v. Lawson*, 519 Pa. 504, 549 A.2d 107 ([ Pa. ] 1988)). This standard is met if the petitioner can demonstrate either: (1) that the proceedings resulting in the petitioner's conviction were so unfair that a miscarriage of justice occurred which no civilized society can tolerate; or (2) that the petitioner is innocent of the crimes charged. See *Commonwealth v. Szuchon*, 534 Pa. 483, 487, 633 A.2d 1098, 1100 ([ Pa. ] 1993).

\* \* \* \* \*

A PCRA petition may not be dismissed due to delay in filing except after a hearing on a motion to dismiss. See 42 Pa.C.S. § 9543(b) and Rule 908.

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

**Official Note:** Previous Rule 1507 adopted January 24, 1968, effective August 1, 1968; rescinded December 11, 1981, effective June 27, 1982; rescission vacated June 4, 1982; amended January 28, 1983, effective July 1, 1983; rescinded February 1, 1989, effective July 1, 1989, and not replaced. Present Rule 1507 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 907 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2008, **effective** , 2008.

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**Rule 908. Hearing.**

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Except as provided in Rule 902(E)(2) for first counseled petitions in death penalty cases, no discovery is permitted at any stage of the proceedings, except upon leave of the court with a showing of exceptional circumstances. See 42 Pa.C.S. § 9545(d)(2).

**Nothing in this rule is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt, when using certified mail, return receipt requested.**

**Official Note:** Rule 1508 adopted February 1, 1989, effective July 1, 1989; amended August 11, 1997, effective immediately; renumbered Rule 908 and amended March 1, 2000, effective April 1, 2001; **Comment revised** , 2008, **effective** , 2008.

*Committee Explanatory Reports:*

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**Report explaining the proposed revision of the Comment concerning the United States Postal Service's return receipt electronic option published at 37 Pa.B. 6400 (December 8, 2007).**

**REPORT**

*Revisions of the Comments to Pa.Rs.Crim.P. 114, 430, 451, 509, 511, 536, 576, 907, and 908*

**Electronic Return Receipts**

The Committee has received a number of inquiries from clerks of courts and district court administrators asking whether, when the Criminal Rules require that service of a document be by certified mail return receipt requested, the United States Postal Service's electronic return receipt service satisfies these rules' requirements. The correspondents explained that, when a user elects to use the United States Postal Service's electronic return receipt service, the post office will notify the sender by email that the document has been delivered. The notice provides the date and time of delivery, the city, state, and zip code where the delivery was made, and the name of the individual who signed the return card. If the sender subsequently would require a copy of the actual return card, the "green card," the post office will provide the card for an additional cost. The correspondents emphasized that the benefit of this electronic option is that it significantly reduces the costs of sending certified mail and provides an earlier return receipt.

During its discussions about the electronic return receipt service, the Committee acknowledged that the purpose of the certified mail requirements in the rules is to ensure service, see, e.g., Rules 114(B)(3)(a)(v), 536(A)(2)(b), 576(B)(2)(e), 907(4), and 908(E), and to provide proof of service, see, e.g., Rules 430(B)(1)(a), 451(B), 509 Comment, and 511(A) and (B). The Committee agreed that the Postal Service's electronic return receipt service, as explained above, satisfies these rules' service and notice requirements. In addition, the Committee noted the definitions of "copy"<sup>1</sup> and "signature"<sup>2</sup> in

<sup>1</sup>"COPY is an exact duplicate of an original document, including any required signatures, produced through mechanical or electronic means, and includes, but is not limited to: carbon copies; copies reproduced by using a photocopy machine, by transmission using facsimile equipment, or by scanning into and printing out of a computer."

<sup>2</sup>"SIGNATURE, when used in reference to documents generated by the minor judiciary or court of common pleas, includes a handwritten signature, a copy of a handwritten signature, a computer generated signature, or a signature created,

Rule 103 accommodate the electronic return of the certified mail return receipt.

Although the rules do not prohibit the use of this new technology, because the rules are silent, the Committee continues to receive inquiries about this issue. Accordingly, the members agreed that the rules should specifically recognize the Postal Service's return receipt electronic option. To accomplish this, the Committee is proposing a revision of the Comments to the rules requiring certified mail return receipt requested making it clear that nothing in the rules is intended to preclude a judicial district from utilizing the United States Postal Service's return receipt electronic option, or any similar service that electronically provides a return receipt,<sup>3</sup> when using certified mail, return receipt requested.

[Pa.B. Doc. No. 07-2196. Filed for public inspection December 7, 2007, 9:00 a.m.]

## ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

### Video Conferencing Equipment Purchases

The Administrative Office of Pennsylvania Courts announces a project to supply video conferencing hardware, software, implementation services, maintenance and support to Magisterial District Judges throughout Pennsylvania to enable Preliminary Arraignments to be held by means of live video conferences. For more information and specifications visit [www.courts.state.pa.us/index/Aopc/ITDept/VideoConferencingRFP.asp](http://www.courts.state.pa.us/index/Aopc/ITDept/VideoConferencingRFP.asp).

ZYGMENT A. PINES,  
*Court Administrator of Pennsylvania*

[Pa.B. Doc. No. 07-2197. Filed for public inspection December 7, 2007, 9:00 a.m.]

transmitted, received, or stored by electronic means, by the signer or by someone with the signer's authorization, unless otherwise provided in these rules."

<sup>3</sup>For example, United Parcel Service provides a comparable service for electronic return receipts.

# RULES AND REGULATIONS

## Title 37—LAW

### MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION [ 37 PA. CODE CH. 203 ]

#### Administration of the Training Program

##### *Description and Purpose*

The State Police, Municipal Police Officers' Education and Training Commission (Commission) amends 37 Pa. Code § 203.11(a)(6) (relating to qualifications) to allow licensed physician's assistants and certified nurse practitioners to conduct physical examinations, which is consistent with current medical practice.

##### *Statutory Authority*

The amendment is authorized under 53 Pa.C.S. § 2164 (1), (8) and (14) (relating to powers and duties of commission).

##### *Effect*

This final-form rulemaking will affect recruits, out-of-State police officers seeking training waivers and certified schools.

##### *Effective Date/Sunset Date*

The amendment will be effective immediately upon final-form adoption. These regulations are continually monitored and updated as needed. Therefore, no sunset date has been set.

##### *Regulatory Review*

On July 10, 2006, copies of the proposed rulemaking were delivered to the Independent Regulatory Review Commission (IRRC) and the Majority and Minority Chairpersons of the House Judiciary Committee and the Senate Committee on Law and Justice. Notice of the proposed rulemaking was published at 36 Pa.B. 3828 (July 22, 2006) and provided for a 30-day comment period. The Commission received no comments from the public, IRRC or the House or the Senate Committees.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.1)), this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC, effective October 17, 2007.

##### *Contact Person/Public Comment*

The contact person is Syndi L. Guido, Policy Director, State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. Persons with a disability that requires an alternative format of this document (that is, large print, audio tape, Braille) may contact Syndi Guido so that she may make the necessary arrangements.

##### *Findings*

The Commission finds that:

(1) Public notice of intention to adopt this amendment 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 no comments were received.

(3) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statute.

##### *Order*

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

(a) The regulations of the Municipal Police Officers' Education and Training Commission, 37 Pa. Code Chapter 203, are amended by amending § 203.11 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

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

COL. JEFFREY B. MILLER,  
*Commissioner*

*(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).)

**Fiscal Note:** Fiscal Note 17-73 remains valid for the final adoption of the subject regulation.

#### Annex A

#### TITLE 37. LAW

#### PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

#### Subpart A. MUNICIPAL POLICE OFFICERS' TRAINING PROGRAM

#### CHAPTER 203. ADMINISTRATION OF THE TRAINING PROGRAM

#### Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

#### § 203.11. Qualifications.

(a) Except as provided in subsection (b), persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

\* \* \* \* \*

(6) Be personally examined by a physician, physician's assistant, or certified nurse practitioner who is licensed in this Commonwealth. The examination must include the following:

\* \* \* \* \*

[Pa.B. Doc. No. 07-2198. Filed for public inspection December 7, 2007, 9:00 a.m.]

# Title 58—RECREATION

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 69 ]

### Fishing; Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) amends Chapter 69 (relating to fishing in Lake Erie and boundary lakes). 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, and not upon publication in the *Pennsylvania Bulletin* as stated in the notice of proposed rulemaking.

#### B. Contact Person

For further information on the final-form rulemaking, contact Laurie E. Shepler, 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](http://www.fish.state.pa.us).

#### C. Statutory Authority

The addition of § 69.3 (relating to transportation of VHS-susceptible fish out of the Lake Erie watershed) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

#### D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the new regulation is described in more detail under the summary of changes.

#### E. Summary of Changes

An infectious fish disease, caused by a variant of Viral Hemorrhagic Septicemia (VHS) Virus, has caused mortalities in the Great Lakes. Fish mortalities, where VHS has been isolated, have been confirmed since as early as 2003. Mortalities of muskies, yellow perch and gizzard shad were reported from Lake St. Clair, the St. Clair River in Michigan and western Lake Erie near Detroit in the spring of 2006. As spring progressed, freshwater drum, white bass and yellow perch mortalities were reported from western and central Lake Erie, including areas near the Pennsylvania/Ohio border. The disease was also reported from Lake Ontario. In 2007, VHS was confirmed in Lake Michigan, several inland lakes in Wisconsin and the New York Finger Lakes. Other variants of VHS known from Europe and the western United States have caused significant mortality in hatchery fish.

On October 24, 2006, the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) issued an emergency order prohibiting the importation of certain live fish species from the Canadian provinces of Ontario and Quebec into the United States. In addition, export of live fish of 37 VHS-susceptible species was prohibited from the eight Great Lake boundary states: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin. On November 14, 2006, APHIS issued an amended order that allowed restricted movement under requirements for testing and certification that fish are VHS-free. On May 4, 2007, APHIS further amended the order to allow for catch and release fishing activities.

In an effort to contain this disease, the Commission proposed to make it unlawful to transport live fish out of the Pennsylvania portion of the Lake Erie watershed. A notice of proposed rulemaking was published at 37 Pa.B. 1218 (March 17, 2007). By separate notice published at 37 Pa.B. 731 (February 10, 2007), the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to make it unlawful to transport or cause the transportation of live fish out of the Pennsylvania portion of the Lake Erie watershed. The temporary modification went into effect immediately and will remain in effect until January 1, 2008.

It should be noted that the notice of proposed rulemaking and the Executive Director's temporary modification of fishing regulations were broadly crafted to address not only VHS, but other diseases and invasive species as well. However, it has become increasingly apparent to the Commission that VHS is an issue that must be addressed separately and that the broader issue of invasive species and diseases other than VHS will have to be addressed as part of a separate rulemaking package at a later date.

Subsequent to the Commission's publication of a notice of proposed rulemaking and the Executive Director's action to temporarily modify the regulations, other Great Lakes states have been developing and promulgating regulations. In those states, certification of fish and fish production facilities, as having tested and found negative for VHS, is a frequent basis for permitting the transport and introduction of susceptible fish species. Therefore, the Commission modified the proposed regulation on final-form rulemaking to allow the transportation of VHS-susceptible fish out of the Lake Erie watershed when one of the following conditions is met:

- (1) The fish are being transported to a disease testing facility.
- (2) The fish are from a group of fish certified as having been tested and test results were negative for VHS based on approved testing protocols.
- (3) The fish are from a fish production facility certified as having been tested and test results were negative for VHS based on approved testing protocols.
- (4) The fish are being transported to a slaughter facility, processing plant or restaurant.
- (5) The fish are dead, recreationally caught fish that are being transported solely for human consumption.

Species of fish that are susceptible to VHS will be defined by the Commission by notice published in the *Pennsylvania Bulletin*. Initially, the list will contain the following fish species: black crappie (*Pomoxis nigromaculatus*), bluegill (*Lepomis macrochirus*), bluntnose minnow (*Pimephales notatus*), brown bullhead (*Ictalurus nebulosus*), brown trout (*Salmo trutta*), burbot (*Lota lota*), channel catfish (*Ictalurus punctatus*), chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), emerald shiner (*Notropis atherinoides*), freshwater drum (*Aplodinotus grunniens*), gizzard shad (*Dorosoma cepedianum*), herring (*Clupea spp*), largemouth bass (*Micropterus salmoides*), muskellunge (*Esox masquinongy*), northern pike (*Esox lucius*), pink salmon (*Oncorhynchus gorbuscha*), pumpkinseed (*Lepomis gibbosus*), rainbow trout (*Oncorhynchus mykiss*), redbreast sunfish (*Moxostoma spp*), rock bass (*Ambloplites rupestris*), smallmouth bass (*Micropterus dolomieu*), walleye (*Sander vitreus*), white bass (*Morone chrysops*), white perch (*Morone americana*), whitefish (*Coregonus spp*) and yellow perch (*Perca flavescens*).

The Commission also adopted restrictions on the use of VHS-susceptible fish, parts thereof or their eggs as fishbait in Commonwealth waters outside the Lake Erie watershed.

Commission staff met on several occasions with staff from the Department of Agriculture (Department) in an effort to develop a coordinated approach for dealing with VHS. There is a significant amount of overlap in the jurisdictional responsibilities of the agencies. The Commission has broad jurisdiction under the code, and the Department has jurisdiction under both the Domestic Animal Law and the Aquacultural Development Law. By notice published at 37 Pa.B. 5534 (October 13, 2007), the Department issued a quarantine order that addresses intraState and interstate movement of VHS-susceptible species of fish by propagators and dealers registered with the Department. This order is consistent with the Commission's new regulation. It is the intent of the Commission to continue to work with the Department so that the agencies have a common approach for addressing this issue.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 37 Pa.B. 1218 (March 17, 2007), and the Commission did not receive any public comments regarding the proposal.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the regulation 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 no comments were received.

(3) The adoption of the regulation 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 69, are amended by adding § 69.3 to read as set forth in Annex A.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

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

(d) This order shall take effect on January 1, 2008.

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

**Fiscal Note:** Fiscal Note 48A-191 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. Fishing**

**CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES.**

**§ 69.3. Transportation of VHS-susceptible fish out of the Lake Erie watershed.**

(a) For purposes of this section, species of fish that are susceptible to Viral Hemorrhagic Septicemia (VHS) are those species that the Commission has defined as such by notice published in the *Pennsylvania Bulletin*.

(b) It is unlawful to transport or cause the transportation of VHS-susceptible species of fish out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except when one of the following conditions is met:

(1) The fish are being transported to a disease testing facility and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing.

(2) The fish are from a group of fish certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department of Agriculture (Department) and approved by the Commission. Persons selling the fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish owned or kept at the place of sale.

(3) The fish are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Artificial propagation facilities shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification report for the facility.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

(c) It is unlawful to use VHS-susceptible species of fish, parts thereof or their eggs taken from the Lake Erie watershed as fishbait in Commonwealth waters outside the Lake Erie watershed except when the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS.

[Pa.B. Doc. No. 07-2199. Filed for public inspection December 7, 2007, 9:00 a.m.]

**FISH AND BOAT COMMISSION**  
**[ 58 PA. CODE CH. 111 ]**  
**Boating; Special Regulations Counties**

The Fish and Boat Commission (Commission) amends 58 Pa. Code Chapter 111 (relating to special regulations counties). 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 immediately upon publication in the *Pennsylvania Bulletin*.

*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) 705-7827. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

*C. Statutory Authority*

The amendments to §§ 111.20 and 111.33 (relating to Crawford County; and Jefferson County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

*D. Purpose and Background*

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

*E. Summary of Changes*

(1) *Section 111.20.* The Commission received a petition to amend the regulations to increase the horsepower limit on Sugar Lake, Crawford County, from the current 6 horsepower to 10 horsepower. The Commission directed staff to prepare a report with recommendations concerning the merits of the petition. The staff report was considered and reviewed by the Boating Advisory Board (Board), and the Board recommended that the horsepower be increased as proposed by the petitioner. The increase in horsepower is consistent with other lakes in Crawford County. At a subsequent meeting, the Board again considered this item and recommended that the Commission adopt the amendment on final rulemaking. On final-form rulemaking, the Commission adopted the proposed amendment as set forth in the notice of proposed rulemaking.

(2) *Section 111.33.* Cloe Lake, Jefferson County, is a Commission-owned lake. Under § 53.8(a) (relating to boats), the operation of internal combustion engines is prohibited on Commission lakes. In accordance with this regulation, Cloe Lake has been regulated as an electric motors only lake. A recent review of the Commission's regulations in Chapter 111 revealed that they do not include Cloe Lake as being electric motors only, which would be made explicit by the amendment. The Board considered this item and recommended that the Commission adopt the amendment on final rulemaking. On final-form rulemaking, the Commission adopted the proposed amendment 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.

*G. Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

*H. Public Involvement*

A notice of proposed rulemaking was published at 37 Pa.B. 1218 (March 17, 2007). With respect to the proposed amendment for Sugar Lake, the Commission received the following comments: two public comments before the official public comment period opposing the proposed amendment; two public comments during the official public comment period opposing it; and 39 public comments well after the official public comment period, two of which supported it and 37 of which were opposed. The majority of the comments in opposition cited negative environmental impacts and increased boat traffic on a small lake as the reason for their opposition. No comments were received with respect to the proposed amendment for Cloe Lake. Copies of all public comments were provided to the Commissioners.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the amendments 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 amendments 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 111, are amended by amending §§ 111.20 and 111.33 to read as set forth at 37 Pa.B. 1218.

(b) The Executive Director will submit this order and 37 Pa.B. 1218 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. 1218 and deposit them with the Legislative Reference Bureau as required by law.

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

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

**Fiscal Note:** Fiscal Note 48A-189 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-2200. Filed for public inspection December 7, 2007, 9:00 a.m.]



# PROPOSED RULEMAKING

## DEPARTMENT OF EDUCATION

[ 22 PA. CODE CH. 711 ]

### Charter School and Cyber Charter School Services and Programs for Children with Disabilities

The Department of Education proposes to amend Chapter 711 (relating to charter school and cyber charter school services and programs for children with disabilities) to read as set forth in Annex A. The Department is acting under the authority of sections 1732-A(c)(2) and 1749-A(b)(8) of the Charter School Law (24 P. S. §§ 17-1732-A(c)(2) and 17-1749-A(b)(8)).

This proposed rulemaking establishes procedures for the education of students with disabilities who attend public charter schools or cyber charter schools, and sets forth requirements and procedures for the delivery of services and programs for the students. This proposed rulemaking is promulgated to facilitate compliance with Federal statute, regulations and court decrees that apply to students with disabilities. Chapter 14 (relating to special education services and programs) which governs programs for students with disabilities who are served by school districts, does not apply to students with disabilities who attend charter schools and cyber charter schools. Instead, these schools must follow the regulations of the Department of Education in Chapter 711, as required by section 1732-A(b) of the Charter School Law.

Representatives of the Department held five regional public roundtable meetings during December 2006 and January 2007 when stakeholders were provided an opportunity to discuss the issues and share their concerns about charter schools and cyber charter schools. These roundtable meetings were conducted immediately following roundtable meetings for other regulations, Chapter 14 and Chapter 16 (relating to special education for gifted students), thereby, expanding the awareness of stakeholders regarding the roundtable discussions.

Notices of the meetings were distributed to individuals and organizations who asked to be included on the Department's stakeholder list. Notice was sent to charter school and cyber charter school chief executive officers, superintendents, intermediate unit executive directors, area vocational school directors and others by means of the Department's PennLINK email system. Public notice was posted on the Department's website. A number of large Statewide education associations alerted their members and others about the meetings through their email distribution lists, websites and publications.

The Department heard from over 50 individuals and organizations throughout this process.

#### *Purpose*

The proposed revisions to Chapter 711 are designed to align the chapter with the Individuals with Disabilities Education Improvement Act (IDEA) (20 U.S.C.A. §§ 1400—1419), as amended December 3, 2004, and related Federal regulations, and applicable provisions of Pennsylvania statutes.

The revised Federal regulations are adopted by reference in this chapter. The Department determined that many areas in the Federal rules are sufficiently detailed to provide for effective implementation and, therefore, are proposed to be incorporated by reference.

Additional language is proposed in this chapter where Federal rules require greater detail for implementation or State statute requires regulation.

This rulemaking will become part of the eligibility grant application to the United States Department of Education under IDEA. The Commonwealth must demonstrate a good faith effort to align its policies with IDEA and its implementing regulations to be eligible to receive Federal funds. Copies of the eligibility grant application will be made available to the public through the Department of Education.

#### *Requirements of the Proposed Rulemaking*

The proposed rulemaking defines terms related to special education for charter schools and cyber charter schools and outlines the Department's authority to assure charter schools' compliance with the Federal laws, regulations and court decrees as they apply to children with disabilities. The proposed rulemaking adopts specific terminology; specifies time lines for development and implementation of Individualized Education Program (IEP) plans; requires timely access to instructional materials for students who are blind or visually impaired; and, specifies criteria for the determination of students with specific learning disabilities. In addition, the proposed rulemaking incorporates requirements for the transportation of students to charter schools and cyber charter schools, as specified by State law. Major elements of the proposed rules include:

#### *§ 711.1. Definitions.*

The definition of "cyber charter school" which is used throughout the chapter where the term charter school appears. This change reflects the amendment of section 17-1749-A(b)(8) of the Charter School Law (24 P. S. § 17-1749-A(b)(8)) by adding provisions regarding cyber charter schools and making cyber charter schools subject to this chapter.

#### *§ 711.2. Purposes and intent.*

This section specifies the intent to comply with the IDEA, IDEA 2004 and its August 2006 implementing regulations and indicates intent for students to have access to the general curriculum and assessments and support for charter schools and cyber schools providing early intervening (prereferral intervention).

#### *§ 711.3. Incorporation of Federal regulations.*

References to Federal regulations are updated.

#### *§ 711.5. Personnel.*

Language was added regarding the qualifications of educational interpreters in conformity with the criteria adopted by the State Board of Education under the Sign Language Interpreter/Transliterator State Registration Act (63 P. S. §§ 1725.1—1725.12).

#### *§ 711.10. Complaint procedure.*

Language was added that directs the Department to establish a complaint procedure consistent with Federal regulations and to disseminate notice of the procedure.

*§ 711.22. Reevaluation.*

This section was revised to clarify that students have the right to be reevaluated annually, upon request of a parent or teacher but that more frequent reevaluation may occur only if the parents and school agree.

*§ 711.23. Screening.*

This section clarifies requirements for charter schools and cyber charter schools to establish systems for the initial screening of students before making referrals for special education evaluation. The section also clarifies the procedures charter schools and cyber charter schools must follow if they provide early intervening services (prereferral intervention) to struggling students. The early intervening services are not required, but, if the charter school or cyber charter school provides the services, the school must conduct the services in accordance with these requirements.

*§ 711.24. Evaluation.*

This section requires copies of the evaluation report to be disseminated to parents at least 10 school days prior to the meeting of the individualized education program (IEP) team, unless this requirement is waived by a parent in writing.

*§ 711.25. Criteria for the determination of Specific Learning Disabilities.*

As required by IDEA 2004, the proposed rulemaking establishes criteria that charter schools and cyber charter schools must follow when establishing procedures for determining whether students have specific learning disabilities.

*§ 711.41. IEP.*

This section requires transition planning to occur when the student reaches age 14 and requires IEP implementation within 10 days of completion of the IEP.

*§ 711.42. Transportation.*

The proposed amendment clarifies transportation requirements based on amendments to the Charter School Law since the initial promulgation of this chapter. The proposed rulemaking indicates school districts must provide transportation to students with disabilities and to protected handicapped students under Section 504 who are enrolled in a charter school. This includes transportation to an extended school year program, if that program is held at the charter school. If modifications or accommodations, to the transportation are required, including bus aides, the provisions of the modifications or accommodations are the responsibility of the charter school. The proposed rulemaking also clarifies that cyber charter school students are not required to attend a specific facility to receive their educational services and, therefore, the district of residence is not required to provide transportation for cyber charter school students.

*§ 711.45. Access to instructional materials.*

As required by Federal regulations, the Department has established standards for instructional materials in alternative formats by adopting the National Instructional Materials Accessibility Standard as defined in 20 U.S.C.A. § 1474(e)(3)(B). The Federal regulations require the State's adoption of this requirement.

*§ 711.46. Behavior support.*

This section establishes positive rather than negative measures will be required; prohibits certain aversive

techniques and inappropriate use of restraints; and, establishes notification requirements when a student has been injured.

*§ 711.62. Procedural safeguards.*

Language has been added in this section to clarify that due process hearings, appeal panel proceedings and hearing officers are subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure). It also incorporates IDEA requirements for resolution sessions for parents of children with disabilities and permits parent advocates to attend resolution sessions and provides for new time lines for due process hearings, consistent with Federal law. The proposal also provides for a student to remain in a current educational program (pendency) during mediation and allows parent advocates to attend resolution sessions.

*Affected Parties*

Students who need or may need special education services and programs who are enrolled in charter schools and cyber schools will be affected by this proposal. The proposal also will affect parents and guardians of those students by guaranteeing their participation in the process of determining services and programs that best meet the needs of their child. The Department, charter schools and cyber charter schools will be affected through compliance with the regulations.

*Cost and Paperwork Estimates*

The proposed rulemaking will not result in significant added costs or savings to either the Department or charter schools and cyber charter schools since they reflect existing Federal or State requirements.

Specific criteria for the identification of students with learning disabilities and specific attributes of early intervening services are added, consistent with IDEA. The regulations emphasize the use of scientifically based instruction prior to identifying a student as having a learning disability. In addition, the regulations also permit the use of prereferral intervention (early intervening services) to help struggling students. The procedures for identifying students with learning disabilities will require schools to document the instruction provided to students prior to referral.

Requirements for the access to instructional materials as required by IDEA are added. The resource center is funded by the Federal government. This requirement is not anticipated to add costs to charter schools or cyber charter schools.

*Effective Date*

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

*Sunset Date*

This chapter will be subject to sunset review by the Department on December 31, 2012, to determine its effectiveness in implementing the underlying State and Federal statutes and regulations.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 28, 2007, the Department submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

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

*Public Comments and Contact Person*

Interested individuals and organizations may access the proposed amendments at [www.pabulletin.com](http://www.pabulletin.com). The current Chapter 711 regulations may be accessed at: [www.pacode.com](http://www.pacode.com). The Federal regulations adopted by reference may be found at: <http://idea.ed.gov/explore/home>.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Dr. Linda O. Rhen, Department of Education. Comments may be sent by means of mail or email. Comments sent by mail should be sent to 333 Market Street, Harrisburg, PA 17126-0333. Comments sent by e-mail should be sent to [RA-Chapter711@state.pa.us](mailto:RA-Chapter711@state.pa.us). Public comments must be received within 30 days following publication in the *Pennsylvania Bulletin*.

Persons with disabilities needing an alternative means of providing public comment may make arrangements by calling Dr. Linda O. Rhen at (717) 783-5786 or TTY (717) 783-8445.

GERALD L. ZAHORCHAK,  
*Secretary*

**Fiscal Note:** 6-308. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 22. EDUCATION**

**PART XX. CHARTER SCHOOLS**

**CHAPTER 711. CHARTER SCHOOL AND CYBER CHARTER SCHOOL SERVICES AND PROGRAMS FOR CHILDREN WITH DISABILITIES**

**GENERAL [ PROVISION ] PROVISIONS AND SUPERVISION**

**§ 711.1. Definitions.**

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

\* \* \* \* \*

*Child with a disability*—As defined in [ 34 CFR 300.7 ] 34 CFR 300.8 (relating to child with a disability).

*Cyber charter school*—An independent public school established and operated under a charter from the Department and which uses technology to provide a significant portion of its curriculum and to deliver a significant portion of instruction to its students through the Internet or other electronic means. A cyber charter school shall be organized as a public, nonprofit corporation. Cyber charters may not be granted to any for-profit entity.

\* \* \* \* \*

*IDEA*—Individuals with Disabilities Education Improvement Act (20 U.S.C.A. §§ 1400—1485).

\* \* \* \* \*

*Regional charter school*—An independent public school established and operated under a charter from more than one local board of school directors and in which students are enrolled or attend. **A regional charter school shall be organized as a public, nonprofit corporation. Charters may not be granted to any for-profit entity.**

\* \* \* \* \*

**§ 711.2. Purposes and intent.**

(a) This chapter specifies how the Commonwealth, through the Department, will meet its obligation to ensure that charter schools **and cyber charter schools** comply with [ the ] IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities), and Section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance).

(b) This chapter does not prevent a charter school **or cyber charter school** and a school district from entering into agreements regarding the provision of services and programs to comply with this chapter, whether or not the agreements involve payment for the services and programs by the charter school **or the cyber charter school**.

(c) Charter schools **and cyber charter schools** are exempt from Chapter 14 (relating to special education services and programs). See 24 P. S. § 17-1732-A.

(d) **Children with disabilities shall have access to the general curriculum, and participate in State and local assessments as established and described in Chapter 4 (relating to academic standards and assessment).**

(e) **The Department supports the use of pre-referral intervention strategies, in accordance with 34 CFR 300.226 (relating to early intervening services) and as outlined in § 711.23(c) (relating to screening) to promote students' success in the general education environment.**

**§ 711.3. Incorporation of Federal regulations.**

(a) Charter schools **and cyber charter schools** assume the duty to ensure that a FAPE is available to a child with a disability in compliance with [ the ] IDEA and its implementing regulations in 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) and [ section ] Section 504 and its implementing regulations in 34 CFR Part 104 (relating to nondiscrimination on the basis of handicap in programs and activities receiving federal financial assistance).

(b) [ The requirements of 34 CFR Part 300 are incorporated by reference as follows:

- (1) 300.3 (relating to regulations that apply).
- (2) 300.4—300.26.
- (3) 300.28 and 300.29 (relating to supplementary aids; and transition services).
- (4) 300.121—300.125.
- (5) 300.138 (relating to participation in assessments).

(6) 300.139 (relating to reports relating to assessments).

(7) 300.300 (relating to provision of FAPE).

(8) 300.302—300.309.

(9) 300.312 and 300.313 (relating to children with disabilities in public charter schools; and children experiencing developmental delays).

(10) 300.320 and 300.321 (relating to initial evaluations; and reevaluations).

(11) 300.340 (relating to definitions related to IEPs).

(12) 300.342—300.346.

(13) 300.347(a) and (b) (relating to content of IEP).

(14) 300.348—300.350 (relating to agency responsibilities for transition services; private school placements by public agencies; and IEP accountability).

(15) 300.401 (relating to responsibility of State educational agency).

(16) 300.403 (relating to placement of children by parents if FAPE is at issue).

(17) 300.500—300.515.

(18) 300.519—300.529.

(19) 300.531—300.536.

(20) 300.540—300.543.

(21) 300.550—300.553.

(22) 300.560—300.573.

(23) 300.574(a) and (b) (relating to children's rights).

(24) 300.576 (relating to disciplinary information) ]

The requirements of 34 CFR Part 300 (relating to assistance to states for the education of children with disabilities) as published at 64 FR 46450—46845 (August 14, 2006) are incorporated by reference, as follows:

(i) 34 CFR 300.4—300.8(a) and (c) (relating to act; assistive technology device; assistive technology service; charter school; and child with a disability).

(ii) 34 CFR 300.9—300.15 (relating to consent; core academic subjects; day; business day; school day; educational service agency; elementary school; equipment; and evaluation).

(iii) 34 CFR 300.17—300.19 (relating to free appropriate public education; highly qualified special education teachers and homeless children).

(iv) 34 CFR 300.22 and 300.23 (relating to individualized education program; and individualized education program team).

(v) 34 CFR 300.27—300.30 (relating to limited English proficient; local educational agency; native language; and parent).

(vi) 34 CFR 300.32—300.37 (relating to personally identifiable; public agency; related services; scientifically based research; and secondary school).

(vii) 34 CFR 300.39 (relating to special education).

(viii) 34 CFR 300.41—300.45 (relating to State educational agency; supplementary aids and services; transition services; universal design and ward of the state).

(ix) 34 CFR 300.101 and 34 CFR 300.102 (relating to free appropriate public education (FAPE); and exception to FAPE for certain ages).

(x) 34 CFR 300.104—300.108 (relating to residential placement; assistive technology; extended school year services; nonacademic services; and physical education).

(xi) 34 CFR 300.113 and 300.114(a)(2) (relating to routine checking of hearing aids and external components of surgically implanted medical devices; and general LRE requirements).

(xii) 34 CFR 300.115—300.117 (relating to continuum of alternative placements; placements; and nonacademic settings).

(xiii) 34 CFR 300.122 (relating to evaluation).

(xiv) 34 CFR 300.148 (relating to children with disabilities enrolled by their parents in private schools when FAPE is at issue).

(xv) 34 CFR 300.160 (relating to participation in assessments).

(xvi) 34 CFR 300.172 (relating to access to instructional materials).

(xvii) 34 CFR 300.174 (relating to prohibition on mandatory medication).

(xviii) 34 CFR 300.207 (relating to personnel development).

(xix) 34 CFR 300.210—300.213 (relating to purchase of instructional materials; information for SEA; public information; and records regarding migratory children).

(xx) 34 CFR 300.226 (relating to early intervening services).

(xxi) 34 CFR 300.300 and 300.301 (relating to parental consent and initial evaluations).

(xxii) 34 CFR 300.302—300.307(a)(1)(2) and (b) (relating to screening for instructional purposes is not evaluation; reevaluations; valuation procedures; additional requirements for evaluations and reevaluations; determination of eligibility; and specific learning disabilities).

(xxiii) 34 CFR 300.308—300.311 (relating to additional group members; determining the existence of a specific learning disability; observation; and specific documentation for the eligibility determination).

(xxiv) 34 CFR 300.320—300.325 (relating to definition of individualized education program; IEP team; parent participation; when IEPs must be in effect; development, review and revision of IEP; and private school placement by public agencies).

(xxv) 34 CFR 300.327 and 300.328 (relating to educational placements; and alternative means of meeting participation).

(xxvi) 34 CFR 300.501—300.508 (relating to opportunity to examine records; parent participation in meetings; independent education evaluation; prior notice by the public agency; content of notice;

procedural safeguards notice; electronic mail; mediation; filing a due process complaint; and due process complaint).

(xxvii) 34 CFR 300.510—300.516 (relating to resolution process; impartial due process hearing; hearing rights; hearing decisions; finality of decisions, appeal and partial review; timelines and convenience of hearings and reviews; and civil action).

(xxviii) 34 CFR 300.518(a), (b) and (d) and 300.519 (relating to child’s status during proceedings; and surrogate parents).

(xxix) 34 CFR 300.530—300.537 (relating to authority of school personnel; determination of setting; appeal; placement during appeals; protections for children not determined eligible for special education and related services; referral to and action by law enforcement and judicial authorities; change of placement because of disciplinary removals; and state enforcement mechanisms).

(xxx) 34 CFR 300.610—300.625 (relating to confidentiality of information; definitions; notice to parents; access rights; record of access; records on more than one child; list of types and locations of information; fees; amendment of records at parent request; opportunity for hearing; result of hearing; hearing procedures; consent; safeguards; destruction of information; and children’s rights).

(c) The requirements of 34 CFR Part 104 are incorporated by reference as follows:

\* \* \* \* \*

(2) 104.4—104.8, regarding discrimination prohibited; assurances required; remedial action; designation of responsible employee; and notice.

\* \* \* \* \*

(5) 104.21—104.37 regarding accessibility.

§ 711.4. Supervision.

(a) The Commonwealth, through the Department will provide general supervision of special education services and programs provided under this chapter to ensure that charter schools and cyber charter schools comply with § 711.3 (relating to incorporation of Federal regulations).

(b) The Department will supervise charter schools’ and cyber charter schools’ compliance with [ the ] IDEA in accordance with the policies and procedures in the Department’s IDEA grant application under 34 CFR 300.100 (relating to eligibility for assistance) and as approved by the United States Department of Education.

(c) Charter schools and cyber charter schools shall:

\* \* \* \* \*

§ 711.5. Personnel.

(a) *Appropriate certification required.* Persons who provide special education or related services to children with disabilities in charter schools and cyber charter schools shall have appropriate certification, notwithstanding section 1724-A of the act (24 P. S. § 17-1724-A).

(b) **Educational interpreters.** To serve as an educational interpreter at a charter school or cyber charter school, consistent with the Sign Language Interpreter/Transliterator State Registration Act (63 P. S. §§ 1725.1—1725.12), an individual shall meet the qualifications in paragraph (1) or (2) and paragraph (3):

(1) Achieve and provide evidence of a score of 3.5 on the Educational Interpreter Performance Assessment (EIPA) for the appropriate grade level to which the person has been assigned.

(2) Be a qualified educational interpreter or qualified transliterator under the Sign Language Interpreter or Transliterator State Registration Act and its implementing regulations.

(3) Provide evidence of a minimum of 20 hours of staff development activities relating to interpreting or transliterating services annually.

(c) The Department, in consultation with the State Board of Education will review the EIPA score requirement every 2 years.

§ 711.6. Annual report.

(a) The annual report required under section 1728-A(b) of the act (24 P. S. § 17-1728-A(b)) [ shall ] must include:

\* \* \* \* \*

(2) The services, programs and resources being implemented by the charter school or cyber charter school staff.

(3) The services and programs utilized by the charter school or the cyber charter school through contracting with another public agency, other organizations or individuals.

(4) The services and programs utilized by the charter school or the cyber charter school through the assistance of [ the ] an intermediate unit [ in which the charter school is located ] as prescribed under [ section ] sections 1725-A(a)(4) and 1744-A(3) of the act (24 P. S. §§ 17-1725-A(a)(4) and 1744-A(3)).

(5) Staff training in special education utilized by the charter school or the cyber charter school through the Department’s training and technical assistance network and intermediate unit.

(b) The annual report [ shall ] must include an assurance that the charter school or the cyber charter school is in compliance with Federal laws and regulations governing children with disabilities and the requirements of this chapter.

(c) The annual report [ shall ] must include the age and type of exceptionality for each enrolled child with a disability; the level of intervention provided to each child with a disability; certification of staff providing services to each child with a disability; and programs and services available to children with a disability.

§ 711.7. Enrollment.

(a) A charter school or cyber charter school may not deny enrollment or otherwise discriminate in its admission policies or practices on the basis of a child’s disability or the child’s need for special education or supplementary aids or services.

(b) Subject to subsection (a), a charter school or cyber charter school may limit admission to a particular grade level or areas of concentration of the school such as mathematics, science or the arts. A charter school or cyber charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school charter.

(c) A charter school **or cyber charter school** may not discriminate in its admission policies or practices on the basis of intellectual ability. Admission criteria may not include measures of achievement or aptitude.

#### § 711.8. Education records.

(a) When the educational records for a child with a disability are transferred from a public agency, private school, approved private school or private agency, to a charter school **or cyber charter school**, the public agency, private school, approved private school or private agency from which the child transferred shall forward all of the child's educational records, including the most recent IEP, within 10 days after the public agency, private school, approved private school or private agency is notified in writing that the child is enrolled in a charter school **or cyber charter school**.

(b) When the educational records for a child with a disability are transferred to a public agency, private school, approved private school or private agency from a charter school **or cyber charter school**, the charter school **and cyber charter schools** shall forward the child's educational records, including the most recent IEP, within 10 school days after the charter school **or cyber charter school** is notified in writing that the child is enrolled at another public agency, private school, approved private school or private agency.

(c) Charter schools **and cyber charter schools** shall maintain educational records for children with disabilities consistent with the regulations for the Family Educational Rights and Privacy Act of 1974 (20 U.S.C.A. §§ 1221 note and 1232g) in 34 CFR Part 99 (relating to family educational rights and privacy).

#### § 711.9. Payments.

(a) The child's school district of residence shall provide the special education payments required by section 1725-A(a)(3) of the act (24 P.S. § 17-1725-A(a)(3)) to the charter school either when:

(1) A child with an IEP **[ from a school entity in this Commonwealth ]** begins attending the charter school **or cyber charter school**.

(2) The charter school **or cyber charter school** has identified an enrolled child as a child with a disability under **[ the ]** IDEA, has developed an IEP for the child**[, ]** and notifies the district of residence of the identification.

(b) When a child for whom a charter school **or cyber charter school** received the special education payment required under section 1725-A(a)(3) of the act enrolls in another public agency, private school or private agency **[ in this Commonwealth ]**, the charter school **or cyber charter school** shall immediately inform the child's school district of residence that its payment responsibilities under section 1725-A(a)(3) of the act have ceased.

#### § 711.10 Complaint procedure.

The Department will establish a complaint procedure consistent with 34 CFR 300.151–300.153 (relating to adoption of State complaint procedures; minimum State complaint procedures; and filing a complaint) and disseminate notice of that procedure.

### IDENTIFICATION AND EVALUATION

#### § 711.21. Child find.

(a) To enable the Commonwealth to meet its obligations under **[ 34 CFR 300.125 ] 34 CFR 300.111** (relat-

ing to child find), each charter school **and cyber charter school** shall establish written policies and procedures to ensure that all children with disabilities **[ that ] who** are enrolled in the charter school **or cyber charter school**, and who are in need of special education and related services, are identified, located and evaluated.

(b) Each charter school's **or cyber charter school's** written policy **[ shall ] must** include:

(1) Public awareness activities sufficient to inform parents of children applying to or enrolled in the charter school **or cyber charter school** of available special education services and programs and how to request those services and programs.

(2) Systematic screening activities that lead to the identification, location and evaluation of children with disabilities enrolled in the charter school **or cyber charter school**.

#### § 711.22. Reevaluation.

(a) The parent or teacher of a child with a disability has the right under 34 CFR Part **[ 300 ] 300.303(b) [ (relating to assistance to states for the education of children with disabilities) ] (relating to reevaluations)** to request a reevaluation **[ at any time ] annually. More frequent reevaluations may only occur if the parent and charter school or cyber charter school agree.**

(b) Charter schools **and cyber charter schools** shall reevaluate students with disabilities at least once every 3 years.

\* \* \* \* \*

#### § 711.23. Screening

(a) Each charter school **and cyber charter school** shall establish a system of screening which may include prereferral intervention services to accomplish the following:

(1) Identification and provision of initial screening for students prior to referral for a special education evaluation, including those services outlined in subsection (c).

(2) Provision of peer support for teachers and other staff members to assist them in working effectively with students in the general education curriculum.

(3) Identification of students who may need special education services and programs.

(b) The screening process must include:

(1) Hearing and vision screening in accordance with section 1402 of the Public School Code of 1949 (24 P.S. § 14-1402) for the purpose of identifying students with hearing or vision difficulty so that they can be referred for assistance or recommended for evaluation for special education.

(2) Screening at reasonable intervals to determine whether all students are performing based on grade-appropriate standards in core academic subjects.

(c) Each charter school **and cyber charter school** may develop a program of prereferral intervention services. In the case of charter schools and cyber charter schools meeting the criteria in 34 CFR

**300.646(b)(2)** (relating to disproportionality), as established by the State agency, the services are required and include:

(1) A verification that the student was provided with appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act (ESEA) (20 U.S.C.A. § 6368(3)), and appropriate instruction in math.

(2) For students with academic concerns, an assessment of the student's performance in relation to State-approved grade level standards.

(3) For students with behavioral concerns, a systematic observation of the student's behavior in the school environment where the student is displaying difficulty.

(4) A research-based intervention to increase the student's rate of learning or behavior change based on the results of the assessments under paragraph (2) or (3), or both.

(5) Repeated assessments of achievement or behavior, or both, conducted at reasonable intervals, reflecting formal monitoring of student progress during the interventions.

(6) A determination as to whether the student's assessed difficulties are the result of a lack of instruction or limited English proficiency.

(7) A determination as to whether the student's needs exceed the functional ability of the regular education program to maintain the student at an appropriate instructional level.

(8) Documentation that information about the student's progress as identified in paragraph (5) was periodically provided to the student's parents.

(d) Screening or prereferral intervention activities may not serve as a bar to the right of a parent to request an evaluation, at any time, including prior to or during the conduct of screening or prereferral intervention activities.

**§ 711.24. Evaluation.**

(a) The group of qualified professionals, which reviews the evaluation materials to determine whether the child is a child with a disability under 34 CFR 300.306 (relating to determination of eligibility), must include a certified school psychologist when evaluating a child for autism, emotional disturbance, mental retardation, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury.

(b) In addition to the requirements incorporated by reference in 34 CFR 300.301 (relating to initial evaluations), the initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 school days after the agency receives written parental consent for evaluation.

(c) Copies of the evaluation report shall be disseminated to the parents at least 10 school days prior to the meeting of the IEP team unless this requirement is waived by a parent in writing.

**§ 711.25. Criteria for the determination of specific learning disabilities.**

Following are State-level criteria for determining the existence of a specific learning disability. Each

charter school and cyber charter school shall develop procedures for the determination of specific learning disabilities that conform to criteria in this section. These procedures shall be included in the school's charter application. To determine that a child has a specific learning disability, the charter school or cyber charter school shall:

(1) Address whether the child does not achieve adequately for the child's age or meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and scientifically based instruction appropriate for the child's age or State-approved grade-level standards:

- (i) Oral expression
- (ii) Listening comprehension.
- (iii) Written expression.
- (iv) Basic reading skill.
- (v) Reading fluency skills.
- (vi) Reading comprehension.
- (vii) Mathematics calculation.
- (viii) Mathematics problem solving.

(2) Use one of the following procedures:

(i) A process based on the child's response to scientific, research-based intervention, which includes documentation that:

(A) The student received high quality instruction in the general education setting.

(B) Research-based interventions were provided to the student.

(C) Student progress was regularly monitored.

(ii) A process that examines whether a child exhibits a pattern of strengths and weaknesses, relative to intellectual ability as defined by a severe discrepancy between intellectual ability and achievement, or relative to age or grade.

(3) Have determined that its findings under this section are not primarily the result of any of the following:

- (i) A visual, hearing or orthopedic disability.
- (ii) Mental retardation.
- (iii) Emotional disturbance.
- (iv) Cultural factors.
- (v) Environmental or economic disadvantage.
- (vi) Limited English proficiency.

(4) Ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or mathematics by considering documentation that:

(i) Prior to, or as a part of, the referral process, the child was provided scientifically-based instruction in regular education settings, delivered by qualified personnel, as indicated by observations of routine classroom instruction.

(ii) Repeated assessments of achievement were conducted at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

**IEP**

**§ 711.41. IEP.**

(a) When a child with an IEP transfers to a charter school [ from another public agency, private school, approved private school or private agency in this Commonwealth ] or cyber charter school, the charter school or cyber charter school is responsible upon enrollment for ensuring that the child receives special education and related services in conformity with the IEP, either by adopting the existing IEP or by developing a new IEP for the child in accordance with the requirements of [ the ] IDEA.

(b) For students who are 14 years of age or older, the charter school or cyber charter school shall include a transition plan which includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.

(c) The IEP of each student shall be implemented as soon as possible but no later than 10 school days after its completion.

**§ 711.42. Transportation.**

(a) [ A child with a disability who resides in the school district in which the charter school is located, or who is a resident of a school district which is part of a regional charter school, shall be provided transportation to the charter school on the same terms and conditions as transportation is provided to students attending the schools of the district. Nonresident students shall be provided transportation under section 1361 of the Public School Code of 1949 (24 P. S. § 13-1361). ]

School districts shall provide transportation to students with disabilities eligible under IDEA and to protected handicapped students under Section 504, to the charter school in which they are enrolled, if the charter school is located in their school district of residence, a regional charter school of which the school district is a part or a charter school located outside district boundaries at a distance not exceeding 10 miles by the nearest public highway. This includes transportation to an ESY program, if that program is held at the charter school.

(b) Students with disabilities and Section 504 students may require modifications or accommodations for transportation to the charter school. Provision of modifications or accommodations, including specialized equipment and bus aides, in a student's IEP or Section 504 Service Agreement, are the obligation of the charter school.

(c) Cyber charter school students are not required to attend a specific facility to receive their educational services. The act does not require that a student's school district of residence provide transportation for cyber charter school students. If transportation is required as a related service in the IEP of the student with disabilities, who is enrolled in a cyber charter school, the cyber charter school shall provide the required transportation.

(d) This chapter does not prohibit a charter school or cyber charter school and a school district from entering into agreements regarding the provision of transportation

as a related service or accommodation to children with disabilities **eligible under IDEA, or students eligible under Section 504.**

**§ 711.43. Educational placement.**

When the IEP team at a charter school or cyber charter school places a child in another public agency, private school, or private agency, and the parents choose to keep their child enrolled in the charter school or cyber charter school, the charter school or cyber charter school is obligated to pay for that placement.

**§ 711.44. ESY.**

To implement [ 34 CFR 300.309 (relating to day; business day; school day) ] 34 CFR 300.106 (relating to extended school year services), the State ESY Standards are as follows:

\* \* \* \* \*

(5) Charter schools and cyber charter schools are responsible for considering the need for ESY services for each eligible student, including each student placed by the charter school or cyber charter school in an approved private school or other placement site not operated by the charter school or cyber charter school.

(6) Consideration of the need for ESY services shall occur at the IEP team meeting to be convened annually, or more frequently if conditions warrant consistent with Federal requirements in 34 CFR [ 300.343(c) (relating to IEP meetings) ] 300.324(b) (relating to development, review and revision of IEP). Consideration means that ESY services are raised and discussed at the IEP team meeting. In making a determination that a student is eligible for ESY services, the IEP team shall rely on criteria in this section and applicable judicial decisions.

\* \* \* \* \*

**§ 711.45. Access to instructional materials.**

(a) The Department adopts the National Instructional Materials Accessibility Standard (NIMAS) as defined in section 674(e)(3)(B) of IDEA (20 U.S.C.A. § 1474(e)(3)(B), and set forth at 71 FR 41084 (July 19, 2006) for the purpose of providing print instructional materials in alternate accessible formats or specialized formats to blind persons or other persons with print disabilities in a timely manner. To insure the timely provision of high quality, accessible instructional materials to children who are blind or other persons with print disabilities, charter schools and cyber charter schools shall adopt the NIMAS. The NIMAS refers to a standard for source files of print instructional materials created by publishers that may be converted into accessible instructional materials.

(b) Charter schools and cyber charter schools shall provide print instructional materials in specialized, accessible formats (that is, Braille, audio, digital, large-print, and the like) to children who are blind or other persons with print disabilities, as defined in IDEA to provide books for adult blind approved March 3, 1931, (See 2 U.S.C.A. § 135a (regarding books and sound reproduction records for blind and other physically handicapped residents annual appropriations and purchases)), in a timely manner.

(c) Charter schools and cyber charter schools act in a timely manner in providing instructional mate-



rials under subsection (a) if they take all reasonable steps to ensure that children who are blind or other persons with print disabilities have access to their accessible format instructional materials at the same time that students without disabilities have access to instructional materials. Charter schools and cyber charter schools may not withhold instructional materials from other students until instructional materials in accessible formats are available.

(d) Receipt of a portion of the instructional materials in alternate accessible or specialized format shall be considered receipt in a timely manner if the material received covers the chapters that are currently being taught in the student's class.

(e) If a child who is blind or other person with a print disability enrolls in school after the start of the school year, a charter school or cyber charter school shall take all reasonable steps to ensure that the student has access to accessible format instructional materials within 10 school days from the time it is determined that the child requires printed instructional materials in an alternate accessible or specialized format.

(f) The Department, charter schools or cyber charter schools may coordinate with the National Instructional Materials Access Center (NIMAC) to facilitate the production of and delivery of accessible materials to children who are blind or other persons with print disabilities. The NIMAC refers to the central repository, established under section 674(e) of IDEA (20 U.S.C.A. § 1474(e)), which is responsible for processing, storing and distributing NIMAS files of textbooks and core instructional materials.

(g) Charter schools and cyber charter schools coordinating with NIMAC shall require textbook publishers to deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the charter schools or cyber charter schools. Charter schools or cyber charter schools that choose not to coordinate with NIMAC may require that publishers deliver the contents of print instructional materials to the NIMAC in NIMAS format files on or before delivery of the print instructional materials to the charter schools or cyber charter schools.

#### § 711.46. Behavior support.

(a) Positive rather than negative measures shall form the basis of behavior support programs to ensure that all students are free from demeaning treatment and aversive techniques or the inappropriate use of restraints. Behavior support programs include a variety of techniques to develop and maintain skills that will enhance an individual student's opportunity for learning and self-fulfillment. The types of intervention chosen for a particular student must be the least intrusive necessary.

(b) Notwithstanding the requirements incorporated by reference in 34 CFR 300.34, 300.324, 300.530 (relating to related services; development, review, and revision of IEP; and authority of school personnel), with regard to a child's behavior, the following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Aversive techniques*—Deliberate activities designed to establish a negative association with a specific behavior.

*Behavior support*—The development, change and maintenance of selected behaviors through the systematic application of behavior change techniques.

*Positive techniques*—Methods which utilize positive reinforcement and other positive techniques to shape a student's behavior, ranging from the use of positive verbal statements as a reward for good behavior to specific tangible rewards.

#### *Restraints*—

(i) Devices and techniques, that last longer than 30 consecutive seconds, designed and used to control acute, episodic behaviors, including aggressive or self-injurious behaviors. Redirection or physical prompting as a teaching technique when a student does not exhibit active resistance is not considered a restraint. Devices, objects or techniques prescribed by a qualified medical professional for reasons of safety or for therapeutic or medical treatments are excluded from this definition.

(ii) Examples excluded from this definition include devices used for physical or occupational therapy, seatbelts in wheelchairs or on toilets for balance and safety, safety harnesses in buses, functional positioning devices, or hand over hand assistance with feeding or task completion.

(c) Restraints to control acute or episodic aggressive or self-injurious behavior may be used only when the student is acting in a manner as to be a clear and present danger to himself, to other students or to employees, and only when less restrictive measures and techniques have proven to be or are less effective.

(1) When there is evidence to suggest that the emergency use of restrictive procedures, such as restraints may be necessary to ensure a student's safety or the safety of others, parental consent should be obtained. If a restrictive procedure is needed on an emergency basis, parents should be informed and consent for future uses obtained within 10 school days following the need for the use of a restrictive procedure. The need for restrictive procedures for safety should be noted in the student's IEP.

(2) The use of restraints to control the aggressive and self-injurious behavior on the part of an individual student shall cause a meeting of the IEP team within 10 school days of the behavior causing the use of restraints unless the use of restraint was consistent with the explicit provisions of the existing IEP and that IEP remains current and appropriate for the student. At this meeting, the team shall consider whether the student needs a behavioral assessment, reevaluation, a new or revised behavior plan, or a change of placement to address the inappropriate behavior.

(3) The use of restraints may not be included in the IEP for the convenience of staff, as a substitute for an educational program or employed as punishment.

(4) Charter schools and cyber charter schools shall maintain and report data on the use of restraints as prescribed by the Secretary.

(d) Mechanical restraints, which are used to control involuntary movement or lack of muscular control of students when due to organic causes or conditions, may be employed only when specified by an IEP and as determined by a medical professional qualified to make the determination, and as agreed to by the student's parents. Mechanical restraints shall prevent a student from injuring himself or others or promote normative body positioning and physical functioning.

(e) The use of prone (face down) restraints is prohibited in educational programs, unless specifically directed by a physician and documented in the student's current IEP.

(f) The following aversive techniques of handling behavior are considered inappropriate and may not be used by charter schools or cyber charter schools in educational programs:

- (1) Corporal punishment.
  - (2) Punishment for a manifestation of a student's disability.
  - (3) Locked rooms, locked boxes or other locked structures or spaces from which the student cannot readily exit.
  - (4) Noxious substances.
  - (5) Deprivation of basic human rights, such as withholding meals, water or fresh air.
  - (6) Suspensions constituting a pattern.
  - (7) Treatment of a demeaning nature.
  - (8) Electric shock.
- (g) Charter schools and cyber charter schools have the primary responsibility for ensuring that behavior support programs are in accordance with this chapter, including the training of personnel for the use of specific procedures, methods and techniques, and for having a written policy and procedures on the use of behavior support techniques and obtaining parental consent prior to the use of highly restraining or intrusive procedures.

(h) Charter schools and cyber charter schools shall notify parents within 24 hours of the school's awareness of injuries requiring treatment by medical personnel that occur as the result of self-injurious behavior or a nonaccidental act by another student. The charter school or cyber charter school shall conduct a review within 10 school days, which includes consideration as to whether the student causing the injury needs a behavioral assessment, reevaluation, a new or revised behavior plan, or other change in program or placement. Any recommended changes or determinations should be communicated to the parent and other IEP team members who may request that an IEP meeting be held.

(i) Charter schools and cyber charter schools may convene a review, including the use of human rights committees, to oversee the use of restrictive or intrusive procedures or restraints.

#### PROCEDURAL SAFEGUARDS

##### § 711.61. Suspension and expulsion.

(a) For purposes of this chapter, the terms "suspension" and "expulsion" have the meanings as set forth in § 12.6 (relating to exclusions from school).

(b) Charter schools and cyber charter schools shall comply with Chapter 12 (relating to students) and [ 34 CFR 300.519—300.529 ] 34 CFR 300.530—300.537, regarding discipline procedures.

\* \* \* \* \*

(d) When a child with a disability has been expelled from a charter school or cyber charter school, the charter school or cyber charter school shall provide the child with a disability with the education required under § 12.6(e) until the charter school or cyber charter school is notified in writing that the child is enrolled in another public agency, private school, approved private school or private agency.

##### § 711.62. Procedural safeguards.

(a) The charter school or cyber charter school shall ensure that procedures are established and implemented to allow parties to disputes regarding any matter described in 34 CFR 300.503(a)(1) (relating to prior notice by the public agency; content of notice), to resolve the dispute through a mediation process that, at a minimum, must be available whenever a hearing is requested under 34 CFR 300.507 (relating to filing of a due process complaint) or [ 300.520—300.528 ] 34 CFR 300.530—300.537, regarding discipline procedures.

(b) The following apply to coordination services for special education and Section 504 hearings and to hearing officers and appellate hearing officers:

(1) The Secretary may contract for coordination services in support of hearings conducted by local charter schools or cyber charter schools. The coordination services shall be provided on behalf of charter schools or cyber charter schools and may include arrangements for stenographic services, arrangements for hearing officer services, scheduling of hearings and other functions in support of procedural consistency and the rights of the parties to hearings.

(2) If a charter school or cyber charter school chooses not to utilize the coordination services under paragraph (1), it may conduct hearings independent of the services if it has obtained the Secretary's approval of procedures that similarly provide for procedural consistency and ensure the rights of the parties. In the absence of approval, a charter school or cyber charter school which receives a request for an impartial due process hearing shall forward the request within 5 days of its receipt to the entity providing coordination services under paragraph (1).

\* \* \* \* \*

(5) Impartial due process hearings, appeal panel proceedings and the hearing officers who conduct the hearings and proceedings shall be subject to 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).

(c) A charter school or cyber charter school may request a hearing to proceed with an initial evaluation or a reevaluation when a parent fails to respond to the charter school's or cyber charter school's evaluation or reevaluation. When a parent rejects the charter school's or cyber charter school's proposed identification of a child, proposed evaluation, proposed provision of a free appropriate public education or proposed educational placement, other than the initial placement, the charter school or cyber charter school may request an impartial due process hearing. If the parent fails to

respond or refuses to consent to the initial provision of special education services, neither due process nor mediation may be used to obtain agreement or a ruling that the services may be provided.

(d) The following time line applies to due process hearings:

(1) A hearing shall be held after the conclusion of the resolution session under 34 CFR 300.510 (relating to resolution process) or after one of the parties withdraws from mediation or the parties agree to waive or end the resolution session.

(2) The hearing officer's decision shall be issued within 45 days after the resolution or mediation session ends without resolution or agreement date.

(e) Except as provided by 34 CFR 300.533 (relating to placement during appeals), during the pendency of any mediation proceeding conducted in accordance with 34 CFR 300.506 (relating to mediation), unless the school entity and the parents of the child agree otherwise, the child that is the subject of the mediation shall remain in the child's then current education placement until the mediation process is concluded.

(f) The resolution session required by 34 CFR 300.510 shall be available to parents of both school age and eligible young children with disabilities. Parent advocates may attend the sessions.

[Pa.B. Doc. No. 07-2201. Filed for public inspection December 7, 2007, 9:00 a.m.]

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 91 ]

### Boating Safety Education Certificates and Criteria for Courses in Boating Safety Education

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapter 91 (relating to general provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking amends the regulations regarding Boating Safety Education Certificates and the criteria for courses in boating safety education.

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendments to §§ 91.6 and 91.7 (relating to Boating Safety Education Certificates; and criteria for courses of instruction in boating safety education) are published under the statutory authority of section 5103 of the code (relating to boating education).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

#### E. Summary of Proposal

The act of December 9, 2002 (P. L. 1542, No. 199) (act) amended 30 Pa.C.S. § 5103 (relating to boating education) to provide for mandatory boater education. The act established a requirement for persons born after January 1, 1982, and operating a boat powered by a motor in excess of 25 horsepower to obtain and carry a certificate of boating safety education. The act also required the Commission to promulgate regulations that establish criteria for a course of instruction in boating safety education. The Commission subsequently amended its regulation in § 91.6 to describe more fully what constitutes a Boating Safety Education Certificate and distinguished between residents and nonresidents. The Commission also adopted a new regulation in § 91.7 that authorized the Executive Director to designate, by notice, organizations that offer safety education courses that are acceptable for residents, nonresidents, or both. The section further provided that to be approved by the Commission, a course of instruction in boating safety education has to meet the National Boating Safety Education Standards of the National Association of State Boating Law Administrators (NASBLA) and receive the approval of NASBLA.

After a review of these regulations, the Commission proposes to update them by adopting the following changes. The proposed changes to § 91.6 will simplify the definition of a "Boating Safety Education Certificate." The Commission believes that this change more accurately reflects the intent of the act and will eliminate confusion among boaters who move their boats between states. The proposed amendments to § 91.7 will authorize the Executive Director to publish criteria upon which boating courses may be approved for the purposes of the act. The Executive Director will publish separate criteria for Internet, video and classroom courses. The Commission proposes to amend §§ 91.6 and 91.7 as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements. The Commission currently issues Boating Safety Education Certificates, which will not be changed by the proposed amendments. The Commission will publish course criteria in the *Pennsylvania Bulletin* under the proposed amendments.

#### G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the

comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

**Fiscal Note:** 48A-197. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 58. RECREATION

## PART II. FISH AND BOAT COMMISSION

### Subpart C. BOATING

#### CHAPTER 91. GENERAL PROVISIONS

#### § 91.6. Boating Safety Education Certificates.

##### (a) *Definition.*

(1) For residents of this Commonwealth, [ a Boating Safety Education Certificate is one issued to an individual by the Commission. Upon proper application and payment of the appropriate fee, the Commission will issue a Boating Safety Education Certificate to a resident of this Commonwealth who successfully completes a course offered by the Commission, another state, Canada or an organization designated by the Executive Director.

(2) For nonresidents, a Boating Safety Education Certificate is one issued to an individual who successfully completes a course offered by the Commission, another state, Canada or an organization designated by the Executive Director. ] a Boating Safety Education Certificate is a document issued by the Commission certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with § 91.7 (relating to criteria for courses of instruction in boating safety education).

(3) For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

(b) *Certificate issuance.* The Commission will issue a Pennsylvania Boating Safety Education Certificate to persons who present proof of successful completion of a boating safety education course approved in accordance with § 91.7 and the payment of fees under section 5104 of the code (relating to fees).

(c) *Certificate possession.* When the operator of a boat is required by law or regulation to possess a Boating Safety Education Certificate, it is unlawful to operate the boat on the waters of this Commonwealth without carrying onboard the Boating Safety Education Certificate issued to the operator. A Boating Safety Education Certificate shall be carried so that it can be presented to an officer authorized to enforce this subpart. [ In addition to the requirements of this subsection, nonresidents shall carry proof of nonresidency. ]

[ (c) ] (d) *Temporary certificate.* \* \* \*

[ (d) ] (e) *Boating without a certificate onboard.*

(1) When an operator is found operating a boat without **possessing** a Boating Safety Education Certificate [ **onboard** ], the operator will cease operation of the boat and follow the instructions of the apprehending officer. The operator may not resume operation of the boat until he demonstrates to the Commission's satisfaction that he possesses a certificate.

\* \* \* \* \*

[ (e) ] (f) *Prohibitions.* A person may not alter, borrow, lend or transfer a Boating Safety Education Certificate or give false or misleading information to the Commission, its officers or agents when applying for a **temporary or a permanent** Boating Safety Education Certificate.

#### § 91.7. Criteria for courses of instruction in boating safety education.

[ The Executive Director may designate, by notice, organizations that offer boating safety education courses that are acceptable for residents, nonresidents, or both. A course of instruction in boating safety education shall meet the National Boating Safety Education Standards of the National Association of State Boating Law Administrators (NASBLA) and shall have received the approval of the NASBLA. These standards and procedures for approval may be obtained from the NASBLA at 1500 Leestown Road, Suite 330, Lexington, Kentucky 40511 or [http://www.nasbla.org/education\\_standards.htm](http://www.nasbla.org/education_standards.htm). ]

(a) The Executive Director will establish criteria for courses of instruction in boating safety education, and the Executive Director will publish the criteria in the *Pennsylvania Bulletin*.

(b) The Executive Director may approve, by notice, boating safety education courses that meet the course criteria established under this section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required.

[Pa.B. Doc. No. 07-2202. Filed for public inspection December 7, 2007, 9:00 a.m.]

### [ 58 PA. CODE CH. 111 ]

#### Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend 58 Pa. Code Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed rulemaking amends the regulation relating to boating in Allegheny County.

##### A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendment to § 111.2 (relating to Allegheny County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Several years ago, the Commission amended § 111.2(c) to extend the slow, no-wake zone (SNW) on the Allegheny River from the Fort Duquesne Bridge upriver to the Fort Wayne (Norfolk Southern) Bridge. The Commission, however, has been unable to enforce this extension of the SNW zone because it has not been properly marked.

Commission staff made numerous attempts to receive permission from the bridge owner to place SNW signs on the bridge, but a suitable agreement could not be reached. Staff subsequently received permission from the Department of Transportation to place SNW signs on the 9th Street Bridge, which is downriver approximately 1,000 feet from the Fort Wayne (Norfolk Southern) Bridge. The signs were installed on the 9th Street Bridge in May of this year.

The Commission proposes to amend § 111.2(c) to designate the 9th Street Bridge as the upriver SNW limit on the Allegheny River as set forth in Annex A. Prior to the Commission's action, its Boating Advisory Board considered this item and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

**Fiscal Note:** 48A-196. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS COUNTIES**

**§ 111.2. Allegheny County.**

\* \* \* \* \*

(c) *Allegheny, Monongahela and Ohio Rivers (City of Pittsburgh)*. Boats are limited to slow, no-wake speed from the Fort Pitt Bridge over the Monongahela River and the [ **Fort Wayne (Norfolk Southern) ] 9th Street** Bridge over the Allegheny River to the West End Bridge over the Ohio River. This zone shall be in effect on weekends from May 1 to October 1 from 3 p.m. Friday until midnight Sunday and from 3 p.m. on the day preceding Memorial Day, July 4th and Labor Day until midnight of the holiday.

\* \* \* \* \*

[Pa.B. Doc. No. 07-2203. Filed for public inspection December 7, 2007, 9:00 a.m.]

**[ 58 PA. CODE CHS. 53 and 63 ]**

**Commission Property; General Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapters 53 and 63 (relating to Commission property; and general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The proposed amendment to § 53.24 (relating to tournament and fishing derby permits) is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendment to § 63.40 (relating to fishing tournaments and fishing derbies) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's regulations pertaining to bass tournaments. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The Commission is seeking public input on a proposed prohibition on bass fishing tournaments on the West

Branch, North Branch and main stem of the Susquehanna River that permit the harvest of fish. This proposal was generated in response to angler concerns about organized events that focus on taking fish, especially at a time when agency biologists and bass fishermen have concerns about the relatively weak reproduction of young smallmouth bass in parts of the river system in recent years. To address this matter, the Commission proposes that §§ 53.24 and 63.40 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

**Fiscal Note:** 48A-199. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 53. COMMISSION PROPERTY**

**§ 53.24. Tournament and fishing derby permits.**

\* \* \* \* \*

(e) *Prohibited acts.* It is unlawful to conduct a fishing tournament or fishing derby on Commission owned or controlled property except in compliance with permit conditions. It is unlawful to conduct a tournament or fishing derby on Commission owned or controlled property on the opening day for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with other fishing and boating activities and the Commission issues a special activity permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference. It is unlawful to conduct or participate in a fishing tournament or fishing derby involving the catch or attempted catch of a particular species of fish during the closed season for that species. **It is unlawful to conduct a fishing tournament on the North Branch, West Branch or main stem of the Susquehanna River that allows tournament anglers to harvest bass.**

\* \* \* \* \*

**CHAPTER 63. GENERAL FISHING REGULATIONS**

**§ 63.40. Fishing tournaments and fishing derbies.**

\* \* \* \* \*

(d) *Prohibited acts.* It is unlawful to conduct a fishing tournament or fishing derby on Commonwealth waters except in compliance with permit conditions. It is unlawful to conduct a tournament or fishing derby on Commonwealth waters on the opening day for any species of game fish unless the applicant has made an extraordinary showing that the proposed tournament will not interfere with other fishing and boating activities and the Commission issues a special activity permit containing a specific finding, based upon the applicant's showing, that the permitted activity will not constitute interference. It is unlawful to conduct or participate in a fishing tournament or fishing derby involving the catch or attempted catch of a particular species of fish during the closed season for that species. **It is unlawful to conduct a fishing tournament on the North Branch, West Branch or main stem of the Susquehanna River that allows tournament anglers to harvest bass.**

[Pa.B. Doc. No. 07-2204. Filed for public inspection December 7, 2007, 9:00 a.m.]

**[ 58 PA. CODE CH. 65 ]**

**Fishing; Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to §§ 65.4a, 65.5—65.7, 65.10, 65.14 and 65.15 are published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

E. *Summary of Proposals*

In recent months, the public as well as staff from the Commission's Bureaus of Fisheries and Law Enforcement have raised concerns regarding a number of existing special regulation programs for trout on waters that may be large enough to permit boating. When regulation changes occur along a stream and a person angling from a boat that traverses from a section of stream that is

under one set of regulations into another section under different regulations, that person could be in violation of the law for the section they just entered. For example, if one section of stream is managed under § 61.1 (relating to Commonwealth inland waters) for trout, a creel limit of five fish is in effect from the first Saturday after April 11 until Labor Day and bait is permitted. However, if the next downstream section is regulated under § 65.6 (relating to delayed harvest artificial lures only areas), harvest is only permitted from June 15 until Labor Day, the creel limit during this period is three, and bait is not permitted. Anglers boating from the upstream section to the downstream section any time before June 15 in this example would be in violation of the delayed harvest regulations if they had either trout or bait on board, even though these fish had been taken lawfully and gear used lawfully in the upstream section.

To address this matter, the Commission proposes that §§ 65.4a, 65.5—65.7, 65.10, 65.14 and 65.15 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will slightly increase paperwork and will create new paperwork requirements in that the Commission will have to post signs notifying anglers of the regulatory change on the water areas that are implicated.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Commission's costs for signage will be modest. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

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

**Fiscal Note:** 48A-198. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.4a. All-tackle trophy trout.**

\* \* \* \* \*

(d) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the all-tackle

trophy trout area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the all-tackle trophy trout area.

**§ 65.5. Catch and release areas.**

\* \* \* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the catch and release area.

**§ 65.6. Delayed harvest artificial lures only areas.**

\* \* \* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the delayed harvest artificial lures only area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the delayed harvest artificial lures only area.

**§ 65.7. Trophy Trout Program.**

\* \* \* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the trophy trout area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the trophy trout area.

**§ 65.10. Early Season Trout Stocked Waters Program.**

\* \* \* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the water designated as part of the Early Season Trout Stocked Waters Program without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the water designated as part of the Early Season Trout Stocked Waters Program.

**§ 65.14. Catch and release fly-fishing only areas.**

\* \* \* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release fly-fishing only area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the catch and release fly-fishing only area.

§ 65.15. Catch and release all-tackle areas.

\* \* \* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release all-tackle area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the catch and release all-tackle area.

[Pa.B. Doc. No. 07-2205. Filed for public inspection December 7, 2007, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 437a ]

### Vendor Certification and Registration

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. §§ 1202(b)(30) and 1321 (relating to general and specific powers; and additional licenses and permits and approval of agreements) proposes to amend Chapter 437a (relating to vendor certification and registration) to read as set forth in Annex A.

#### *Purpose of the Proposed Rulemaking*

These amendments modify provisions related to registration of vendors and clarify the procedures for requesting permission to conduct business prior to certification or registration.

#### *Explanation of Amendments to Chapter 437a*

Currently, applications for certification or registration of vendors must be submitted by an applicant for or holder of a slot machine license. These amendments will give an applicant for registration as a vendor the option to file his applications directly with the Board. This will simplify the application process and is expected to increase the number of registered vendors on the Board's approved vendor list. Because slot machine applicants and licensees may use any vendor on the Board's approved list, this will increase the vendors' opportunities to provide services and give slot machine applicants and licensees more vendors to choose from.

In § 437a.4 (relating to individual certification and investigations) minor revisions have been made to clarify who will be required to file for certification.

Additionally, several references to forms have been updated throughout the chapter to reflect the current names of the applicable forms.

#### *Affected Parties*

Slot machine applicants and licensees and applicants for vendor registration will benefit from having another option for applying for registration as a vendor.

There are currently 11 slot machine licensees, 4 applicants for slot machine licenses and 168 registered vendors.

#### *Fiscal Impact*

##### *Commonwealth*

There will be no new costs to the Board or other Commonwealth agencies as a result of this proposed rulemaking. Because the application for a vendor registration will no longer require a Slot Machine Licensee/Applicant's Verification Form, there will be some savings to the Board related to review of vendor registration applications submitted directly by vendors.

##### *Political Subdivisions*

This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

##### *Private Sector*

The Board anticipates that there may be some small direct savings to slot machine applicants and licensees and to applicants for vendor registrations as a result of having another option for applying for registration as a vendor.

Because the Board anticipates an increase in the number of vendors, slot machine applicants and licensees may benefit from increased competition for their business.

##### *General Public*

This proposed rulemaking will have no fiscal impact on the general public.

##### *Paperwork Requirements*

The proposed amendments eliminate the need for a Slot Machine Licensee/Applicant's Verification Form as part of the vendor registration application when the vendor applies directly.

##### *Effective Date*

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

##### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-74.

##### *Contact Person*

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

##### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 28, 2007, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory



Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

MARY DIGIACOMO COLINS,
Chairperson

Fiscal Note: 125-74. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 437a. VENDOR CERTIFICATION AND REGISTRATION

§ 437a.2. Vendor registration applications.

(a) A vender 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. ] do one of the following:

(1) Complete an original and four copies of a Vendor Registration Form—Sponsored. The original and copies and the fee toward the cost of the investigation of the applicant posted on the Board's website (www.pgcb.state.pa.us) shall be submitted to the Bureau of Licensing by the slot machine applicant or licensee for whom the vendor will provide goods or services unless otherwise directed by the Board.

(2) Complete an original and four copies of a Vendor Registration Form—Unsponsored. The original and copies and the fee toward the cost of the investigation of the applicant posted on the Board's website (www.pgcb.state.pa.us) shall be submitted to the Bureau of Licensing by the vendor unless otherwise directed by the Board.

\* \* \* \* \*

§ 437a.3. Vendor certifications 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 Application and Disclosure Information Form unless otherwise directed by the Board.

\* \* \* \* \*

§ 437a.4. Individual certifications and investigations.

(a) If a certified vendor or vendor seeking certification is a publicly traded company or a subsidiary of a publicly traded company, the [ officer ] officers of the [ publicly traded company ] certified vendor or vendor seeking certification who [ is ] are 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 ] not a publicly traded company or a subsidiary of a publicly traded com-

pany, 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 president, 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.

\* \* \* \* \*

§ 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 ] Pre-Opening Construction Notification Form with the Board in lieu of registration or certification if:

\* \* \* \* \*

§ 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—Unsponsored has been filed by the vendor, a completed Vendor Registration Form—Sponsored has been filed by the slot machine applicant or licensee or a completed Vendor Certification Application and Disclosure Information 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).

\* \* \* \* \*

§ 437a.10. Emergency vendor.

\* \* \* \* \*

(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 Emergency Notification Form with the Board within 72 hours of the vendor's commencement of services.

\* \* \* \* \*

[Pa.B. Doc. No. 07-2206. Filed for public inspection December 7, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CHS. 5 AND 102 ]

[ L-00070185/57-256 ]

Implementation of the Public Utility Confidential Security Information Disclosure Protection Act

The Pennsylvania Public Utility Commission (Commission) on August 30, 2007, adopted a proposed rulemaking order which establishes protocols and procedures to be followed when public utilities file records with the Commission containing confidential security information and

challenges to the utility's designations or requests to examine records containing confidential security information are made.

#### *Executive Summary*

On November 29, 2006, Governor Edward Rendell signed into law the Public Utility Confidential Security Information Disclosure Protection Act (CSI Act) (35 P. S. §§ 2141.1—2141.6). The CSI Act provides safeguards for confidential security information of public utilities that is provided to State agencies such as the Commission from disclosure that may compromise security against sabotage or criminal or terrorist acts. In creating this mandate of nondisclosure of confidential security information, the CSI Act directs the Commission to develop, among other things: (1) filing protocols and procedures for public utilities to follow when submitting records containing confidential security information; and (2) protocols and procedures to address challenges to the designations or requests to examine records containing confidential security information. 35 P. S. § 2141.3.

The rulemaking went through an advance notice published in the *Pennsylvania Bulletin* on May 5, 2007, and the Commission received comments and reply comments from several parties. The proposed regulations in 52 Pa. Code Chapter 102 (relating to confidential security information) spell out the purpose of the new regulations; provide a series of definitions that are identical to the corresponding definitions in the CSI Act, except for "member of the public," which is defined in a way to be consistent with section 2 of the Right-to-Know Law (65 P. S. § 66.2); and address the filing and challenge procedures contemplated by the CSI Act. The proposed regulations address issues such as how a utility is to label confidential security information to be filed with the Commission, how the Commission is to handle previously-filed unmarked records in its possession and how electronic submissions will be treated. The proposed rulemaking also amends § 5.423 (relating to orders to limit availability of proprietary information) by adding a new subsection (g) whose sole purpose is to refer the reader to the new Chapter 102.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on November 1, 2007, the Commission submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Committees. In addition to submitting the proposed rulemaking, the Commission provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, if IRRC has objections to any portion of the proposed rulemaking, it will notify the Commission within 30 days of the close of the public comment period. The notification shall specify the regulatory review criteria that have not been met by the portion of the proposed rulemaking to which an objection is made. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the amendments, by the Commission, the General Assembly and the Governor of objections raised.

Public Meeting held  
August 30, 2007

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

*Proposed Rulemaking Regarding Implementation of the Public Utility Confidential Security Information Disclosure Protection Act; L-00070185*

*Implementation of the Public Utility Confidential Security Information Disclosure Protection Act; M-00072014*

### **Proposed Rulemaking Order**

*By the Commission:*

This proposed rulemaking establishes, in furtherance of the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6) (CSI Act), protocols and procedures that must be followed when: (1) public utilities file records with the Commission that contain confidential security information; and (2) challenges to the utility's designations or requests to examine records containing confidential security information are made by members of the public.

#### *A. Background and Procedural History*

On April 20, 2007, the Commission entered an order at this docket directing an Advance Notice of Proposed Rulemaking be issued to solicit comments regarding the development of the regulations necessary to implement the CSI Act. As stated in the April 20, 2007, order, the purpose of the CSI Act is to create mechanisms for the safeguarding of confidential security information of public utilities that is provided to various state agencies such as the Commission from disclosure that may compromise security against sabotage or criminal or terrorist acts.

In creating this mandate of nondisclosure of confidential security information, the CSI directs the Commission to develop: (1) filing protocols and procedures for public utilities to follow when submitting records containing confidential security information; (2) protocols and procedures to address challenges to the designations or requests to examine records containing confidential security information; and (3) protocols and procedures to protect public utility records or portions thereof that contain confidential security information from prohibited disclosure by Commission employees. 35 P. S. § 2141.3.

It is the first two protocols listed above—filing requirements for confidential security information and procedures to address challenges to or requests to review confidentiality designations—we concluded were most appropriate for our rulemaking process because they are procedures to be followed by outside parties such as utilities, ratepayers and the statutory advocates. In the Advance Notice, we particularly asked for comments on the following issues: (1) the factors that should be used to determine whether a public utility's designation of a record or portion thereof as "confidential security information" should be upheld by the Commission in the face of a challenge; (2) when InfoMAP is implemented by the Commission, whether electronic filing of documents containing confidential security information should be allowed (or should only hard copies be filed), and if the answer is yes, whether any special rules need to be implemented for electronic filings; and (3) the procedures that should be followed for the statutory advocates to obtain access to the confidential security information when they have a legitimate need to such access.

The Advance Notice was published at 37 Pa.B. 2098 (May 5, 2007), with a 45-day comment period and a 30-day reply comment period. Comments were received from four parties: the Office of Consumer Advocate (OCA), PECO Energy Company (PECO), the National Association of Water Companies, Pennsylvania Chapter (NAWC), and the Energy Association of Pennsylvania (EAPA). Reply comments were received from OCA, PECO and EAPA. These comments and reply comments are discussed in the "Comments and Responses Document" attached to this Order as Appendix A.

#### B. Discussion

We are proposing today a comprehensive set of regulations that will be applicable to all public utilities in this Commonwealth relating to the filing requirements and challenge procedures outlined in the CSI Act that each State agency is directed to create to help ensure the safeguarding of confidential security information from unwanted disclosure. These proposed regulations reflect our consideration of all the comments and reply comments filed under the Advance Notice, while attempting to satisfy the legislative intent and meaning of the various provisions of the CSI Act. We appreciate and thank all the commenting parties who provided worthwhile suggestions to aid the Commission in the development of its proposed regulations.

As an initial matter, we believe that the proposed regulations fit naturally as a new chapter in Subpart E (relating to public utility security planning and readiness) of our existing regulations dealing with public utility security planning and readiness. However, it is also probable that parties in the future may try to find our confidential security information rules under our existing process in Chapter 5 (relating to formal proceedings) for determining the availability of proprietary information, specifically § 5.423 (relating to orders to limit availability of proprietary information). We have, therefore, suggested adding in our proposed regulations a new § 5.423(g) that refers the reader to the new chapter in Subpart E to ensure that the proper process is used from the outset.

Proposed § 102.1 (relating to purpose) spells out the purpose of the new regulations, which is to establish the filing requirements and challenge procedures relating to confidential security information as mandated by the CSI Act. Proposed § 102.2 (relating to definitions) provides a series of definitions that are identical to the corresponding definitions in the CSI Act, except for "member of the public," which is not specifically defined in the statute. We have defined "member of the public" to be consistent with the Right-to-Know Law, which gives access to public records to "any citizen of the Commonwealth of Pennsylvania." However, given that confidential security information may be relevant in litigation pending before the Commission, including rate cases and safety-related cases, we believe it is appropriate to clarify that "member of the public" also includes public utilities certified by the Commission, the statutory advocates who represent Pennsylvania consumers and small businesses, and the Commission's own Office of Trial Staff and prosecutory staff, all of who regularly participate in litigation before the Commission.

Proposed § 102.3 (relating to filing procedures) addresses the filing procedures mandated by the CSI Act. Subsection (a), which has its genesis from recommendations made by EAPA and PECO in their respective comments, requires utilities, unless directed by the Commission or its staff to do otherwise, to maintain any record containing confidential security information on site

and to rely on the Commission's self-certification process described in Chapter 101 (relating to public utility preparedness through self certification) of the Commission's regulations. We also believe this recommended procedure will minimize the Commission's storage costs and Commission staff's exposure to possible sanctions that could result from mishandling confidential security information filed with the Commission. These were some of the concerns expressed by the OCA in advocating that the Commission should take a stringent view of what type of information should be categorized as confidential security information.

Subsection (b) spells out requirements that are already in the CSI Act, except that subsection (b)(3) spells out further how a public utility shall label confidential security information to be filed with the Commission to ensure that it is properly handled by Commission staff. Similarly, subsection (c) is consistent with the mandates of the CSI Act, which places the burden on the public utility to identify records that contain confidential security information or lose the protections afforded by the statute. The proposed regulation in the last sentence makes clear that any record not properly identified as confidential security information will be treated as a public document and be made available under the Right-to-Know Law.

Subsections (d) and (e) relating to the status of previously-filed unmarked records and the Commission's responsibility for handling unmarked records that may contain confidential security information both come from suggestions made by NAWC in its comments to address areas not expressly covered by the CSI Act, but which nevertheless pose potentially serious liability issues for Commission employees. We believe the proposed regulations contain common sense approaches to dealing with the two issues that protect our employees while maximizing the protections afforded by the statute in areas not expressly covered by the statute.

Subsection (f) deals expressly with one of the areas we asked for specific comments in the Advance Notice—electronic submissions. The proposed regulation acknowledges the Commission's inability at present to handle electronic submissions that would ensure the confidentiality of the filed information and, therefore, provides that until the Commission develops adequate safeguards and notifies the public utility industry that it has developed such safeguards, electronic submissions will be treated as public filings. This proposed regulation is consistent with the unanimous recommendation of all the commenting parties of not supporting electronic filing until appropriate encryption and special software is implemented by the Commission. It is also consistent with the internal procedures recently prepared by the Department of Environmental Resources Policy Office that became effective May 29, 2007, addressing the same issue.

Final § 102.4 (relating to challenge procedures to confidentiality designation) addresses challenge procedures to confidentiality designations and requests to review records containing confidential security information. Proposed subsection (a) spells out the general procedures that will be followed whenever there is a challenge or request to review. This provision makes clear that only records filed with the Commission are subject to this provision while records maintained on-site by the utility

are not subject to this provision. The proposed regulation would require the Commission to issue a Secretarial Letter to notify the public utility of the challenge or request to review. In adversarial cases the matter will be referred to the Office of Administrative Law Judge, while in nonadversarial proceedings the matter will go to the Law Bureau for recommended disposition. Because we are dealing with purported security-related information, the proposed regulation would require the challenger or requester to provide certain basic information including his social security number if an individual and its certification number if another Pennsylvania public utility. Finally, subsection (a) would give the public utility that has designated the information as confidential security information 15 days to respond to the challenge or request to review, and it would give the administrative law judge or the Law Bureau 15 days from the date the utility's response is filed to issue its recommended decision.

Subsection (b) provides that the Commission will apply a balancing test that weighs the sensitivity of the designated confidential security information and the potential harm resulting from its disclosure against the challenger's or requester's need for the information and also lists several factors that will be relevant in the Commission's consideration of whether to grant a request to review confidential security information.

Consistent with the CSI Act, subsection (c) provides that the Commission shall have 60 days to issue its decision in writing. Failure to act within this 60-day window will be deemed a denial of the challenge or request to review. Similarly, subsections (d) and (e) closely track the language in the CSI Act relating to appeals of Commission decisions and to treatment of records allegedly containing confidential security information during the pendency of any Commission review or court appeal.

Finally, subsections (f) and (g) address how confidential security information is to be accessed by the statutory advocates, another area we asked for specific comments, and by Commission staff.

Accordingly, under sections 1—6 of the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6); 66 Pa.C.S. 501 and 1501; 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 at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder in 4 Pa. Code §§ 7.231—7.234, we are considering adopting the proposed regulations set forth in Annex A, attached hereto; *Therefore,*

*It Is Ordered that:*

1. The proposed rulemaking at L-00070185 will consider the regulations set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall submit this order and Annex A for review and comment to the IRRC and the Legislative Standing Committees.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*. The Secretary shall specify publication of the order in accordance with 45 Pa.C.S. § 727.

5. An original and 15 copies of any comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attention Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265.

6. The contact person for this rulemaking is Carl S. Hisiro, Assistant Counsel, Law Bureau, (717) 783-2812. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4579.

7. A copy of this order and Annex A shall be served upon the National Association of Water Companies, Pennsylvania Chapter; the Energy Association of Pennsylvania; PECO Energy Company; Philadelphia Gas Works; FirstEnergy Corporation; Equitable Gas Company; Nisource Corporate Services Company; Duquesne Light Company; Dominion Peoples; UGI Corporation; UGI Utilities, Inc.; UGI Penn Natural Gas, Inc.; Allegheny Power; PPL Services Corporation; National Fuel Distribution Corporation; Nauman Global Enterprises, LLC; Dart Container Corporation of California, d/b/a DTX Inc.; McClymonds Supply & Transit Co., Inc.; Meckley's Limestone Products, Inc.; American Expediting Company; the Office of Trial Staff; the Office of Consumer Advocate; and the Small Business Advocate.

JAMES J. MCNULTY,  
*Secretary*

*(Editor's Note: A Comment and Response Document prepared by the Commission regarding this proposed rulemaking is available at the Commission's website www.puc.state.pa.us.)*

**Fiscal Note:** 57-256. (1) Restricted Revenue Account within the General Fund; (2) Implementing Year 2007-08 is Minimal; (3) 1st Succeeding Year 2008-09 is Minimal; 2nd Succeeding Year 2009-10 is Minimal; 3rd Succeeding Year 2010-11 is Minimal; 4th Succeeding Year 2011-12 is Minimal; 5th Succeeding Year 2012-13 is Minimal; (4) 2006-07 Program—New Program; 2005-06 Program—New Program; 2004-05 Program—New Program; (8) General Government Operations; (8) recommends adoption.

## Annex A

### TITLE 52. PUBLIC UTILITIES

#### PART I. PUBLIC UTILITY COMMISSION

##### Subpart A. GENERAL PROVISIONS

#### CHAPTER 5. FORMAL PROCEEDINGS

##### Subchapter E. EVIDENCE AND WITNESSES

#### § 5.423. Orders to limit availability of proprietary information.

\* \* \* \* \*

**(g) Confidential security information. Challenges to a public utility's designation of confidential security information or requests in writing to examine confidential security information are addressed in Chapter 102 (relating to confidential security information).**

**Subpart E. PUBLIC UTILITY SECURITY  
PLANNING AND READINESS**

(Editor's Note: The following text is new and has been printed in regular type for readability.)

**CHAPTER 102. CONFIDENTIAL SECURITY  
INFORMATION**

Sec.	
102.1.	Purpose.
102.2.	Definitions.
102.3.	Filing procedures.
102.4.	Challenge procedures to confidentiality designation.

**§ 102.1. Purpose.**

This chapter establishes procedures for public utilities to follow when filing records with the Commission containing confidential security information under Act 156 and procedures to address challenges by members of the public to a public utility's designation of confidential security information or requests to examine records containing confidential security information in both adversarial and nonadversarial proceedings pending before the Commission.

**§ 102.2. Definitions.**

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

*Act 156*—The Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6).

*Commission*—The Pennsylvania Public Utility Commission.

*Confidential security information*—Information contained within a record maintained by the Commission in any form, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, public property or public utility facilities, including the following:

(i) A vulnerability assessment which is submitted to the Environmental Protection Agency or other Federal, State or local agency.

(ii) Portions of emergency response plans that are submitted to the Department of Environmental Protection, the Commission or other Federal, State or local agency dealing with response procedures or plans prepared to prevent or respond to emergency situations, except those portions intended for public disclosure, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures or specific security procedures. Nothing in this definition may be construed to relieve a public utility from its public notification obligations under other applicable Federal and State laws.

(iii) A plan, map or other drawing or data which shows the location or reveals location data on community drinking water wells and surface water intakes.

(iv) A security plan, security procedure or risk assessment prepared specifically for the purpose of preventing or for protection against sabotage or criminal or terrorist acts.

(v) Specific information, including portions of financial statements, about security devices or personnel, designed to protect against sabotage or criminal or terrorist acts. Nothing in this definition may be construed to prevent the disclosure of monetary amounts.

*Facilities*—

(i) The plant and equipment of a public utility, including tangible and intangible real and personal property without limitation, and any means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished or supplied for, by or in connection with the business of any public utility.

(ii) The term also includes electric power generation.

*Member of the public*—Includes any citizen of this Commonwealth, a public utility certified by the Commission, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff or Commission prosecutory staff.

*Public utility*—Any person, corporation, municipality or municipal authority or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to the public for compensation. The term also includes electric power generation.

(ii) Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

(iii) Using a canal, turnpike, tunnel, bridge, wharf, and the like, for the public for compensation.

(iv) Transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration or oxygen or nitrogen or other fluid substance, by pipeline or conduit, for the public for compensation.

(v) Conveying or transmitting messages or communications by telephone or telegraph or domestic public land mobile radio service, including point-to-point microwave radio service for the public for compensation.

(vi) Collecting, treating or disposing sewage for the public for compensation.

(vii) Transporting passengers or property as a common carrier.

*Right-to-Know Law*—The act of June 21, 1957 (P. L. 390, No. 212) (65 P. S. §§ 66.1—66.9).

*Secretary*—The Secretary of the Commission.

*Terrorist act*—An act constituting a violent offense intended to do one or more of the following:

(i) Intimidate or coerce a civilian population.

(ii) Influence the policy of a government by intimidation or coercion.

(iii) Affect the conduct of a government.

**§ 102.3. Filing procedures.**

(a) *Maintenance of records onsite*. Unless required by order or other directive from the Commission or its staff that records containing confidential security information shall be filed with the Commission, public utilities shall do the following:

(1) Maintain any record containing confidential security information onsite.

(2) Certify that the record is present and up-to-date consistent with Chapter 101 (relating to public utility preparedness through self certification).

(3) Make the record containing confidential security information available for review upon request by authorized Commission staff.

(b) *Filing requirements.* When a public utility is required to submit a record that contains confidential security information to the Commission, the public utility shall do the following:

(1) Clearly state in its transmittal letter to the Commission that the record contains confidential security information and explain why the information should be treated as confidential.

(2) Separate the information being filed into at least two categories:

(i) Records that are public in nature and subject to the Right-to-Know Law.

(ii) Records that are to be treated as containing confidential security information and not subject to the Right-to-Know Law.

(3) Stamp or label each affected page of the record containing confidential security information with the words "Confidential Security Information" and place all affected pages in a separate envelope marked "Confidential Security Information."

(c) *Public utility's responsibility.* The public utility has the responsibility to identify records as containing confidential security information. When the public utility fails to designate a record as containing confidential security information, it does not obtain the protections offered in this chapter and in Act 156. Any record that is not identified, stamped and separated as set forth in subsection (b), will be made available to the public under the Right-to-Know Law.

(d) *Status of previously-filed unmarked records.* Records containing what would otherwise be deemed confidential security information already on file at the Commission prior to May 29, 2007, the effective date of Act 156, are not covered by the protections offered in this chapter and in Act 156. To obtain the protections, the public utility shall resubmit and replace the existing records by following the filing procedures provided for in this section. When a public utility's filing is intended to replace pre-Act 156 filed records, the Commission will waive any otherwise applicable filing fee.

(e) *Commission's responsibility with unmarked records.* The Commission and its staff are under no legal obligation to protect confidential security information already on file with the Commission that has not been marked "Confidential Security Information," following the procedures provided for in this section. When a request is made by a member of the public for an existing record that is not marked "Confidential Security Information" and Commission staff has reason to believe that it contains confidential security information, staff will refer the requested record to the Law Bureau for review. If the Law Bureau determines the record contains confidential security information, the Law Bureau will advise the affected public utility and give it an opportunity to resubmit and replace the record with a copy that is marked "Confidential Security Information" pursuant to subsection (d).

(f) *Electronic submissions.* The Commission does not yet have the ability to handle electronically submitted confidential security information in the manner required under this chapter or Act 156. The Commission will notify the public utility industry when it develops the ability to handle electronic submissions of confidential security

information. Until the Commission develops the ability to handle electronic submissions of confidential security information, the information submitted electronically will be made available to the public under the Right-to-Know Law.

#### **§ 102.4. Challenge procedures to confidentiality designation.**

(a) *General rule for challenges or requests to review.* When a member of the public other than a statutory advocate or Commission staff challenges the public utility's designation of confidential security information or requests in writing to examine confidential security information, the Commission will issue a Secretarial Letter to the public utility notifying the public utility of the challenge to its designation or the request to examine records containing confidential security information. Only records filed with the Commission as confidential security information are subject to a challenge or written request to review under this subsection and Act 156. Records maintained onsite by the public utility are not subject to challenge or request to review.

(1) When a challenge or written request to review occurs in an adversarial proceeding, the matter will be referred to the Office of Administrative Law Judge for recommended disposition by the Commission.

(2) When a challenge or written request to review occurs in a nonadversarial proceeding, the matter will be referred to the Law Bureau for recommended disposition by the Commission.

(3) The Commission will have up to 60 days from the date the challenge or written request to review is filed with the Secretary's Bureau to render a final decision. During the 60-day review period, the following process shall be used:

(i) For identification purposes, the challenger or requester, if not a statutory advocate or Commission staff, shall provide his full name, address, telephone number and Social Security number if an individual and its certification number, address and telephone number if it is a Pennsylvania utility.

(ii) For challenges, the challenger shall provide at the time it files the challenge a detailed statement explaining why the confidential security information designation should be denied.

(iii) For requests to review, the requester shall provide at the time it files the request a detailed statement explaining the particular need for and intended use of the information and a statement as to the requester's willingness to adhere to limitations on the use and disclosure of the information requested.

(iv) The public utility shall have 15 days from the date the challenge or request to review is filed with the Secretary's Bureau to respond to the challenger's or requester's detailed statement in support of its position.

(v) The presiding officer or the Law Bureau will have 15 days from the date the public utility's response is filed with the Secretary's Bureau to issue its recommended disposition to the Commission.

(b) *Relevant factors to be considered.* The Commission will apply a balancing test that weighs the sensitivity of the designated confidential security information and the potential harm resulting from its disclosure against the challenger's or requester's need for the information. Applying this balancing test, a challenge to a public utility's designation of confidential security information or written

request to review a record containing confidential security information will be granted only upon a determination by the Commission that the potential harm to the public utility of disclosing information relating to its security is less than the challenger's or requester's need for the information. In determining whether to grant a written request to review a record containing confidential security information, the Commission, the presiding officer or the Law Bureau will consider, along with other relevant factors, the following:

(1) The requester's willingness to sign a nondisclosure agreement.

(2) The requester's willingness to be subjected to a criminal background check.

(3) The conditions, if any, to place on release of the information.

(c) *Written notification of disposition.* The Commission will provide, within the 60-day period, written notification of its decision on confidentiality to the public utility and the member of the public that requested to examine the records containing confidential security information or challenged the designation made by the public utility. Failure by the Commission to act within the 60-day period will be deemed a denial of the challenge or the request to review. In the written notification, the Commission will affirmatively state whether the disclosure would compromise the public utility's security against sabotage or criminal or terrorist act. When the Commission determines that a record contains confidential security information and information that is public, the confidential portion will be redacted before disclosure.

(d) *Appeal of Commission decision.* The Commission's decision on confidentiality under this chapter will be issued by order adopted at a public meeting. The public utility and member of the public shall have up to 30 days following entry of this order to file an appeal in Commonwealth Court. The Commonwealth Court will review any records containing the disputed confidential security in-

formation in camera to determine whether the information should be protected from disclosure under this chapter. During the pendency of the in camera review, the records subject to this review may not be made part of the public court filing.

(e) *Treatment of records during pendency of review.* During the challenge, request to review, or an appeal of the Commission's final determination, the Commission will continue to honor the confidential security information designation by the public utility.

(f) *Access for statutory advocates.* Authorized individuals, as provided for in Act 156, employed by the statutory advocates shall be provided with access to confidential security information on file with the Commission when they provide the public utility with a justification for the need of the information and execute access agreements that summarize responsibilities and personal liabilities when confidential security information is knowingly or recklessly released, published or otherwise disclosed.

(g) *Access for Commission staff.* Unopened envelopes marked "Confidential Security Information" filed with the Commission will be given only to Commission employees authorized to review the information as provided for in Act 156. Authorized Commission employees will execute access agreements that summarize responsibilities and personal liabilities when confidential security information is knowingly or recklessly released, published or otherwise disclosed. Commission employees may decline designation as authorized individuals. Commission employees that agree to the designation will have their names added to the Authorized Access List maintained by the Commission's Secretary's Bureau. The Commission will withdraw designations when the employee no longer requires access to confidential security information because of a change in duties or position or when the employee fails to attend required training.

[Pa.B. Doc. No. 07-2207. Filed for public inspection December 7, 2007, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Agricultural Land Conservation Assistance Grant Program; Application Period

An application period for grants under the Agricultural Land Conservation Assistance Grant Program (program administered by the Department of Agriculture (Department)) has started. The program is authorized by sections 7.1 and 7.3 of the act of June 18, 1982 (3 P. S. §§ 1207.1 and 1207.3). In summary, the program allows the Department to award grants to certain counties for projects that will establish or improve agricultural conservation easement purchase programs. Regulations for the program are in 7 Pa. Code Chapter 138h (relating to agricultural land conservation assistance grant program). These regulations can be viewed and downloaded at [www.pacode.com](http://www.pacode.com).

Applications for the program will be accepted by the Department beginning January 7, 2008, for a 45-day period ending at 4 p.m. on February 21, 2008. Information and grant application forms may be obtained from Dawn Patrick, Bureau of Farmland Preservation, Department of Agriculture, 2301 North Cameron Street, Room 402, Harrisburg, PA 17110-9408.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-2208. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Amendment of Quarantine Order; Viral Hemorrhagic Septicemia Virus

#### Recitals

A. Viral hemorrhagic septicemia (VHS) is an infectious disease caused by a rhabdovirus—the viral hemorrhagic septicemia virus (VHSV)—in a variety of fish species.

B. VHS has been designated a “dangerous transmissible disease” of animals under a temporary order issued by the Department of Agriculture (Department) under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases). The current temporary order making this designation was published at 36 Pa.B. 7974 (December 30, 2006).

C. The Department has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases.

D. VHS has caused death losses to various fish species in the Great Lakes and other infected waterways.

E. VHS is of particular concern to Pennsylvania’s aquaculture industry, in that its presence and impact may severely limit the market for Pennsylvania-produced fish and fish products.

F. VHS virus exists within the Lake Erie and Lake Ontario watersheds, which includes portions of Crawford, Erie and Potter Counties.

G. The Department registers “artificial propagators” of fish and “dealers” of fish under 3 Pa.C.S. §§ 4201—4223 (relating to Aquacultural Development Law). There are the Department-registered artificial propagators and dealers within the Lake Erie and the Lake Ontario Watersheds.

H. VHS virus exists in several States outside this Commonwealth, including Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin.

I. There is no known treatment for VHS infection, no vaccine against this disease and no feasible live animal test that can detect the presence of VHSV.

J. The Domestic Animal Law allows at 3 Pa.C.S. § 2329 (relating to quarantine) for the establishment of a Quarantine Order under the circumstances described previously.

K. PDA established a VHS-related quarantine by Order of October 13, 2007. This was published at 37 Pa.B. 5534.

L. The referenced October 13, 2007, Quarantine Order incorporated the then-current list of “VHS-susceptible species” developed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA APHIS). USDA APHIS has since revised that list—adding some species to the list, deleting some species and clarifying the names of some species.

M. PDA seeks to amend its October 13, 2007, Quarantine Order by revising the definition of “VHS-susceptible species” to track with current USDA APHIS thinking on this subject.

#### Order

The Department amends Paragraph 2 of the General Quarantine Order and Interstate Quarantine Order it issued with respect to VHS on October 13, 2007, as published at 37 Pa.B. 5534, to read in its entirety as follows:

2. *VHS-susceptible species.* For purposes of this order, the term “VHS-susceptible species” shall include live animals, dead animals and dead animal parts of the following fish species, as well as any other fish species designated “VHS-susceptible species” by the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA APHIS) after the effective date of this Order:

Black Crappie (*Pomoxis nigromaculatus*), Bluegill (*Lepomis macrochirus*), Bluntnose Minnow (*Pimephales notatus*), Brown Bullhead (*Ictalurus nebulosus*), Brown Trout (*Salmo trutta*), Burbot (*Lota lota*), Channel Catfish (*Ictalurus punctatus*), Chinook Salmon (*Oncorhynchus tshawytscha*), Emerald Shiner (*Notropis atherinoides*), Freshwater Drum (*Aplodinotus grunniens*), Gizzard Shad (*Dorosoma cepedianum*), Lake Whitefish (*Coregonus clupeaformis*), Largemouth Bass (*Micropterus salmoides*), Muskellunge (*Esox masquinongy*), Pike (*Esox lucius*), Pumpkinseed (*Lepomis gibbosus*), Rainbow Trout (*Oncorhynchus mykiss*), Rock Bass (*Ambloplites rupestris*), Round Goby (*Neogobius melanostomus*), Shorthead redhorse (*Moxostoma macrolepidoptum*), Silver redhorse (*Moxostoma anisurum*), Smallmouth Bass (*Micropterus dolomieu*), Spottail shiner (*Notropis hudsonius*), Trout-perch (*Percopsis omiscomaycus*), Walleye (*Sander vitreus*), White Bass (*Morone chrysops*), White Perch (*Morone americana*),



Yellow Perch (*Perca flavescens*). The term "VHS-susceptible species" does not include the eggs of these species.

The term "VHS-susceptible species" does not include any of the previously-listed species if it is no longer designated a "VHS-susceptible species" by USDA APHIS after the date of this Order.

The referenced General Quarantine Order and Interstate Quarantine Order issued with respect to VHS on October 13, 2007, shall remain in full force and effect, with the amendment stated previously.

This Order is immediately effective on this date, and shall remain in effect unless rescinded or modified by subsequent order.

This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements relating to VHS.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 07-2209. Filed for public inspection December 7, 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 27, 2007.

### BANKING INSTITUTIONS

#### Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-19-07	Black River BancVenture, Inc., Memphis, TN, to acquire up to 49.9% of Allegiance Bank of North America, Bala Cynwyd, PA	Memphis, TN	Filed

#### 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 Lancaster County	Lititz	Effective
	Purchase of assets/assumption of liabilities of four branch offices of Susquehanna Bank DV, Bryn Mawr, located at:		
	2228 State Hill Road Wyomissing Berks County	4930 5th Street Highway Temple Berks County	
	4915 Perkiomen Avenue Reading Berks County	46 West Main Street Fleetwood Berks County	
11-19-07	CommunityBanks, Millersburg and PSB Realty Company, East Berlin Surviving Institution— CommunityBanks, Millersburg	Millersburg	Withdrawn

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-30-07	First Commonwealth Bank Indiana Indiana County	5167 William Flynn Highway Gibsonia Allegheny County	Opened
11-5-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1777 Sentry Parkway West Blue Bell Montgomery County	Opened
11-13-07	First Commonwealth Bank Indiana Indiana County	Corner of Freedom Road and Patriot Drive Cranberry Township Butler County	Opened

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-15-07	Asian Bank Philadelphia Philadelphia County	815—837 Arch Street Philadelphia Philadelphia County	Filed
11-15-07	Firsttrust Savings Bank Conshohocken Montgomery County	The Shoppes at Sycamore Street Goodnoe's Corner 11 Durham Road Newtown Bucks County	Opened

**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>
11-16-07	First Credit Union of Scranton, Scranton and McKinney-Scranton Federal Credit Union, Scranton Surviving Institution— First Credit Union of Scranton, Scranton	Scranton	Withdrawn
11-20-07	Pennsylvania State Employees Credit Union, Harrisburg and RAE Credit Union, Camp Hill Surviving Institution— Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Filed

**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-16-07	First Credit Union of Scranton Scranton Lackawanna County	18 Kennedy Drive Archbald Lackawanna County	Withdrawn

**Branch Relocations**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-26-07	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 434 Main Street Royersford Borough Montgomery County  <i>From:</i> 308 Main Street, Rear Royersford Borough Montgomery County	Filed

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 07-2210. Filed for public inspection December 7, 2007, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of The Evangelical School of Theology of The Evangelical Congregational Church for Approval of Amendment and Restatement of its Articles of Incorporation

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of The Evangelical School of

Theology of the Evangelical Congregational Church for a Certificate of Authority approving a change of name to Evangelical Theological Seminary and the amending and restating of its Articles of Incorporation in their entirety.

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education

Specialist, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-4448 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or

other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,  
Secretary

[Pa.B. Doc. No. 07-2211. Filed for public inspection December 7, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084476 (SEW)	Girl Scouts in the Heart of PA—Camp Small Valley 350 Hale Avenue Harrisburg, PA 17105	Dauphin County Jefferson Township	UNT Armstrong Creek 6C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228681 (Municipal)	Penn Township STP P. O. Box 125 Coburn, PA 16832	Centre County Penn Township	Penns Creek 6A	Y
PA0228516	Clearfield County Economic Development Corporation 250 Technology Drive Suite 1 Clearfield, PA 16830	Clearfield County Covington Township	UNT to Sandy Creek SWP 8C	Y
PA0202597 (Municipal)	Delmar Township STP 610 North Lawton Road Wellsboro, PA 16901	Tioga County Delmar Township	East Branch Stony Fork 9A	Y
PA0023582 (Municipal)	Freeburg Municipal Authority P. O. Box 308 Freeburg, PA 17827	Freeburg Borough Snyder County	Susquehecka Creek 6A	Y
PA0228575 IW	Pennsylvania-American Water Company 105 Sodom Road Milton, PA 17847	Centre County Rush Township	Trout Run and UNT of Trout Run (Minnie Run) 8D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239054	Robert F. Deinert 604 Elmwood Avenue Grove City, PA 16127	Wayne Township Crawford County	Lake Creek 16-D	Y
PA0103217	Greene Township Municipality 9333 Tate Road Erie, PA 16509-6055	Greene Township Erie County	UNT to Four Mile Creek 15-FM	Y
PA0025470	Vernon Township Sanitary Authority 16678 McNath Avenue Meadville, PA 16335	Vernon Township Crawford County	Cussewago Creek 16-D	Y
PA0238929	Robert M. and Sharon L. Samuels 138 Gay Road North East, PA 16428-3405	North East Township Erie County	UNT to Lake Erie 15	Y

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

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

**PAS212218**, Industrial Stormwater, **Oldcastle APG Northeast, Inc., Easton Block**, 800 Uhler Road, Easton, PA 18040. This facility is located in Forks Township, **Northampton County**.

Description of Proposed Activity: Issuance of new Industrial Stormwater Permit.

The receiving stream, Bushkill Creek, is in the State Water Plan Watershed 01F and is classified for: HQ-CWF. The nearest downstream public water supply intake for Bucks County Water and Sewer Authority is located on the Delaware River.

The proposed effluent limits for Outfalls 001 and 002 are as follows:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
CBOD <sub>5</sub>				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. PA 0260967**, Sewage, **Hodges Mobile Home Park**, 82 Linda Drive, Mechanicsburg, PA 17050. This facility is located in Silver Spring Township, **Cumberland County**.

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

The receiving stream, UNT to Conodoguinet Creek, is in Watershed 7-B and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Conodoguinet Creek, approximately 4.2 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.013 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18
Total Phosphorus	2.0		4.0
Total Residual Chlorine	0.23		0.76
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

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 in effect.

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

**PA0008575**, Industrial Waste, SIC 3315, **Williamsport Wirerope Works, Inc.**, 100 Maynard Street, Williamsport, PA 17701. This existing facility is located in City of Williamsport, **Lycoming County**.

Description of Proposed Activity: This proposed action is for renewal of an NPDES permit for an existing discharge of treated industrial wastewater.

The receiving stream, Storm Sewer To West Branch Susquehanna River, is in the State Water Plan Watershed 10B and classified for: WWF. The nearest downstream public water supply intake for PA American Water Company is located on West Branch Susquehanna River is 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.05 mgd.

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
Oil and Grease				15	30	30
TSS				31	60	75
Total Lead				0.43	0.69	1.29

Parameter	Mass Units (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
Total Zinc				1.48	2.61	4.44
The proposed effluent limits for Outfalls 002 and 003 based on a design flow of N/A mgd.						
COD					Report	
CBOD <sub>5</sub>					Report	
Oil and Grease					Report	
pH					Report	
Total Chromium					Report	
Total Copper					Report	
Total Cadmium					Report	
Total Lead					Report	
Total Zinc					Report	
Total Arsenic					Report	
Dissolved Iron					Report	

**PA0229156**, CAFO, SIC 0241, **Rick VanEtten**, 400 VanEtten Road, Ulysses, PA 16948. This existing facility is located in Harrison Township, **Potter County**.

Description of Proposed Activity: Four Winds Farm is an existing dairy farm that will be expanding operations to include 1,602 cows (adults, heifers, calves and bulls), totaling 1,553 Animal Equivalent Units.

The water body nearest to this facility is a UNT to Cowanesque River in the Cowanesque River Watershed (SWP-04A) and has a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

**PA0253561**, Industrial Waste, SIC, **Somerset County General Authority**, 146 West Main Street, Somerset, PA 15501. This application is for a new NPDES permit to discharge from Quemahoning Water Treatment Plant in Jenner Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters UNT—Quemahoning Reservoir, classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Quemahoning Water Treatment Plant, located in Somerset County, approximately 2 miles below the discharge point.

*Outfall:* New discharge, design flow of 0.095 mgd.

Parameter	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report					
TSS				30		60
Aluminum				4		8
Iron				2		4
Manganese				1		2
TRC				0.5		1.0
pH	not less than 6.0 nor greater than 9.0 Standard Units					

*Other Conditions:* C.5 (submittal of analytical sampling data 6 months after start-up)

The EPA waiver is in effect.

**PA0091782**, Sewage, **West Hills Area Water Pollution Control Authority**, 257 Linde Road, Kittanning, PA 16201. This application is for renewal of an NPDES permit to discharge treated sewage from West Hills Area Sewage Treatment Plant in North Buffalo Township, **Armstrong County**.

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

*Outfall 001*: existing discharge, design flow of 1.3 mgd.

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

The EPA waiver is not in effect.

**PA0205915**, Sewage, **Dayton Borough**, P. O. Box 396, Dayton, PA 16222. This application is for renewal of an NPDES permit to discharge treated sewage from Dayton Borough STP in Dayton Borough, **Armstrong County**.

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

*Outfall 001*: existing discharge, design flow of 0.1 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	15	22.5		30
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.3			0.7
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0222135**, Sewage, **VisionQuest National Ltd.**, Ft. Charles Young, P. O. Box 168, Franklin, PA 16323-0168. This proposed facility is located in Sandy Creek Township, **Venango County**.

Description of Proposed Activity: New permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company, located on the Allegheny River and is approximately 22.5 miles below point of discharge.

The receiving stream, a UNT to the Allegheny River, is in Watershed 16-G and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 mgd.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	1.8		3.6
(11-1 to 4-30)	5.4		10.8

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	
UV Light Intensity	XXX		XXX
Dissolved Oxygen		minimum of 5 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and report on monthly DMRs.

XXX—Monitor and report the average UV meter reading as  $\mu\text{w}/\text{sq cm}$  for each module bank. Also see Special Condition 1.

The EPA waiver is in effect.

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

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

**WQM Permit No. 4607410**, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction of a new wastewater treatment plant.

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

**WQM Permit No. 3607402**, Sewerage, **Hershey Farms Restaurant & Motor Inn**, 240 Hartman Bridge Road, Strasburg, PA 17579. This proposed facility is located in Strasburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for expansion of their wastewater treatment plant.

**WQM Permit No. 0107406**, Sewerage, **East Berlin Area Joint Authority**, 128 Water Street, East Berlin, PA 17316. This proposed facility is located in East Berlin Borough and Hamilton Borough, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the upgrade/expansion of their wastewater treatment plant.

**WQM Permit No. 2286407, Amendment 07-1**, Sewerage, **Highspire Borough Authority**, 7 Spring Hill Lane, Elizabethtown, PA 17022. This proposed facility is located in Highspire Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking approval for upgrading the existing wastewater treatment plant with new facilities to enhance the plant's nitrogen and phosphorus removal. Pipes are sized to maintain a 2 fps minimum flow.

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

**WQM Permit No. 4107403**, Sewage 4952, **Hughesville-Wolf Township Joint Municipal Authority**, 547 Woolen Mill Road, Hughesville, PA 17737. This proposed facility is located in Wolf Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant proposes to construct and operate sewage collection system and pump station serving Tagge Development.

**WQM Permit No. 4707401**, Sewerage 4952, **Geisinger Health System**, 100 North Academy Avenue, Danville, PA 17822. This proposed facility is located in Mahoning Township, **Montour County**.

Description of Proposed Action/Activity: Sewer system improvements at the Geisinger Medical Center Campus in Danville. The proposed facilities will consist of a pump station with a design capacity of 0.1—0.4 mgd, associated force main, and installation of new and replacement gravity sewer collection lines.

**WQM Permit No. 1907401**, Sewage 4952, **Bloomsburg Municipal Authority**, 301 East Second Street, Bloomsburg, PA 17815. This proposed facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Action/Activity: The applicant proposes renovate their sewage plant with flood protection, hypochlorite disinfection, nitrogen removal, phosphorus removal and filtration.

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

**WQM Permit No. 0407201**, Industrial Waste, **Pennsylvania Biodiesel, Inc.**, Northgate Industrial Park, 759 Northgate Circle, New Castle, PA 16105. This proposed facility is located in Potter Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of biodiesel fuel manufacturing plant.

**WQM Permit No. 5607405**, Sewerage, **Jeffrey S. Mayak**, 497 Berlin-Plank Road, Somerset, PA 15501. This proposed facility is located in Jenner Township, **Somerset County**.

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

**WQM Permit No. 5607406**, Sewerage, **Sandra S. Esposito**, 170 Esposito Road, Stoystown, PA 15563. This proposed facility is located in Jenner Township, **Somerset County**.



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

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

**WQM Permit No. 1607402**, Sewerage, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. This proposed facility is located in New Bethlehem Borough, **Clarion County**.

Description of Proposed Action/Activity: The Redbank Valley Municipal Authority is proposing to construct approximately 30,000 LF of sanitary sewer lines, one pump station, 4,387 LF force main, 1,730 LF of low pressure sewers and 15 grinder pumps. It is anticipated that there will be a total of 149 customers served principally in the areas of Cottage Hill and Route 66 corridor.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507052	Hersha Development Corporation Penn Mutual Towers 510 Walnut Street Philadelphia, PA 19106	Chester	East Whiteland Township	Valley Creek EV
PAI011507053	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF
PAI014607006	Finland Mennonite Church 1685 Upper Ridge Road Pennsburg, PA 18073-2429	Montgomery	Marlborough Township	Macoby and Unami Creeks TSF-HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907028	Robert Sperling Allentown School District 1301 Sumner Avenue Allentown, PA 18102	Lehigh	City of Allentown	Cedar Creek HQ-CWF

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S056R5	Sanofi Pasteur, Inc. Discovery Drive Route 611 Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek HQ-CWF
PAI024507010	S.I.D.E. Corp. P. O. Box 1050 Blakeslee, PA 18610	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807016	Moravian College Housing, Inc. Attn: David Roth 1021 Center Street Bethlehem, PA 18018-5807	Northampton	City of Bethlehem	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032107004	Dave Strong 3064 Bricker Road Manheim, PA 17545	Cumberland	Hampden Township Mechanicsburg Borough	Trindle Spring Run HQ-CWF

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

*Montour County Conservation District: 112 Woodbine Lane, Suite 2, Danville, PA 17821, (570) 271-1140.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044707001	Dawn E. Quinn-Doiron 150 East Ninth Street Suite 1 Bloomsburg, PA 17815	Montour	Mayberry Township	UNT to South Branch of Roaring Creek HQ-CWF

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

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

### CAFO Notices of Intent Received

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

**PAG124830**, CAFO, SIC 0259, **Dennis Zimmerman**, 727 Turkey Hill Road, Beaver Springs, PA 17812. This existing facility is located in Spring Township, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for his duck farm, a newly regulated facility according to the revised CAFO regulations. The facility is comprised of a single barn with no external manure storage. Total underbarn manure storage is 200,892 gallons. Animals onsite include 9,360 ducks, for a total of 16.41 animal equivalent units.

The receiving stream, a UNT to Middle Creek, is in Watershed 6A (Middle Creek) and is classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the state narrative water quality standards.

### 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

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

<b>Permit No. 0607520</b> , Public Water Supply.	
Applicant	<b>Wissahickon Spring Water</b>
Municipality	Hamburg Borough
County	<b>Berks</b>
Responsible Official	Wissahickon Spring Water Director Quality Assurance 10447 Drummond Road Philadelphia, PA 19154
Type of Facility	Public Water Supply

Consulting Engineer Kenneth M. Justice, P. E.  
 AEON Geosciences, Inc.  
 2120 Bellemead Avenue  
 Havertown, PA 19083-2250

Application Received: November 2, 2007

Description of Action Addition of fluoride as a mineral  
 to be injected into select bottled  
 water products.

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

**Permit No. 3007501**, Public Water Supply.

Applicant **Southwestern Pennsylvania  
 Water Authority**  
 P. O. Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344

Township or Borough Perry, Wayne and Center  
 Townships

Responsible Official Joseph Simatic, Manager  
 Southwestern Pennsylvania  
 Water Authority  
 P. O. Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344

Type of Facility Water treatment plant

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

Application Received Date November 13, 2007

Description of Action Installation of an interconnection  
 with Mt. Morris Water Authority,  
 North Fayette County Municipal  
 Authority and an emergency  
 interconnection with Clay  
 Battelle Public Service District.  
 Replacement of sodium  
 hypochlorite with gas  
 chlorination at the existing  
 Graysville pump station.

*Central Office: Bureau Director, Water Standards and  
 Facility Regulation, P. O. Box 8467, Harrisburg, PA  
 17105-8467.*

**Permit No. 9996491**, Public Water Supply.

Applicant **Nestle Waters North America,  
 Inc.**

Township or Borough Hollis, Maine

Responsible Official Brian Boucher, Quality  
 Assurance Manager

Type of Facility Out of State Bottled Water  
 System

Application Received Date November 19, 2007

Description of Action Applicant requesting a permit  
 amendment to use a new spring  
 source (Bradbury Spring) located  
 in Kingfield, Maine. Bottled  
 water to be sold in Pennsylvania  
 under the brand names: Poland  
 Spring Natural Spring Water,  
 Deer Park Natural Spring Water  
 and Ice Mountain Natural  
 Spring Water.

**Permit No. 9996217**, Public Water Supply.

Applicant **Nestle Waters North America,  
 Inc.**

Township or Borough Poland Spring, Maine

Responsible Official Pamela Fisher, Quality  
 Assurance Manager

Type of Facility Out of State Bottled Water  
 System

Application Received Date November 19, 2007

Description of Action Applicant requesting  
 Department approval to use a  
 new spring water source  
 (Bradbury Spring) located in  
 Kingfield, Maine. Bottled water  
 produced from this source will be  
 sold in Pennsylvania under the  
 brand names; Deer Park Natural  
 Spring Water, Ice Mountain  
 Natural Spring Water, Poland  
 Spring Natural Spring Water  
 and Poland Spring Sparkling  
 Spring Water.

**MINOR AMENDMENT**

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

**Application No. 6507510MA**, Minor Amendment.

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

Township or Borough Allegheny Township

Responsible Official Christopher Kerr  
 Resident Manager  
 Municipal Authority of  
 Westmoreland County  
 6064 Route 30  
 P. O. Box 730  
 Greensburg, PA 15601

Type of Facility Water treatment plant

Consulting Engineer The EADS Group, Inc.  
 450 Aberdeen Drive  
 Somerset, PA 15501

Application Received Date November 8, 2007

Description of Action Construction of a new 2,065,000  
 water storage tank.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**Defense Supply Facility**, City of Philadelphia, **Philadelphia County**. Gary R. Brown, P. E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jonathan Zich, Defense Realty, LLC, 575 Lexington Avenue, Suite 3200, New York, NY 10022 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with release of jet fuel. The future use of the site is planned to include either residential and/or commercial use.

**2781 East Lincoln Highway**, Middletown Township, **Bucks County**. Steve Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 on behalf of Roman Iwskiw, Environmental Services Corporation, 301 South State Street, Suite S201, New York, NY 10022 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with release of inorganic. The future use of the site will be for residential use.

**Sunoco Products Downingtown Facility**, East Caln Township, **Chester County**. Gerald Kirkpatrick, P. O. Box 810 on behalf of E. Ragland Coxe, Sonoco Products Company, 1 North Second Street, Hartsville, SC 29550 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with chlorinated solvents. The future use of the site will include both residential and commercial components with heavy emphasis on features to facilitate the use of mass transit. Portions of the property may also be used for light industrial purpose.

**Commercial Property**, White Marsh Township, **Montgomery County**. Karl M. Pfizenmayer, Strob Environmental, Inc., 410 North Eaton Road, Willow Grove, PA 19090 on behalf of Meryle and Robert Solomon, 716 North Third Street, Philadelphia, PA 19123 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with leaded gasoline. The property currently exists as a commercial property with garage loading docks and offices. It is expected that the current use of the property will remain into the foreseeable future.

**Cognis Corporation**, Lower Gwynedd Township, **Montgomery County**. John M. Ash, P. G., 4327 Point Pleasant Pike, P. O. Box 410, Danboro, PA 18916 on behalf of has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with pesticides. The continued use of the property for administrative, research and development, manufacturing, maintenance and warehouse functions.

**CRC Chem Industrial, Inc.**, Warminster Township, **Bucks County**. Peter Beyer, P. G., Environmental Resources Management, Inc., 350 Boulevard, Suite 200, Exton, PA 19341 on behalf of Adam Selisker, CRC Industries, Inc., 885 Louis Drive, Warminster, PA 18974 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with chlorinated solvents. The future use of the property will be industrial, which is consistent with the current site usage.

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

**Scot Lubricants of PA, Inc.—1801 East Tremont Street**, Allentown City, **Lehigh County**. Daniel Caprio, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Notice of Intent to Remediate (on behalf of his client, Scot Lubricants of PA, Inc., P. O. Box 326, Allentown, PA 18105), concerning the remediation of site soils and groundwater found or

suspected to have been impacted by No. 2 fuel oil and leaded gasoline as a result of an accidental release during the removal of a 550-gallon fuel oil underground storage tank and a 1,000-gallon leaded gasoline underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Former Cross Country Clothes**, Northampton Borough, **Northampton County**. James LaRegina, HRP Associates, Inc., 1060 First Avenue, Suite 400, King of Prussia, PA 19460 has submitted a Notice of Intent to Remediate (on behalf of his client, Posh Properties, LLC, 2216 Willow Park Road, Bethlehem, PA 18017), concerning the remediation of site groundwater found to have been impacted by chlorinated solvents. The applicant proposes to remediate the site to meet the Site-Specific Standard, using pathway elimination. The proposed future use of the property will remain nonresidential. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on September 26, 2007.

**Former Poseidon Pools**, Wright Township, **Luzerne County**. David Fife, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Notice of Intent to Remediate (on behalf of his client, Greater Wilkes-Barre Industrial Fund, Inc., P. O. Box 5340, Wilkes-Barre, PA 18710-5340), concerning the remediation of soils found or suspected to have been impacted by various petroleum related products as a result of accidental releases and spillage from former underground storage tanks and aboveground storage tanks. The applicant proposes to remediate the site to meet the residential Statewide Health Standard. Future use of the site includes the demolition of a vacant building and the reuse of the site as a productive industrial setting. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

**Esbin Property**, West Lampeter Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Josephine Esbin, 1719 Pennsylvania Avenue, Lancaster, PA 17602-2603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil from an underground storage tank. The property is and will remain a commercial office. The applicant is seeking to remediate to the Statewide Health and Site-Specific Standards.

**Getty Service Station No. 67627**, Hanover Borough, **York County**. The Tyree Company, 2702 Cindel Drive, Suite 7, Cinnaminson, NJ 08077-2035, on behalf of Getty Petroleum Marketing, Inc., 86 Doremus Avenue, Newark, NJ 07105, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from a removed underground storage tank. The property was a gas service station and future use is commercial. The applicant is seeking to remediate to the Residential Statewide Health Standard.

**Sunoco Pipeline—Roseville Road Site**, Manheim Township, **Lancaster County**. Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Sunoco, Inc., (R & M) P. O. Box 1135, Marcus Hook, PA 19061; J & J Snack Foods Corporation, 6000 Central Highway, Pennsauken,

NJ 08109; Lyndon Diner, 1370 Manheim Pike, Lancaster, PA 17601; Michel Partnership, LLP, 1 RE Michel Drive, Glen Burnie, MD 21060; and Schwanger Brothers & Company, Inc., 500 West Roseville Road, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons. The site includes a portion of a Sunoco pipeline right-of-way and five adjacent properties. Remediation will be to the Residential Statewide Health and Site-Specific Standards. The area is zoned for commercial use.

**Former Getty Highspire Terminal**, Lower Swatara Township, **Dauphin County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Getty properties Corporation, 125 Jericho Turnpike, Suite 102, Jericho, NY 11753 and Petroleum Products Corporation, P. O. Box 2621, Harrisburg, PA 17105, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons and MTBE from truck loading rack operations. The site will be remediated to a combination of the Statewide Health and Site-Specific Standards, and the property will continue to be operated as a bulk petroleum storage and loading facility.

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

**Tarasewicz Camp**, Miles Township, **Centre County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Cathy Tarasewicz, 192 White Deer Creek Road, 7C 145 Blue Eagle Camp has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a seasonal cabin for recreational use.

**Robbins Mobil Home Park—Pierson Site**, Jordan Township, **Lycoming County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Mr. and Mrs. Chancy Robbins, 1205 Mordan Hollow Road, Unityville, PA 17774 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will remain a residential mobile home site. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on October 27, 2007.

**Henkels & McCoy, Inc. Route 15S Truck Accident Site**, Shamokin Dam Borough, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Henkels & McCoy, Inc., P. O. Box 218, Burlington, NJ 08016 has submitted a Notice of Intent to Remediate soil contaminated with unleaded gasoline. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will continue as an exit road to a public highway.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or 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. WMGM020D001. American Ash Recycling Corp. of Pennsylvania, 1072 Roosevelt Avenue, York, PA 17404-2833.**

The Department of Environmental Protection (Department), Bureau of Waste Management has received an application for a determination of applicability (DOA) under the Municipal Waste General Permit (No. WMGM020) for the processing of ash residue, from a municipal waste incineration facility, at its facility located in West Manchester Township, York County. The Department determined the DOA application to be administratively complete on November 20, 2007.

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

ing 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 the construction of a plastics processing plant and associated air cleaning devices (fabric collectors) at their facility to be located in Upper Macungie Township, **Lehigh County**. This facility is a non-Title V (State-only) facility. The particulate emissions from each fabric collector shall not exceed the Best Available Technology standard of 0.02 grains/dscf. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards and monitoring and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**67-05009B: York Plant Holding, LLC** (P. O. Box 3492, York, PA 17405) for replacement of a turbine core at their York Cogeneration Plant in Springettsbury Township, **York County**.

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

**10-355A: Glacial Sand and Gravel Co.** (Intersection of Swope and West Liberty Roads, Harrisville, PA 16038) for construction of a Sand and Gravel Plant in Worth Township, **Butler County**. This plant was previously called Elliot Sand and Gravel and was off Route 108 in Plain Grove Township. This is a State-only facility.

**16-132G: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16245), for modification of plan approvals 16-132B and C conditions with regard to the RTO in Paint Township, **Clarion County**. These changes are due to the CO&A. This is a Title V facility.

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

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

**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**. The facility currently operates under Title V operating

permit No. 21-05002. VOC emissions from the lubricant's use will be limited to 12 tons annually. The plan approval and subsequent Title V permit amendment will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-05107C: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) to remove a catalytic oxidizer on the Bread Oven at the Denver Plant in East Cocalico Township, **Lancaster County**. The removal of the control device will result in less than one ton of VOCs per year, and the facility will remain under the current 50 tpy VOC limit.

**67-03145A: Weldon Machine Tool, Inc.** (1800 West King Street, York PA 17404) for construction of a coating booth at the new facility to be located in West Manchester Township, **York County**. The plan approval will include monitoring, work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**PA-11-00034A: Johnstown Specialty Castings** (545 Central Avenue, Johnstown, PA 15902) for installation of a billet swing grinding operation at their facility Johnstown, **Cambria County**.

Under 25 Pa. Code § 127.44(a)(4), the Department of Environmental Protection (Department) intends to issue a Plan Approval for installation of a billet swing grinding operation at the Johnstown Specialty Castings facility (545 Central Avenue, Johnstown, PA 15902) in Johnstown, Cambria County. Johnstown Specialty Castings (JSC) is a fully integrated contract job foundry manufacturing many different castings for varied clients. The application was submitted in accordance with 25 Pa. Code § 123.45 and was received on June 8, 2007.

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

Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

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

Special Conditions for Plan Approval PA-11-00034A

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

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

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

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

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

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

d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

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

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

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will

implement this section consistent with sections 112(d) and 114(c) of the Clean Air Act (42 U.S.C. §§ 7112(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P.S. § 4013.2)

6) (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in 25 Pa. Code §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

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

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

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

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapter B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

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

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

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

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

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

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency to

inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the Clean Air Act. (25 Pa. Code § 127.12(4) and 35 P.S. § 4008 and § 114 of the CAA)

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

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

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

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

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

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

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the Air Pollution Control Act or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

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

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

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

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



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

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

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

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

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

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

13) This Plan Approval is for the installation of a billet swing grinding operation located at the Johnstown Specialty Castings facility in Johnstown, Cambria County. (25 Pa. Code § 127.12(b))

14) Billet grinding operations shall be limited to 4,380 hours of operation in any consecutive 12-month period. The owner or operator shall keep on file written records of the hours the billet grinder operates each month. These records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12(b))

15) Emissions of PM10 from the billet grinding operation shall be limited to 6.2 tons in any consecutive 12-month period. Compliance with this condition may be demonstrated through the use of production records and emission factors used to calculate billet grinder emissions each month. These records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12(b))

16) The Owner/Operator shall perform a weekly inspection of the shotblast/grinder baghouse and its visible emissions, and keep on file written statements describing all actions taken to maintain baghouse performance. This inspection shall include following:

a) A visual inspection of the exhaust from the dust collector for emissions.

b) A visual inspection of the baghouse interior for dislodged bags, bag wear and tear, and dust build-up in the baghouse.

c) The inspection log shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12(b))

17) The Owner/Operator shall permanently install a device to continuously monitor the pressure drop across the baghouse. Records of pressure drop shall be taken a minimum of once per day. These records shall be main-

tained on site for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12(b))

18) Shotblasting operations and billet grinding operations shall not occur simultaneously. (25 Pa. Code 127.12(b))

19) The shotblast/grinder baghouse shall be reconditioned prior to any billet grinding operation. Reconditioning shall at a minimum consist of an examination and repair of the of the baghouse interior (cages, tube sheet, and the like) and the replacement of all bags. Compliance with this condition shall be demonstrated by the submittal of a report detailing the cost and scope of work performed on the baghouse. (25 Pa. Code § 127.12(b))

20) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met: (25 Pa. Code § 127.12(b))

a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c) (iii) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for an Administrative Amendment to the Title V Operating Permit (TVOP) at least 60 days prior to the expiration date of the Plan Approval. The Administrative Amendment shall incorporate the conditions of this Plan Approval into the TVOP.

f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120-days, by submitting an extension request as described previously.

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

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

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

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

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

Thomas J. Joseph, P. E.  
Air Quality Engineer

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

**43-270F: CCL Container** (One Llodio Drive, Hermitage, PA 16148-9015) for modification of CAM conditions associated with the RTO in Hermitage City, **Mercer County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.
- No person may permit the emission into the outdoor atmosphere of PM in a manner that the concentration of PM in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
- The source shall comply with 25 Pa. Code § 123.21 for Sulfur emissions.
- The VOC destruction/removal efficiency (DRE) of the RTO shall be greater than 95% by weight. Compliance, with this requirement, will be demonstrated by performing a stack test near operating permit renewal as described.

- This source is subject to 25 Pa. Code § 129.52 for Surface Coating processes.

- As part of the CAM plan, monitor and record continuously the chamber temperature of the RTO and operate within the established indicator range of greater than 1,500° F.

- As part of the CAM plan, monitor and record continuously the airflow measured, as fan amperage, averaged over any consecutive 3-hour period, shall not be less than the following values:

- 32.5 Hz when only one coating line is operating.
- 33.9 Hz when only two coating lines are operating.
- 35.1 Hz when only three coating lines are operating.
- 37.0 Hz when four or more coating lines are operating.

- Monitor and record daily, the pressure drop across the baghouse and the inlet pressure to the RTO.

- Test for VOC DRE at operating permit renewal.
- Test the temporary total enclosure for capture efficiency at operating permit renewal.

**61-004D: Electralloy** (175 Main Street, Oil City, PA 16301) for installation of a new fabric filter to replace the existing scrubber to control or partially control emissions from the electric arc furnace and AOD vessels and other sources in the melt shop at their facility in the Borough of Oil City, **Venango County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval for their plant in the Borough of Oil City, Venango County. The facility currently has a Title V permit which was issued October 31, 2002. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This application is for the for installation of a new fabric filter to replace the existing scrubber to control or partially control emissions from the electric arc furnace and AOD vessels and other sources in the melt shop at their facility located in the Borough of Oil City, Venango County. The facility currently has a Title V permit which was issued October 31, 2002.

**Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:**

1. Opacity of any fugitive gases discharging from the melt shop shall not exceed 10%.

2. Total allowable emission limits for the South EAF Baghouse (Control No. C104) are:

- (a) Total allowable particulate emission concentration is 0.0052 gr/dscf.

- (b) Total allowable particulate emission rate of 9.7 lb/hr.

- (c) The total allowable 12-month rolling sum of PM/PM10 is 42.5 tpy calculated using the results during the most recent compliant stack test multiplied by hours of production during a consecutive 12 month period.

- (d) The exhaust from the South EAF Baghouse (C104) may not exceed 10% opacity.

3. (a) The permittee shall perform a weekly preventive maintenance inspection of the South EAF Baghouse (C104).

(b) The permittee shall operate the South EAF Baghouse (C104) at all times any source is in operation that is controlled by that control device.

(c) The permittee shall maintain and operate the sources and the control device in accordance with the manufacturer's specifications and good air pollution control practices. The facility shall maintain a copy of the manufacturer's specifications onsite.

4. (a) Within 180 days after the installation of the South EAF Baghouse (C104) or a time approved by the Department and between 6 to 12 months prior to permit renewal, the facility shall conduct a stack test for PM, SO<sub>x</sub> and Visible Emissions at the South EAF Baghouse (C104) and the North Melt Shop Baghouse.

(e) The average production rate plus 10% of the average production rate during the stack test will become the legal production limit of the plant.

5. A continuous monitoring system for the measurement of opacity of emissions discharged into the atmosphere from both stacks (S104A and S104B) leading from the South EAF Baghouse (C104) shall be installed, calibrated, maintained and operated at all times the control device is operated. The records of the opacity shall be kept for 5 years and made available to the Department upon request.

6. Total allowable emission limits for the North Melt Shop Baghouse (Control No. C02) are:

(a) Total allowable PM emission concentration is 0.0052 gr/dscf.

(b) Total allowable PM emission rate of 7.86 lb/hr.

(c) The total allowable 12-month rolling sum of PM/PM<sub>10</sub> is 34.43 tpy calculated using the results of the most recent compliant stack test multiplied by hours of production during a consecutive 12 month period.

(d) The exhaust from the North EAF Baghouse (C104) may not exceed 10% opacity.

7. No person may permit the emission into the outdoor atmosphere of SO<sub>x</sub> from the South EAF Baghouse or North Meltshop Baghouse in a manner that the concentration of the SO<sub>x</sub>, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 parts per million, by volume, dry basis.

8. The permittee shall operate the North Meltshop Baghouse (CO<sub>2</sub>) at all times any source is in operation that is controlled or partially controlled by that control device.

9. The Plan Approval and Operating Permit will include conditions that require recordkeeping, reporting, work practice standards and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements including CAM conditions for the North and South Baghouses.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit (No. 61-004D).

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where The Department determines that telephone notification is sufficient. Written comments or requests for a public hearing should be directed to (Carolyn Cooper, P. E., Air Quality Program, 230 Chestnut Street Meadville, PA 16335, (814) 332-6638).

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting (Carolyn Cooper, P. E.), or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the previously public notice process the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for State-only operating permits or 25 Pa. Code §§ 127.521 to 127.524 for Title V operating permits.

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

**AMS 07154: Purolite Co.** (3620 G Street, Philadelphia, PA 19134) for modification of a plan approval condition to allow both of their diluters to operate simultaneously, install four 2,000-gallon acid dilution tanks, install one acid storage tank and remove an oleum head tank from service in the City of Philadelphia, **Philadelphia County**. 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.**

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

**15-00035: Sabic Innovative Plastics U.S., LLC** (251 South Bailey Road, Thorndale, PA 19382) for a renewal of the Title V Operating Permit, and revision of the Title V Permit for a change of ownership in accordance with the requirements of 25 Pa. Code § 127.450(a)(4) in Caln Township, **Chester County**. The initial permit was issued on November 7, 2001. The facility is primarily used for the production of thermoplastic materials. As a result of potential emissions of NO<sub>x</sub> and VOC, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assur-

ance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*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) for an operating permit renewal that includes a Best Available Retrofit Technology determination for their Mitchell Plant, in Monongahela City, **Washington County**. 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<sub>x</sub>, PM and SO<sub>x</sub>. The proposed permit includes all applicable emission restrictions, testing, monitoring, recordkeeping and reporting requirements. No emission changes are being approved in this action. This is a TV facility.

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

**61-00181: Scrubgrass Power—Scrubgrass Generating Plant** (2151 Lisbon Road, Kennerdell, PA 16374) for a Title V Operating Permit Re-issuance to operate an Electric Energy Generating Facility, in Scrubgrass Township, **Venango County**. The primary sources of emissions are the two Circulating Fluidized Bed Boilers.

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

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00047: Warminster Fiberglass Co.** (725 County Line Road, Southampton, PA 18966) for operation of a fiberglass products plant in Upper Southampton Township, **Bucks County**. This is a renewal of the State-only operating permit issued in December of 2002.

**15-00053: The Chester County Hospital** (701 East Marshall Street, West Chester, PA 19320) for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in West Chester Borough, **Chester County**. The Chester County Hospital operates and maintains two boilers and three emergency generators. The facility has a potential to emit 11.4 tons of NO<sub>x</sub> per year, 32.7 tons of SO<sub>x</sub> per year, 2.53 tons of PM per year, and 0.232 ton of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**05-03002: Tussey Mountain School District** (199 Front Street, Saxton, PA 16678-8610) for operation of a boiler at the high school in Liberty Township, **Bedford County**.

This is a renewal of the school's State-only operating permit issued on January 15, 2003.

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

conditions to ensure the facility complies with the applicable air quality requirements.

**05-03010: New Enterprise Stone & Lime Company, Inc.** (P. O. Box 77, New Enterprise, PA 16664-0077) for the operation of a limestone crushing plant, limestone wash plant, truck load out, two portable limestone crushing plants and a concrete plant in Snake Spring Township, **Bedford County**. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. A portion of the limestone crushing equipment is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

**38-03045: Valspar Corp.** (3050 Hanford Drive, North Lebanon Industrial Park, Lebanon, PA 17046) for operation of a latex paint manufacturing plant in North Lebanon Township, **Lebanon County**. Conditions for monitoring, recordkeeping and work practice standards are included to keep the facility operating within the applicable requirements.

**67-05096: Blockhouse Co., Inc.** (3285 Farmtrail Road, York, PA 17406) for operation of their wood furniture manufacturing facility in Manchester Township, **York County**. The State-only 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 State-only operating permit issued in 2003.

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

**12-00002A: GKN Sinter Metals, Inc.** (P. O. Box 493, Emporium, PA 15834) for their sintered metal parts manufacturing facility in Shippen Township, **Cameron County** (Cameron Road Plant). The facility's main sources include a hydraulic parts molding unit, a powdered metal parts oil impregnation operation, powdered metal parts dip sizing and 13 electric sintering furnaces. The facility has the potential to emit VOCs, HAPs, PM<sub>10</sub>, NO<sub>x</sub>, CO and SO<sub>x</sub> below the major emission thresholds. The proposed State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**63-00632: American Iron Oxide Production Co.** (Foster Plaza No. 7, 661 Andersen Drive, Pittsburgh, PA 15220) for basic inorganic chemical manufacturing at their Allenport Plant in Allenport Borough, **Washington County**. This is a State-only Operating Permit Application.

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

**33-00137: Village Farms LP—Ringgold Plant** (Highway L.R. 33001, P. O. Box 192, Ringgold, PA 15770) for re-issuance of a Natural Minor Operating Permit in Ringgold Township, **Jefferson County**. The facility's major sources of emissions are three Auxiliary Boilers used to produce heat for a greenhouse.

**33-00174: Brownlee Lumber, Inc.** (2652 Hazen Richardsville Road, Brookville, PA 15825-7616) for the issuance of a Natural Minor Operating Permit to operate a facility that processes logs into lumber in Warsaw Township, **Jefferson County**. The facility's primary emission sources include a wood fired boiler, a fuel oil fired boiler and sawmill/woodworking operations.

**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 <sup>1</sup>		greater than 6.0; less than 9.0	
Alkalinity greater than acidity <sup>1</sup>			

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

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

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

**Permit Number 30020701 and NPDES Permit No. PA0235482, Consol Pennsylvania Coal Company, LLC** (1800 Washington Road, Pittsburgh, PA 15241), to transfer the permit for the Bailey Central Mine Complex CRDA No. 3 and No. 4 in Richhill and Gray Townships, **Greene County** and related NPDES permit from Consol

Pennsylvania Coal Company. No additional discharges. Application received October 18, 2007.

**Permit Number 30810703 and NPDES Permit No. PA0092894, Consol Pennsylvania Coal Company, LLC** (1800 Washington Road, Pittsburgh, PA 15241), to transfer the permit for the Bailey CRDA No. 1 and No. 2 in Richhill Township, **Greene County** and related NPDES permit from Consol Pennsylvania Coal Company. No additional discharges. Application received October 18, 2007.

**Permit Number 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, LLC** (1800 Washington Road, Pittsburgh, PA 15241), to transfer the permit for the Bailey Mien and Prep Plant in Richhill, Aleppo and Gray Townships, **Greene County** and West Finley Township, **Washington County** and

related NPDES permit from Consol Pennsylvania Coal Company. No additional discharges. Application received October 18, 2007.

**Permit Number 30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company, LLC** (1800 Washington Road, Pittsburgh, PA 15241), to transfer the permit for the Enlow Fork Mine in Richhill and Morris Townships, **Greene County** and Morris, East Finley and West Finley Townships, **Washington County** and related NPDES permit from Consol Pennsylvania Coal Company. No additional discharges. Application received October 18, 2007.

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

**56070111 and PA0262510. Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530 commencement, operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 115.0 acres. Receiving streams: UNTs to Swamp Creek and UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 6, 2007.

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

**04070102 and NPDES Permit No. PA0251259. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Application for commencement, operation and reclamation for a bituminous surface mine, located in South Beaver Township, **Beaver County**, affecting 114.5 acres. Receiving streams: Brush Run and UNTs to Brush Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 1, 2007.

**30980101 and NPDES Permit No. PA0202304. Coresco, LLC** (308 Dents Run Road, Morgantown, WV 26501) Application received for transfer of permit currently issued to Coresco, Inc., for continued operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 148.4 acres. Receiving streams: UNTs of Dunkard Creek, classified for the following use: WWF. There are no downstream potable water supply intakes within 10 miles from the point of discharge. Transfer application received November 16, 2007.

**30010102 and NPDES Permit No. PA0202017. Coresco, LLC** (308 Dents Run Road, Morgantown, WV 26501) Application received for transfer of permit currently issued to Coresco, Inc., for continued operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 114.4 acres. Receiving streams: UNTs of Dunkard Creek, classified for the following use: WWF. There is no downstream potable water supply intake within 10 miles from the point of discharge. Transfer application received November 16, 2007.

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

**43070104 and NPDES Permit No. PA0258482. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation, and restoration of a bituminous surface strip operation in Jackson Township, **Mercer County** affecting 37.5 acres. Receiving streams: UNT to Mill Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 14, 2007.

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

**17970110 and NPDES No. PA0220655. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Penn Township, **Clearfield County**, affecting 256.0 acres. Receiving streams: UNT to Bell Run to Bell Run to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 6, 2007.

**17970106 and NPDES No. PA0220612. Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 119.9 acres. Receiving stream: Big Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 9, 2007.

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

**54070104. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), commencement, operation and restoration of an anthracite surface mine and coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 327.0 acres, receiving stream: UNT to Schuylkill River, classified for the following use: CWF. Application received November 20, 2007.

**54-305-004GP12. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54070104 in Blythe Township, **Schuylkill County**. Application received November 20, 2007.

**54-305-005GP12. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54070104 in Blythe Township, **Schuylkill County**. Application received November 20, 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
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to 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.*

**21070803. Richard W. Wahl**, 22 Richs Drive, Shipensburg, PA 17257, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Hopewell Township, **Cumberland County**, affecting 3.0 acres. Receiving stream: Conodoquinet Creek. Application received November 9, 2007.

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

**7975SM2A1C7 and NPDES Permit No. PA0613151. 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 Plumstead Township, **Bucks County**, receiving stream: Geddes Run, classified for the following use: CWF. Application received November 14, 2007.

**5278SM2C7 and NPDES Permit No. PA0595764. Hanson Aggregates Pennsylvania, Inc.**, (P. O. Box 231, Easton, PA 18040), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lake Township, **Wayne County**, receiving stream: UNT to Middle Creek, classified for the following use: HQ-CWF and MF. Application received November 15, 2007.

**40980301C3 and NPDES Permit No. PA0223867. Brdaric Excavating, Inc.**, (913 Miller Street, Luzerne, PA 18709), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Kingston Township, **Luzerne County**, receiving stream: UNT to Susquehanna River, classified for the following use: CWF. Application received November 19, 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

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

**E04-319. U.S. Department of Interior**, 3982 Waverly Road, Williamstown, WV 26187. To maintain a dike and fill along Phillis and Georgetown Islands in the Ohio River at Shippingport and Ohioville Boroughs in **Beaver County**, Pittsburgh ACOE District. The applicant proposes to construct and maintain a dike and to place and maintain fill along the banks of Phillis Island for a distance of approximately 1,150.0 linear feet in the Ohio River (WWF) and approximately 750.0 linear feet in the Ohio River backchannel (WWF) (Hookstown, PA Quadrangle N: 22.0 inches; W: 9.5 inches, Latitude: 40° 37' 16"; Longitude: 80° 26' 42") and to construct and maintain a dike and to place and maintain fill along the banks of Georgetown Island for a distance of approximately 600 linear feet along the Ohio River (WWF) and a distance of approximately 800 linear feet in the Ohio River backchannel (WWF) (Midland, PA Quadrangle N: 3.5 inches; W: 14.0 inches, Latitude: 40° 38' 39"; Longitude: 80° 28' 36") for the purpose of protecting said islands from further erosion. The projects are located at River Mile 37.8 (Georgetown Island) in Ohioville Borough, Beaver County and at River Mile 35.4 (Phillis Island) in Shippingport Borough, Beaver County and will impact a total of approximately 3,300.0 linear feet of stream channel.

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

**E42-327, Catalyst Energy, Inc.**, 800 Cranberry Woods Drive, Suite 290, Cranberry Township, PA 16066. Moody Lot 65 Wells 60 and 63 Gathering Lines, in Lafayette Township, **McKean County**, ACOE Pittsburgh District (Lewis Run, PA Quadrangle N: 41° 51' 20.35"; W: 78° 37' 49.6").

To install by means of directional drilling and maintain 2-inch diameter natural gas pipelines across Railroad Run (EV), a tributary to Railroad Run (EV) and associated wetlands serving as gathering lines from gas wells being drilled on the Moody Lot 65 parcel approximately 750 feet southwest of the intersection of Big Shanty and Droney Roads.

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**E1109-001. Greater Johnstown Water Authority**, 640 Franklin Street, Johnstown, PA 15901. Abandoned Mine Drainage Treatment Project, in Jackson Township, **Cambria County**, Pittsburgh ACOE District.

The applicant proposes to construct an access road with a permanent stream crossing in order to access an abandoned mine drainage treatment facility to be con-

structed by the Department of Environmental Protection Bureau of Abandoned Mine Reclamation. The project will include the filling of 0.048 acre of PF wetland, the installation of a culvert on an intermittent stream channel, the fill and reconstruction of 162 feet of intermittent stream channel, and the construction of a permanent stream crossing across Saltlick Run. An existing stream ford will be used as a temporary crossing during construction. Stream and wetland impacts total 0.143 acre (Nanty Glo Quadrangle N: 5.3 inches; W: 10.3 inches).

#### DAM SAFETY

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

**D16-001A. Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. To modify, operate and maintain Redbank Valley Water Supply Dam across Redbank Creek (TSF), impacting approximately 150 linear feet of stream for the purpose of public water supply. The existing dam is deteriorated and is part of the drinking water system of the Red Bank Valley Municipal Authority (New Bethlehem, PA Quadrangle N: 0.05 inch; W: 11.9 inches) in New Bethlehem Borough, Clarion County and South Bethlehem Borough, **Armstrong County**.

## ACTIONS

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

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

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

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

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



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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062880 (Minor Sewage Renewal)	KidsPeace Corporation 4085 Independence Road Schnecksville, PA 18078-2574	North Whitehall Township Lehigh County	Jordan Creek 02C	Y
PA0034029 (Minor Sewage)	Lehigh County Authority P. O. Box 3348 Allentown, PA 18106	North Whitehall Township Lehigh County	UNT to Coplay Creek 2C	Y
PA0064173	Heisler's Cloverleaf Dairy, Inc. 743 Catawissa Road Tamaqua, PA 18252	Walker Township Schuylkill County	Beaver Creek 3A	Y
PA0062758	Shenandoah Borough Municipal Authority P. O. Box 110 Shenandoah, PA 17976	West Mahanoy Township Schuylkill County	Lost Creek 6B	Y
PA0062316 (Sewage)	Blue Mountain Village Sales, Inc. a/k/a Pleasant Valley Manor, Inc. 1 Blue Mountain Village Saylorsburg, PA 18353	Ross Township Monroe County	Aquaschicola Creek 2B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0088960 (SEW)	West St. Clair Pleasantville Borough Municipal Authority P. O. Box 43 Alum Bank, PA 15521-0043	Bedford County West St. Clair Township and Pleasantville Borough	Dunning Creek 11-C	Y
PA0086134 (SEW)	Mr. and Mrs. Jeffery Lapp (Lapp/Benning SFTF) 906 Huffs Church Road Alburtis, PA 18011	Berks County District Township	West Branch Perkiomen Creek 3-E	Y
PA0260878 (GWCU)	Ian M. Salada Penn State University Mont Alto Campus 101P Office of Physical Plant University Park, PA 16802-1118	Franklin County Quincy Township	Drainage Swale to the West Branch Antietam Creek 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0032816 (Nonmunicipal)	Department of Transportation Safety Rest Area Site 33 P. O. Box 2966 Harrisburg, PA 17105	Clinton County Greene Township	Fishing Creek 9C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218146 Industrial Waste	Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310	Indiana County West Wheatfield Township	UNT to East Branch of Richards Run	Y
PAS116105 Industrial Waste	Kennametal, Inc. 200 Chestnut Ridge Road Latrobe, PA 15650	Westmoreland County Derry Township	UNT to Miller Run	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0034045	Greene Township Horseshoe Subdivision 9333 Tate Road Erie, PA 16509-6049	Greene Township Erie County	UNT to Four Mile Creek 15-FM	Y
PA0221775	HRI, Inc. 1750 West College Avenue State College, PA 16801	Pine Creek Township Jefferson County	UNT to Fivemile Run 17-C	Y

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

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

**NPDES Permit No. PAS203503**, Stormwater, **Mueller Water Products**, 1200 Abernathy Road NE, Suite 1200, Atlanta, GA 30328. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Transfer of Permit with Authorization to Discharge to Watershed 13-C.

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

**PA0229202**, CAFO, SIC 0241 and 0213, **Robert Kucharski**, R. R. 1, Box 76K, Liberty, PA 16930. This existing facility is located in Liberty Township, **Tioga County**.

Description of Proposed Activity: Kucharski Farms is an existing Dairy and finishing swine farm, totaling 651.75 Animal Equivalent Units.

The water bodies nearest to this facility are a UNT to Blockhouse Creek in the Pine Creek Watershed (SWP-09A) which has a designated use of CWF and Roaring Branch in the Lycoming Creek Watershed (SWP-10A) which has a designated use of HQ-CWF.

Except for the chronic or catastrophic rainfall events defined as over 25-year/24-hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

**PA0228974**, CAFO, SIC 0211, 0213 and 0251, **George C. Richard**, R. D. 1, Box 621, Elysburg, PA 17824. This existing facility is located in Locust and Cleveland Townships, **Columbia County**.

Description of Proposed Activity: Scattered Acres Farm is an existing beef, finishing swine and broiler chicken farm, totaling 748.4 Animal Equivalent Units.

The water body nearest to this facility is a UNT to Roaring Creek in the Roaring Creek Watershed (SWP-05E) and has a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over 25-year/24-hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

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

9. Compliance with the farm's Nutrient Management Plan.
10. Compliance with the farm's Preparedness, Prevention and Contingency Plan.

11. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
12. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
13. Animal mortality handling and disposing requirements.
14. Certification requirements for manure storage facilities.
15. Requirements for storage of feed and other raw materials.
16. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

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

**WQM Permit No. 2307403**, Sewerage, **Haverford Township**, 2325 Darby Road, Haverford, PA 19083. This proposed facility is located in Haverford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a wastewater pump station.

**WQM Permit No. 4607409**, Sewerage, **Upper Gwynedd Towamencin Municipal Authority**, 2225 Kriebel Road, Lansdale, PA 19446. This proposed facility is located in Towamencin Township, **Montgomery County**.

**WQM Permit No. WQG02460727**, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, Harleysville, PA 19438. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of two grinder pumps and a common force main to serve a church and an adjacent dwelling.

**WQM Permit No. 4607401**, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: To install 5,048 LF of sanitary sewer pipe and force main that will extend south from Lower and Moyer Roads to a proposed wastewater treatment plant.

**WQM Permit No. WQG02510726**, Sewerage, **City of Philadelphia Water Department**, The ARAMARK Tower, 1101 Market Street, Philadelphia, PA 19107. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Construction and operation of a new gravity sewer system.

**WQM Permit No. 4606408**, Sewerage, **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 Action/Activity: Upgrades, modifications and increasing average daily flow from 0.54 mgd to 0.70 mgd to the Royersford Borough Wastewater Treatment Plant.

**WQM Permit No. WQG02230728**, Sewerage, **Middletown Township Sewer Authority**, 27 North Pennell Road, P. O. Box 9, Lima, PA 19037. This proposed facility is located in Middletown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure force main.

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

**WQM Permit No. 2205403**, Amendment 07-1, Sewerage, **Gary Luderitz, Mountainview Thoroughbred Racing Association—Penn National of Grantville**, P. O. Box 32, Grantville, PA 17028. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation/modification of sewerage facilities consisting of: Relocation of the 150,000 gallon water reuse tank and force main from the water reuse transfer pump station. Construction of a water reuse pumping station with dual 160 gpm pumps, three 325 gpm pumps and one 500 gpm pump to convey reclaimed nonpotable water for track watering and toilet flushing.

**WQM Permit No. WQG02220705**, Sewerage, **Millersburg Area Authority**, 101 West Street, Millersburg, PA 17061. This proposed facility is located in Upper Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of pump station with force main and collection system to serve Nature's Edge Development.

**WQM Permit No. 3807402**, Sewerage, **South Londonderry Township Municipal Authority**, P. O. Box 3, Campbelltown, PA 17010-0003. This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit approval for the construction/modification/operation of sewerage facilities consisting of: The Mount Wilson Pump Station with dual 130 gpm submersible pumps and about 1,640 feet of four-inch force main. The upgrade of the Colebrook Pump Station with 155 gpm dual submersible pumps.

**WQM Permit No. 0107203**, Industrial Waste, **Motts, Inc., Cadbury Schweppes Americas Beverages**, 45 Aspers North Road, P. O. Box 468, Aspers, PA 17304. This proposed facility is located in Menallen Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of industrial waste facilities consisting of: The installation of centrifuge for sludge processing.

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

**WQM Permit No. 1707403**, Sewerage 4952, **Mahaffey Borough Municipal Authority**, P. O. Box 202, Mahaffey, PA 15757. This proposed facility is located in Bell Township and Mahaffey Borough, **Clearfield County**.

Description of Proposed Action/Activity: A Permit has been issued for the installation of sewer extensions serving Mahaffey Campgrounds and Byers Settlement and also improvements to an existing pump station on Locust Street in the Mahaffey Borough.

**WQM Permit No. 0807401**, Sewerage 4952, **South Creek Township**, P. O. Box 60, Gillett, PA 16925-0060. This approved facility is located in South Creek Township, **Bradford County**.

Description of Action/Activity: The applicant is approved to construct sewerage facilities to serve the Villages of Gillett and Fassett. The facilities will consist of sewer lines and appurtenances, 29 grinder pumps, a sewage pump station and a 75,000 gpd extended aeration package wastewater treatment plant that incorporates nutrient removal. The discharge will be to South Creek, which is classified as a CWF.

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

**WQM Permit No. 2607401**, Sewerage, **T. J. Amusement Corporation**, 6229 National Pike, P. O. Box 699, Grindstone, PA 15442. This proposed facility is located in Redstone Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the operation of a holding tank.

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

**WQM Permit No. 6107401**, Sewerage, **Highway 322 Realty Company**, P. O. Box 1030, Franklin, PA 16323. This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: In order to improve the quality of the effluent, a new treatment plant is proposed for construction along with the complete demolition of the existing WWTP. The current permitted flow will be maintained.

**WQM Permit No. 2007402**, Sewerage, **Cambridge Area Joint Authority**, 161 Carringer Street, Cambridge Springs, PA 16403. This proposed facility is located in Cambridge Springs Borough, **Crawford County**.

Description of Proposed Action/Activity: This project is for upgrades to the Grant Street pump station, construction of equalization storage and new treatment facilities and conversion of the existing Grant Street treatment site to a solids handling and dewatering facility. A new influent headworks facility with screening grit removal and raw wastewater pumps will also be installed at the Grant Street treatment site.

**WQM Permit No. 4307201**, Industrial Waste, **Borough of Sharpsville**, 1 South Walnut Street, Sharpsville, PA 16150-1258. This proposed facility is located in Sharpsville Borough, **Mercer County**.

Description of Proposed Action/Activity: As a result of the Borough of Sharpsville's public water supply treatment works changes they have proposed to replace their related waste water system.

Proposed is: Micro-filtration waste collection, settling and decanting with sedimentation basin and micro-filtration settled solids collection, sedimentation and drying. The daily maximum design flow is 0.075 mgd.

#### **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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906042	Sohum Development Corporation 2185 Stewart Drive Hatfield, PA 19440	Bucks	Milford Township	Molasses Creek HQ-TSF
PAS10G373R	Three Tun Developers 415 Three Tun Road Malvern, PA 19355-1982	Chester	East Whiteland Township	UNT Little Valley Creek EV
PAI011505064	What A Good Dog, Inc. 811 Newtown Road Villanova, PA 19085	Chester	East Whiteland Township	Valley Creek EV
PAI011506006	Silvi Realty Development 212 East High Street Suite 201 Pottstown, PA 19464	Chester	East Vincent Township	UNT Schuylkill River HQ-TSF
PAI011506008	Whiteland Village, LLC 850 Springdale Drive Exton, PA 19341	Chester	East Whiteland Township	West Branch Valley Creek CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507034	Wilmer N. Weaver 590 North Manor Road Elverson, PA 19450	Chester	East Nantmeal Township	UNT Marsh Creek HQ-TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023507004	Gary Dell' Alba 2432 Emrick Boulevard Bethlehem, PA 18020	Lackawanna	Covington Township	Six Springs Creek HQ-CWF
PAI021307002	Indus Hospitalities, Inc. 1383 Treasure Lake DuBois, PA 15801	Carbon	Kidder Township	Black Creek HQ-CWF

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

*Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051107001	Krayn Wind, LLC 9th Avenue No. 3G New York, NY 10011	Cambria	Adams Township	South Fork Little Conemaugh EV Bottle Run HQ/CWF Sulphur Creek CWF Paint Creek CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062507001	Sun Lake Development Inc. 10615 Peach Street Girard, PA 16417	Erie	Girard Township	UNT Crooked Creek HQ-CWF, MF
PAI064207001	Top Line Development Allegheny Bradford Corporation 1522 South Avenue Lewis Run, PA 16738	McKean	Lewis Run Borough	Lewis Run 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 &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Warwick Township Bucks County	PAR10D6851	Scott and Craig Cornell 2362 York Road Jamison, PA 18929	UNT Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Moreland Township Bucks County	PAG2000907109	Lower Moreland Township 1100 Edgewood Road Yardley, PA 19067	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000907092	Kinder Morgan Bulk Terminals 1 Sinter Road Fairless Hills, PA 19030	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000907111	Cavalier Development P. O. Box 4472 Cherry Hill, NJ 18003	Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Montgomery County	PAG2000906033	Somerton Valley Homes, LP 1 North Wilson Avenue Suite 2 Bristol, PA 19007	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Hazleton Luzerne County	PAG2004007027	Macar Properties, LLC t/a Central Pennsylvania Transportation, Inc. 425 Steel Way Lancaster, PA 17601	Cranberry Creek CWF	Luzerne County Conservation District (570) 674-7991
Colebrookdale Township Berks County	PAR10C450R	Les Stewart Stewart Conti Builders 3801 Germantown Pike Collegeville, PA 19426	Ironstone Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Bethel Township Berks County	PAG2000607057	John Smith Forino Enterprises 555 Mountain Home Road Sinking Spring, PA 19608	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Hampden Township Mechanicsburg Borough Cumberland County	PAI032107004	Dave Strong 3064 Bricker Road Manheim, PA 17545	Trindle Spring Run HQ-CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Conewago Township Dauphin County	PAG2002207062	Mathew D. Hoffer 1137 Edgewood Drive Hummelstown, PA 17036	Hoffer Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Swatara Township Dauphin County	PAG2002207053	CHR Corp. 2295 Susquehanna Trail Suite C York, PA 17404	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Bethel Township Berks County	PAG2000607067	John Herman Herman Development Co. 3701 Perkiomen Avenue Reading, PA 19606	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Bradford County Columbia Township	PAG2000807008	Francis Black Pennsylvania 4 Sector 2 Limited Partnership d/b/a Verizon Wireless 175 Calkins Road Rochester, NY 14623	Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539 Ext. 6
Centre County Snow Shoe Township	PAG2001407017	Snow Shoe Township Clarence Road Waterline Replacement 268 Oldside Road Clarence, PA 16829	UNT to Beech Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Somerset County Indiana Lake Borough	PAG2005607008	St. Clair Resort Development, LLC 1031 Peninsula Drive Central City, PA 15926	Indiana Lake/Stonycreek River CWF	Somerset County CD (814) 445-4652
Somerset County Somerset Township	PAG2005607011	Valley Proteins, Inc. P. O. Box 3588 Winchester, VA 22604	UNT to East Branch of Coxes Creek TSF	Somerset County CD (814) 445-4652
Washington County Somerset Township	PAG20063060021	J. Colin Gallaway Gallaway Safety & Supply 207 Carlton Drive Eight-Four, PA 15330	Pigeon Creek WWF	Washington County CD (724) 228-6774
Westmoreland County East Huntingdon Township	PAG2006507043	WCIDC Fifth Floor Suite 520 Greensburg, PA 15601	Belson Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006507046	DDM Development, Inc. P. O. Box 217 Curwensville, PA 16833	Pollock Run WWF	Westmoreland County CD (724) 837-5271
Clarion County Monroe Township	PAG2061606004	Applebee's Restaurant Clarion 6200 Pake Tree Boulevard Suite 250 Cleveland, OH 44131	Courtleys Run CWF and Clarion County Municipal Storm Sewer	DEP 230 Chestnut Street Meadville, PA 16335 (814) 332-6984
McKean County Bradford Township	PAG2064206002(1)	Bradford City Water Authority 28 Kennedy Street Bradford, PA 16701-2006		DEP 230 Chestnut Street Meadville, PA 16335 (814) 332-6984

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
McKean County Borough of Sharpsville	PAG2004307011	Michael Wilson, Manager Borough of Sharpsville 1 South Walnut Street Sharpsville, PA 16150	Shenango River WWF	McKean Conservation District (814) 887-4001
Warren County Conewango Township	PAG2006207003	John Anderson Construction P. O. Box 676 Warren, PA 16365	UNT Jackson Run CWF	Warren Conservation District (814) 563-3117
Cambria County Barr Township	PAG2091107009	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	West Branch Susquehanna River WWF	DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Juniata County Delaware Township	PAR223528	Armstrong Cabinet Products— Thompsontown Plant R. R. 2 Box 171C Old Route 22 Thompsontown, PA 17094-9735	UNT Locust Run CWF 12-B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Vanport Township Beaver County	PAR206155	KMA Manufacturing, Inc. 685 State Street Vanport, PA 15009	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Union Township Lawrence County	PAR208369	International Specialty Alloys, Inc. P. O. Box 5186 New Castle, PA 16105	UNT to Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Franklin Venango County	PAR118309	Joy Mining Machinery Box 791 Franklin, PA 16323	Storm Sewer to Allegheny River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Brookville Jefferson County	PAR118339	Beverage Air 119 Progress Street Brookville, PA 15825	Redbank Creek and Clement Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Saint Mary's Township Elk County	PAR808329	City Transfer, Inc. 900 Brussels Street St. Mary's, PA 15857	UNT to Elk Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942



## NOTICES

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*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Fairfield Township Crawford County	PAG048525	Kathleen A. and Ronald A. Suich 2311 Reash Church Road Cochranton, PA 16314	UNT to Rock Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048861	Richard Lee Weber 146 East Shenango Street Sharpsville, PA 16150	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048874	Richard A. Decker 1010 East 5th Avenue Warren, PA 16365	UNT to Conewango Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Logan Township Blair County	PAG083511	Altoona City Authority- Easterly Wastewater Treatment Facility 3172 Route 764 Duncansville, PA 16635-7800	Altoona City Authority Easterly Wastewater Treatment Facility R. R. 1 Box 925 Altoona, PA 16601	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Allegheny Township Blair County	PAG083512	Altoona City Authority Westerly Wastewater Treatment Facility 3172 Route 764 Duncansville, PA 16635-7800	Altoona City Authority Westerly Wastewater Treatment Facility 3172 Route 764 Duncansville, PA 16635-7800	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Mt. Holly Springs Borough Cumberland County	PAG083577	Mt. Holly Springs Borough Authority 200 Harman Street Mt. Holly Springs, PA 17065	Mt. Holly Springs Borough Authority WWTP 11-13 Mill Street Mt. Holly Springs, PA 17065	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-8 (SSN)*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Hopewell Township Huntingdon County	PAG083599	United States Army Corps of Engineers Raystown Lake R. R. 1 Box 222 Hesston, PA 16647-9227	Raystown Lake Gate 35 Site	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
West Cocalico and Ephrata Townships Lancaster County	PAG083565	Ephrata Borough Authority 405 South Reading Road Ephrata, PA 17522	Reuben Weaver Farm West Cocalico and Ephrata Townships Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Greenwich Township Berks County	PAG080002 PAG080003 PAG080004 PAG080006 PAG080008 PAG080018 PAG082201 PAG082203 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083596 PAG083600 PAG083825 PAG089903 PAG089904 PAG089905	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Todd Benjamin Farm Greenwich Township Berks County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-12*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Mahanoy Township Northumberland County	PAG124829	Jonathon Stauffer 6430 Route 225 Elizabethville, PA 17023	UNT to Schwaben Creek TSF	Northcentral Regional Office Watershed Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-0529

## **PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### **SAFE DRINKING WATER**

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

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

**Permit No. 0707503 MA, Minor Amendment, Public Water Supply.**

Applicant **Bellmead Townhouses**  
 Municipality Antix Township  
 County **Blair**  
 Type of Facility Replumbing of chlorine contact tanks to ensure proper disinfection.  
 Consulting Engineer Michael V. Sinisi, P. E.  
 Altoona City Authority  
 20 Greenwood Road  
 Altoona, PA 16602  
 Permit to Construct Issued: November 16, 2007

**Permit No. 2207513 MA, Minor Amendment, Public Water Supply.**

Applicant **United Water Pennsylvania**  
 Municipality Susquehanna Township  
 County **Dauphin**  
 Type of Facility Installation of a prechlorine injector for oxidizing manganese.  
 Consulting Engineer Arthur Saunders, P. E.  
 United Water Pennsylvania  
 4211 East Park Circle  
 Harrisburg, PA 17111  
 Permit to Construct Issued: November 20, 2007

**Permit No. 2207515 MA, Minor Amendment, Public Water Supply.**

Applicant **Williamstown Borough Authority**  
 Municipality Williamstown Borough  
 County **Dauphin**  
 Type of Facility Installation of a 200-gallon tank to increase the chlorine contact time for two connections.  
 Consulting Engineer 1—Not Available  
 Permit to Construct Issued: November 20, 2007

**Operations Permit** issued to **Port Royal Municipal Authority**, Port Royal Borough, **Juniata County** on October 12, 2007, for the operation of facilities approved under Construction Permit No. 3407501 MA.

**Operations Permit** issued to **West Lebanon Township**, 7380040, West Lebanon Township, **Lebanon County** on November 20, 2007, for the operation of facilities approved under Construction Permit No. 3805501 MA.

**Operations Permit** issued to **West Lebanon Township**, 7380040, West Lebanon Township, **Lebanon County** on November 20, 2007, for the operation of facilities approved under Construction Permit No. 3806505 MA.

**Operations Permit** issued to **Columbia Water Company**, Columbia Borough, **Lancaster County** on October 12, 2007, for the operation of facilities approved under Construction Permit No. 3605514 MA.

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

**Permit No. 1107502MA, Minor Amendment, Public Water Supply.**

Applicant **Cresson Township Municipal Authority**  
 717 Portage Road  
 Cresson, PA 16630  
 Borough or Township Cresson Township  
 County **Cambria**  
 Type of Facility SCI Cresson Prison Tank  
 Consulting Engineer Hegemann and Wray Consulting Engineers  
 429 Park Avenue  
 Cresson, PA 16630  
 Permit to Construct Issued: November 9, 2007

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

**Permit No. 6182501-MA1, Public Water Supply.**

Applicant **Cranberry Venango County General Authority**  
 Borough or Township Cranberry Township  
 County **Venango County**  
 Type of Facility Municipal Water Authority  
 Consulting Engineer Joseph P. Pacchioni, P. E.  
 HRG Engineering  
 3755 East State Street  
 Hermitage, PA 16148  
 Permit to Construct Issued: November 19, 2007

**Permit No. 2594501-MA10, Public Water Supply.**

Applicant **Erie City Water Authority**  
 Borough or Township McKean Borough/Township  
 County **Erie County**  
 Type of Facility Municipal Water Authority  
 Consulting Engineer Brian C. McNamara, P. E.  
 Urban Engineers of Erie, Inc.  
 1319 Sassafra Street  
 Erie, PA 16501  
 Permit to Construct Issued: November 20, 2007

**Operations Permit** issued to **Timbercrest Property, LLC**, PWSID No. 6200066, Vernon Township, **Crawford County**. Emergency Operation Permit issued November 16, 2007, for the limited use of Well No. 3 as a source of supply and supplement to Well No. 1. Emergency permit expires May 15, 2008.

**Rescission of Operations Permits** issued to **Hilltop MHP (Banzhoff & Banzhoff)**, PWSID No. 6250080, Venango Township, **Erie County**, on November 16, 2007. Permit Numbers 2588501-T1 (issued June 14, 1988, transferred to Banzhoff & Banzhoff on May 7, 1998) and 2588501-MA1-T1 (issued February 28, 1990, transferred to Banzhoff & Banzhoff on May 7, 1998), for the public water supply to the Mobile Home Park. All water supply lines are severed and capped and the Mobile Home Park is no longer in existence.

### 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

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

**WA 49-59B—Amended, Water Allocations. Sunbury Municipal Authority**, 462 South Fourth Street, Sunbury, PA 11801, City of Sunbury, **Northumberland County**. Permit issued on April 3, 2007. This is an amendment to condition 3(a) requiring the authority to install water meters on all unmetered customers on or before May 31, 2013. These sources are located in the City of Sunbury, Northumberland County.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Carroll Valley Borough	5685 Fairfield Road Carroll Valley, PA 17320	Adams

*Plan Description:* The approved plan provides for a continuation of current methods of sewage disposal. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spring Township	2800 Shillington Road Sinking Spring, PA 19608	Berks County

*Plan Description:* The approved plan provides for the extension of sewers to serve 35 existing homes and five additional future EDUs along Furlow Road and Old Lancaster Pike (DEP Code No. A3-06961-207-3M). The existing homes and the five future EDUs will generate 10,000 gpd and will be served by the Borough Sewage Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	11800 Edinboro Road Edinboro, PA 16412	Erie

*Plan Description:* The approved plan provides for the construction of a 400 gpd Small Flow Treatment Facility to serve a proposed single-family home located on the

northeast corner of Sherrod Hill and Eureka Roads. The discharge is to a UNT of Cussewago Creek. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

##### Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Port Allegany Borough	45 West Maple Street Port Allegany, PA 16743	McKean

*Plan Description:* The approved plan provides for upgrading the existing Port Allegany WWTP from .9 mgd to 1.5 mgd to address hydraulic overload conditions and accommodate future growth. 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.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

**Kemblesville Elementary School**, Franklin Township, **Chester County**. Clorece Kulp, DelVal Soil & Environmental Consultants, Inc., 4050 Skyron Drive, Suite A-1, Doylestown, PA 18902 on behalf of Donna Archer, Avon Grove Foundation, 110 East State Road, West Grove, PA 19390 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Market Square Cleaners**, City of Philadelphia, **Philadelphia County**. Stuart Wiswall, Keating Environmental Management, 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of James Kahn, KLH Market Square, LP, 1075 Virginia Drive, Suite 100, Fort Washington, PA 19034 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Bensalem Redevelopment**, Bensalem Township, **Bucks County**. Jeff Walsh, Penn E & R, Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of Joe Casey, P. G., Bensalem Redevelopment, LP, 2310 Terwood Drive, Huntingdon Valley, PA 19006 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with PCBs, lead, heavy metals, pesticides, solvents, BTEX, petroleum hydrocarbons and polycyclic aromatic hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standards and Statewide Health Standards.

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

**Bendobrook Trust**, Paradise Township, **Monroe County**. David Everitt, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report (on behalf of his client Bendobrook Trust, 1400 Waverly Road, B-226, Gladwyne, PA 19035), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an act of vandalism to a 275-gallon AST. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the final report was published in the *Pocono Record* on October 3, 2007.

**Mericle 112 Armstrong Road, LLC Property**, Pittston Township, **Luzerne County**. Martin Gilgallon, P. G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of his client, Mericle 112 Armstrong Road, LLC, 100 Baltimore Drive, Wilkes-Barre, PA 18702), concerning the remediation of site soils found to have been impacted by lead, arsenic, sulfate and residual explosive compounds (EGDN, NG, PETN). The report was submitted in order to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in *The Citizens' Voice* on November 8, 2007.

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

**Carlton Snack Foods**, Heidelberg Township, **York County**. GemChem, Inc., 53 North Cedar Street, P. O.

Box 383, Lititz, PA 17543-0384, on behalf of Jeffrey Carl, 725 Oakwood Drive, Red Lion, PA 17356, submitted a Final Report concerning remediation of site groundwater contaminated with gasoline. The report is intended to document remediation of the site to the Site-Specific Standard.

**David Yurista Residence**, West Hempfield Township, **Lancaster County**. Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of David Yurista, 3659 Horizon Drive, Lancaster, PA 17601-1115, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**Former Exxon Station No. 2-4627**, Bedford Township, **Bedford County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of C. David Stahl, 5624 Business Route 220 Bedford, PA 15522 and Exxon Mobil Corporation, 7715 Crittenden Street, No. 309, Philadelphia, PA 19118-4421, submitted a Remedial Investigation Report, Risk Assessment Report, Cleanup Plan and Final Report concerning remediation of site soils and groundwater contaminated with BTEX. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

**Former Sunoco York Terminal**, City of York, **York County**. Groundwater & Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086, on behalf of Sunoco, Inc., (R & M), 350 Eagleview Boulevard, Suite 300, Exton, PA 19341, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil and unleaded gas. The report is intended to document remediation of the site to the Statewide Health and Site-Specific Standards.

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

**Robbins Mobile Home Park-Pierson Site**, Jordan Township, **Lycoming County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Mr. and Mrs. Chancy Robbins, 1205 Mordan Hollow Road, Unityville, PA 17774 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Susquehanna Trailways Route 15S. Accident Cleanup Site**, East Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Susquehanna Trailways, P. O. Box U and Avis, PA 17721 has submitted a Final Report. The report was submitted within 90 days of the release and 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 Stan-

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

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

The Department has received the following plans and reports:

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

**Simchuk Residence**, Horsham Township **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Ty Gawlik, State Farm, P. O. Box 13, Concordville, PA 19331 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on November 5, 2007.

**Upper Merion Middle School (former)**, Upper Merion Township **Montgomery County**. Daniel Lewis, Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610 on behalf of Fredrick Remelius, Upper Merion School District, 435 Crossfield Road, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2

fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on November 6, 2007.

**Marlin Residence**, Lower Providence Township, **Montgomery County**. Richard Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Debbie Aleis, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of James Marlin, 3962 Township Line Road, Collegetown, PA 19426, Mitch Gorman, 351 Linda Lane, Collegetown, PA 19426, Antonio Adonnad, 347 Linda Lane, Collegetown, PA 19426, Tim Grim, 342 Collegetown Road, Collegetown, PA 19423, Anthony Guerrero, 338 Collegetown Road, Collegetown, PA 19426 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on October 31, 2007.

**Proposed Chichester School District**, Upper Chichester Township, **Delaware County**. John Mihalich, MACTEC Engineering and Consulting, Inc., 5205 Milita Hill Road, Plymouth Meeting, PA 19462 on behalf of Prashant Gupta, Honeywell International Inc., P. O. Box 2105, 1010 Columbia Road, Morristown, NJ 07962 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with organochlorine pesticides. The Final report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on November 7, 2007.

**Byberry State Hospital**, City of Philadelphia, **Philadelphia County**. Darryl Borrelli, Manko, Gold Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Henry Alexander, Conestoga-Rovers & Associates, 559 West Uwchlan Avenue, Suite 120, Exton, PA 19341 on behalf of Bryan Cullen, Westrum Byberry, LLC, 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site soil contaminated with PCBs and PAHs. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on November 14, 2007.

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

**Woodland Retirement Center**, Cromwell Township, **Huntingdon County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Presbyterian Homes in the Presbytery of Huntingdon, 1217 Slate Hill Road, Camp Hill, PA 17011, submitted a Remedial Investigation report and Cleanup Plan concerning the remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The report and plan were approved by the Department of Environmental Protection on November 13, 2007.

**City of Lancaster, Lancaster County**. City of Lancaster, 120 North Duke Street, Lancaster, PA 17608-1599, submitted a "Request for Areawide Nonuse Aquifer Determination" to demonstrate compliance with 25 Pa. Code § 250.303 of the Land Recycling and Environmental Remediation Standards Act (Act 2). The request was approved by the Department of Environmental Protection on November 20, 2007.

**Capital City Airport**, Fairview Township, **York County**. Susquehanna Area Regional Airport Authority, Harrisburg International Airport, One Airport Drive, Suite 300, Middletown, PA 17057 submitted a Final

Report concerning the remediation of site soils contaminated with PAHs and VOCs. The final report demonstrated attainment of a combination of the Residential Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on November 21, 2007. Groundwater was previously addressed in a separate report.

### RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Number WMGR053.** ReCom Services, Inc., 3237 Highway 19, Cochran, PA 16314. General Permit Number WMGR053 authorizes processing of off-specification or out-of-date consumer commodity-type materials in recyclable containers prior to beneficial use of the container materials, processing of empty motor oil containers and the use of "mixed batch" waste from the manufacture of glass beneficially as an agent by the permittee for the solidification/stabilization of container contents. "Mixed batch" waste consists of mixtures of sand, soda ash, dolomite, limestone, gypsum, iron oxide, titanium dioxide and glass cullet. The approved processing is limited to container emptying, separation, shredding, grinding, cleaning and solidification/stabilization of container contents. The permit was renewed by Central Office on November 19, 2007.

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

### AIR QUALITY

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

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

**GP3-07-03052: F & R Materials** (291 Sawmill Road, Duncannon, PA 17020) on November 15, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in the City of Altoona, **Blair County**.

**GP3-21-03051: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) on November 19, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Southampton Township, **Cumberland County**.

**GP3-21-03081: F & R Materials** (291 Sawmill Road, Duncannon, PA 17020) on November 20, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Carlisle Borough, **Cumberland County**.

**GP3-21-03082: Kerns Krushing, Inc.** (180 Bran Road, Sinking Spring, PA 19608) on November 20, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Silver Spring Township, **Cumberland County**.

**GP9-21-03051: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) on November 19, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Southampton Township, **Cumberland County**.

**GP9-21-03082: Kerns Krushing, Inc.** (180 Bran Road, Sinking Spring, PA 19608) on November 20, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Silver Spring Township, **Cumberland County**.

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

**GP-16-151A: Equitable Gas Co.—Limestone Compressor Station** (606 Limestone Road, Summerville, PA 15864) on November 19, 2007, for a Caterpillar Engine BAQ/GPA/GP-5 in **Clarion County**.

**GP-42-216A: Catalyst Energy—Kane Stripping Plant** (800 Cranberry Woods Drive, Cranberry Township, PA 16066) on November 19, 2007, for a Caterpillar Engine BAQ/GPA/GP-5 in **McKean County**.

**GP-43-331A: Atlas Pipeline Pennsylvania, LLC—Lake Wilhelm Station** (Grange Road, Hadley, PA 16130) on November 20, 2007, for a Caterpillar Engine BAQ/GPA/GP-5 in **Mercer County**.

**GP-61-191A: Seneca Printing and Label, Inc.** (1642 Debence Drive, Franklin, PA 16323) on November 16, 2007, for a Heidelberg lithographic printing press BAQ/GPA/GP-7 in **Venango County**.

**GP-62-139A: Norse Pipeline, LLC—Warren Compressor Station** (Catline Road, Sugar Grove, PA 16350) on November 19, 2007, for an Ajax Engine BAQ/GPA/GP-5 in **Warren County**.

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

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

**46-0200A: John Middleton, Inc.** (418 West Church Road, King of Prussia, PA 19406) on November 26, 2007, to operate a new boiler in Upper Merion Township, **Montgomery County**.

**46-0147A: Chemalloy Co., Inc.** (P. O. Box 350, Bryn Mawr, PA 19010) on November 26, 2007, to operate a manganese grinding and milling lines in Plymouth Township, **Montgomery County**.

**46-0112D: Palmer International, Inc.** (2036 Lucon Road, P. O. Box 315, Skippack, PA 19474) on November 26, 2007, to operate a reactor with a mixing vessel in Skippack Township, **Montgomery County**.

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

**38-05011C: Plain n' Fancy Kitchens, Inc.** (P. O. Box 519, Oak Street and Route 501, Schaefferstown, PA 17088) on November 19, 2007, to construct a CEFLA spray coating system controlled by water curtain and to modify existing woodworking coating booths in Heidelberg Township, **Lebanon County**.

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

**19-313-001B: Milco Industries, Inc.** (550 East 5th Street, Bloomsburg, PA 17815) on November 16, 2007, to construct a new tenter frame textile dryer to replace an existing textile dryer and to install two electrostatic precipitators (ESPs) to control the air contaminant emissions from the new dryer and from an existing tenter frame textile dryer at their facility in Bloomsburg Borough, **Columbia County**. Also, the proposed PM concentration limit for the new dryer was increased from 0.002 gr/dscf to 0.01 gr/dscf and the maximum allowed exhaust temperature entering each ESP was increased from 122° F to 140° F. The increased PM concentration limit results from updated guarantee information from the ESP manufacturer and from corrected emissions calculations from the company.

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**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.**

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

**23-0003G: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061) on November 21, 2007, to operate a platformer heaters revamp in Trainer Borough, **Delaware County**.

**46-0029C: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on November 26, 2007, to operate a replacement primary crusher in Montgomery Township, **Montgomery County**.

**23-0074: GS Roofing Products Co., Inc.** (800 West Front Street, Chester, PA 19013) on November 21, 2007, to operate a thermal oxidizer in City of Chester, **Delaware County**.

**23-0082: Liberty Electric Power, LLC** (1000 Industrial Highway, Route 291, Eddystone, PA 19022) on November 21, 2007, to operate a power plant—500 MW in Eddystone Borough, **Delaware County**.

**46-0155C: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) on November 21, 2007, to operate a binder mix tank in Limerick Township, **Montgomery County**.

**46-0155: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) on November 26, 2007, to operate three paint spray booths in Limerick Township, **Montgomery County**.

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

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on November 23, 2007, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

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

**20-194D: Lord Corp.—Saegertown** (601 South Street, Saegertown, PA 16433) on November 19, 2007, to install a thermal oxidizer and dust collector in Saegertown, **Crawford County**.

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

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

**20-00035: Molded Fiber Glass Companies—Tray Company** (6175 US Highway 6, Linesville, PA 16424) on November 20, 2007, the Department of Environmental Protection re-issued a Title V Operating Permit to operate a Reinforced Plastic Manufacturing Facility, in Linesville Borough, **Crawford County**.

**25-00035: Molded Fiber Glass Companies—Union City Plant** (55 Fourth Avenue, Union City, PA 16438) on November 19, 2007, the Department of Environmental Protection re-issued a Title V Operating Permit to operate a Reinforced Plastic Manufacturing Facility in Union City Borough, **Erie County**. The facility is a major source due to their emissions of styrene.

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**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.**

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

**15-00108: Refractory Minerals Co., Inc.** (150 South Jennersville Road, West Grove, PA 19390-9430) on November 27, 2007, to operate an alumina processing facility in Penn Township, **Chester County**. The renewal permit is for a non-Title V (State-only) facility and no changes have taken place since the permit was last issued on October 22, 2002. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00206: Merck & Company, Inc.** (1180 Church Road, Lansdale, PA) on November 27, 2007, to operate a pharmaceutical preparation facility in Lansdale Borough, **Montgomery County**. Major sources include two natural gas fired emergency generators. The permit is for a non-Title V (State-only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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



**21-03051A: Valley Quarries, Inc.** (133 Sandbank Road, Shippensburg, PA 17257-9678) on November 19, 2007, to operate their sand plant at their existing quarry in Southampton Township, **Cumberland County**.

**31-03032: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 19, 2007, to operate a stationary limestone crushing plant in Morris Township, **Huntingdon County**.

**36-05125: Department of Corrections** (1451 North Market Street, Elizabethtown, PA 17022-1223) on November 20, 2007, to operate their Training Academy in the Township of Mount Joy, **Lancaster County**. This is a renewal of the State-only operating permit.

**44-05012: Donsco, Inc.** (P. O. Box 2001, Wrightsville, PA 17368-0040) on November 20, 2007, to operate their iron foundry in Union Township, **Mifflin County**. This is a renewal of the State-only operating permit.

**67-05093: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on November 16, 2007, to operate their Emigsville Batch Asphalt Plant in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

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**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.**

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

**15-00022: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue, S.E., Charleston, WV 25325-1273) on November 27, 2007, for an administrative amendment to the renewed Title V Operating Permit for their natural gas transmission facility in West Vincent Township, Chester County. The renewed TVOP is being administratively amended to incorporate the regulations of 25 Pa. Code § 129.203 (Stationary Internal Combustion Engines) and 25 Pa. Code § 129.204 (Emission Accountability) for the three 1,300-horsepower (hp) compressor engines (Source ID: 701, 702 and 703) and the single 4,000-hp compressor engine (Source ID: 704) at the facility. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

**65-00946: Dominion Peoples, Inc.—West Fairfield Compressor Station** (501 Martindale Street, D. L. Clark Building, Suite 400, Pittsburgh, PA, 15212-5844) on November 15, 2007, an amendment to the permit to correct a typographical error in monitoring requirements and to revise the permit contact's name, title and phone number and the responsible official's phone number in Fairfield Township, **Westmoreland County**. The facility's major source of emissions includes one internal combustion compressor engine rated at 7.4 mmBtu/hr.

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

**16-00128: County Environmental Service, Inc.** (SR 36, Township Road 620, Leeper, PA 16233) on November 19, 2007, for an Administrative Amendment of the Title V Operating Permit, to change the name of responsible official and permit contact at their facility in Farmington Township, **Clarion County**. This change qualifies as an administrative amendment as described in 25 Pa. Code § 127.450.

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

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

**04-00471: Marathon Ashland Petroleum, LLC** (P. O. Box 308, Midland, PA 15059) De Minimis emission increase of 0.3 ton of VOCs per year resulting from the installation of a 21,000 gallon tank for the storage of denatured ethanol on or about October 1, 2007, at the Midland Terminal located in Industry Borough, **Beaver County**.

**65-00207: OMNOVA Solutions, Inc.** (1001 Chambers Avenue, Jeannette, PA 15644) De Minimis emission increase of 1.0 ton of VOCs per year resulting from the use of a dull PVC HAP free, VOC compliant coating, commencing on or about October 1, 2007, at the manufacturing facility located in Jeannette, **Westmoreland County**.

**04-00108: Armstrong World Industries** (P. O. Box 441, Beaver Falls, PA 15010) De Minimis emission increase of 0.6 ton of PM per year resulting from the installation of a perlite expander on or about September 1, 2007, at the Ceiling Plant located in Beaver Falls, **Beaver County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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**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).**

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*Coal Permits Actions*

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

**32031301 and NPDES Permit No. PA0235580, Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701), to revise the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit to revise the erosion and sedimentation control

plan for a spoils storage area. Surface Acres Proposed 19.8. Receiving stream: Yellow Creek, classified for the following use: TSF. Application received September 9, 2005. Permit issued November 16, 2007.

**30831303. Cumberland Coal Resources, LP**, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, ACOE Pittsburgh District (Garards Fort, PA Quadrangle: N: 11.9 inches; W: 12.6 inches to N: 15.0 inches; W: 13.9 inches and from N: 12.8 inches; W: 15.7 inches to N: 14.4 inches; W: 17.2 inches and the Oak Forest, PA Quadrangle from N: 15.0 inches; W: 0.6 inch to N: 15.5 inches; W: 0.1 inch.

This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15) and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize stream restoration in three areas of Dutch Run, two areas of Dyers For and UNT and three areas of Dyers Fork and Mt. Phoebe Run to alleviate subsidence pooling impacts from longwall mining. Application received October 28, 2005. Permit issued November 21, 2007.

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

**26050104 and NPDES Permit No. PA0250724. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687) Permit revised to add 13.9 mining and support acres, a road variance for SR 3006 and to include a land use change from unmanaged natural habitat to pastureland and/or land occasionally cut for hay at an existing bituminous surface mining site located in Nicholson Township, **Fayette County**, now affecting 209.7 acres. Receiving streams: UNTs to Jacobs and Georges Creeks. Application received September 11, 2007. Revision issued November 20, 2007.

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

**17970114 and NPDES No. PA0220701. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Goshen Township, **Clearfield County**, affecting 70.0 acres. Receiving streams: Little Trout Run to the West Branch of the Susquehanna River to the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received October 12, 2007. Permit issued November 5, 2007.

**17920121 and NPDES No. PA0207179. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Bell Township, **Clearfield County**, affecting 164.5 acres. Receiving streams: UNTs to both North Run and the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received October 12, 2007. Permit issued November 5, 2007.

**17920122 and NPDES No. PA0207187. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Beccaria Township, **Clearfield County**, affecting 372.9 acres. Receiving streams: Blain Run, Turner Run and Clearfield Creek. There are no potable water supply intakes within 10 miles downstream. Application received October 12, 2007. Permit issued November 5, 2007.

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

**54060202. Cruz Bay Trading, Inc.**, (P. O. Box 30256, Elkins Park, PA 19027), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Frailey Township, **Schuylkill County** affecting 25.0 acres, receiving stream: none. Application received December 15, 2006. Permit issued November 16, 2007.

*Noncoal Permits Actions*

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

**Permit No. 50072801, Cambridge Natural Stone Company, Inc.**, P. O. Box 110, Bound Brook, NJ 08805, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Toboyne Township, **Perry County**, affecting 5.0 acres, receiving streams UNT to Sherman Creek and UNT to Narrows Branch. Permit received July 3, 2007. Permit issued November 15, 2007.

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

**65070601 and NPDES Permit No. PA0251241. Delmont Quality Limestone, LLC** (111 Freeport Road, Pittsburgh, PA 15215). Application for noncoal surface mine has been returned. This site is located in Washington and Bell Townships, **Westmoreland County**, affecting 307.8 acres. Receiving streams: Beaver Run and UNTs to Beaver Run. Application received October 5, 2007. Application returned November 15, 2007.

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

**42070802. Carl Marcy, Jr.** (318 Griff Hill Road, Clarendon, PA 16313) Commencement, operation and restoration of a small noncoal bluestone operation in Annin Township, **McKean County** affecting 5.0 acres. Receiving streams: Two Mile Creek. Application received September 4, 2007. Permit issued November 15, 2007.

**20070803. Pfaff Landscaping/Concrete, LLC** (4463 Pitts Road, Adamsville, PA 16110) Commencement, operation and restoration of a small noncoal sand and gravel operation in East Fallowfield Township, **Crawford County** affecting 5.0 acres. Receiving streams: UNT to McDowell Run. Application received September 28, 2007. Permit issued November 15, 2007.

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

**08070801. Daniel Abell** (R. R. 1, Box 556, Warren Center, PA 18851), commencement, operation and restoration of a bluestone quarry operation in Warren Township, **Bradford County**, affecting 3.0 acres. Receiving stream: Corbin Creek. Application received February 2, 2006. Permit issued November 6, 2007.

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

**7274SM1A1C6 and NPDES Permit No. PA0595161. Lehigh Asphalt Paving & Construction Company**, (P. O. Box 549, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Penn Township, **Schuylkill County**, receiving stream: UNT to Lizard Creek. Application received October 1, 2007. Renewal issued November 19, 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.*

**21074172. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for single dwelling development in Dickinson Township, **Cumberland County**. Blasting activity permit end date is November 30, 2008. Permit issued November 14, 2007.

**21074169. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for single dwelling development in North Newton Township, **Cumberland County**. Blasting activity permit end date is October 31, 2008. Permit issued November 14, 2007.

**01074120. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for commercial development in Franklin Township, **Adams County**. Blasting activity permit end date is November 9, 2008. Permit issued November 14, 2007.

**21074170. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is November 30, 2008. Permit issued November 14, 2007.

**28074156. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Guilford Township, **Franklin County**. Blasting activity permit end date is November 30, 2008. Permit issued November 15, 2007.

**28074157. Warrens Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Antrim Township, **Franklin County**. Blasting activity permit end date is November 1, 2008. Permit issued November 15, 2007.

**28074155. Geological Tech, Inc.**, P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for commercial development in Guilford Township, **Franklin County**. Blasting activity permit end date is November 8, 2008. Permit issued November 15, 2007.

**21074171. Douglas Explosives, Inc.**, P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for warehouse development in Penn Township, **Cumberland County**. Blasting activity permit end date is December 31, 2008. Permit issued November 15, 2007.

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

**26074003. Atlas Resources, Inc.** (P. O. Box 611, Smithfield, PA 15108) Blasting activity permit for construction of the Kolencik well gas well site, located in German Township, **Fayette County**, with an expected duration of 150 days. Permit issued November 15, 2007.

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

**40074138. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Quail Hill in Pittston Township, **Luzerne County** with an expiration date of November 10, 2008. Permit issued November 16, 2007.

**06074131. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Heritage of Green Hills in Cumru Township, **Berks County** with an expiration date of November 15, 2008. Permit issued November 20, 2007.

**58074003. CMA Land Corp.**, (R.R. 1, Box 1070, Montrose, PA 18801) and Brainard Explosives, (R.R. 1 Box 275, Kingsley, PA 18826), construction blasting to add 2nd Driveway at the State Agricultural Property in Bridgewater Township, **Susquehanna County** with an expiration date of November 15, 2008. Permit issued November 21, 2007.

**FEDERAL WATER POLLUTION  
CONTROL ACT SECTION 401**

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

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

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E41-581. Betsy Morgan**, 425 West Front Street, Burr Oak, MI 49030-9424. Small Projects Water Obstruction and Encroachment Joint Permit, in Upper Fairfield Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville North, PA Quadrangle N: 41° 18' 45.7"; W: 76° 54' 40.6").

To construct and maintain a residential structure measuring 32 feet long by 24 feet wide within the floodway of Loyalsock Creek, located along Horn Road in Upper Fairfield Township, Lycoming County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

**E20-554. Greystone Group**, 360 Corporate Circle, 30050 Chagrin Boulevard, Pepper Pike, OH 44124-5704. Walgreens Meadville, in the City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 2.8 inches; W: 3.0 inches).

The applicant proposes to remove the existing grocery store and to construct and maintain a 14,280 square foot retail facility (Walgreens) (Meadville, PA Quadrangle N: 2.8 inches; W: 3.0 inches) and associated parking areas adjacent to the NW corner of Liberty and North Streets in the City of Meadville, Crawford County involving: 1) to extend and maintain an existing stream enclosure in Mill Run with the concrete box culvert extension having a 24-foot wide by 7-foot high waterway opening and a length of approximately 120 feet; 2) to conduct and maintain repairs to the existing stream enclosure in Mill Run within the project boundaries; 3) to reconstruct, extend and maintain a portion of the Dick Run culvert for a length of approximately 30 feet at the confluence with Mill Run; 4) to relocate an existing sanitary sewer crossing of Mill Run with the proposed crossing consisting of 8-inch diameter PVC pipe; and 5) to construct and maintain four stormwater outfalls to Mill Run and to plug several existing stormwater outfalls to Mill Run. Mill Run is a perennial stream classified as a WWF. The project proposes to directly impact approximately 200 feet of stream.

**E20-559. D & L Energy, Inc.**, 2761 Salt Springs Road, Youngstown, OH 44509. Cooper Well Pipeline, in West Fallowfield Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 1.0 inch; W: 15.9 inches).

The applicant proposes to construct a 2,190-foot long steel natural gas pipeline approximately 0.5 mile SE of the intersection of SR 18 and SR 3004 involving: 1) to construct and maintain three PEM wetland crossings of a wetland greater than 10 acres by horizontal directional borings having lengths of 268 feet, 144 feet and 112 feet

respectively; and 2) to construct and maintain stream crossings of the Erie Extension Canal and a UNT to Crooked Creek by directional boring. The Erie Extension Canal and the UNT to Crooked Creek are perennial streams classified as WWF.

**E62-413. Raymond D. and Norma J. McCanna**, R. D. No. 2, Box 358-A, Pittsfield, PA 16340. McCanna Driveway, in Brokenstraw Township, **Warren County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 16.2 inches; W: 14.7 inches).

The applicant proposes to construct and maintain a 20-foot long, 10.6-foot wide by 6.9-foot high arch culvert in a tributary to Brokenstraw Creek on the South side of Old Youngsville-Pittsfield Road (Youngsville, PA Quadrangle N: 16.2 inches; W: 14.7 inches) in Brokenstraw Township, Warren County approximately 1.0 mile NE of the intersection of SR 6 and SR 27. The tributary to Brokenstraw Creek is a perennial stream classified as a CWF.

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

**EA54-017NE. Schuylkill County Conservation District**, 1206 Ag Center Drive, R. R. 5, Box 5810, Pottsville, PA 17901 in Frailey Township, **Schuylkill County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain an abandoned mine discharge passive treatment system proposed in and along Good Spring Creek (CWF) and a tributary thereof. The purpose of the project is to treat and reduce AMD loadings discharging from the Tracy Airhole to restore the water quality of Good Spring Creek. The project is located on the southern side of SR 0125, approximately 1,500 feet west of SR 0081 (Tremont, PA Quadrangle N: 0.8 inch; W: 10.5 inches).

[Pa.B. Doc. No. 07-2212. Filed for public inspection December 7, 2007, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

*Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance*

DEP ID: 361-5500-001. Title: Administrative Manual for the Special Projects Funding Program of the Pennsylvania Chesapeake Bay Program. Description: This manual provides guidance to Conservation District staff on the administrative processes involved with the Special Projects Funding Program of the Chesapeake Bay Program, including the development, implementation, and funding of special projects. The Special Projects Funding Program was implemented to best utilize the limited funding for Best Management Practices within the Chesapeake Bay Program. The focus of special projects should be the improvement of water quality through the reduction of nutrient and sediment loads. This manual is a companion to the existing manual, *Administrative Manual for the Pennsylvania Chesapeake Bay Program*, and is not intended to supersede any contents of that manual, unless otherwise noted. Notice requesting public comment on the draft version of the guidance document was published at 37 Pa.B. 3018 (June 30, 2007). During the 30-day public comment period, comments were received from five commentators. Those comments are summarized and addressed by Department staff in a Comment and Response document, which accompanies the final guidance document. Minor revisions were made to the guidance document based upon the public comments received on the draft technical guidance. Contact: Frank Schneider, Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17101, (717) 772-5972 or fschneider@state.pa.us. Effective Date: December 8, 2007.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-2213. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Bid Opportunities**

**OSM 35(4190)101.1, Abandoned Mine Reclamation Project, Interchange 56 South, Scranton City, Lackawanna County.** The principal items of work and approximate quantities include 301,000 cubic yards of Grading, 2,900 cubic yards of Ditch Excavation, 500 cubic yards of Rock Excavation, 2,700 square yards of Rock Lining and 30 acres of Seeding. This project issues on December 7, 2007, and bids will be opened on January 3, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-2214. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Chesapeake Bay Advisory Committee; Meeting Location and Date Change**

The next meeting of the Chesapeake Bay Advisory Committee is rescheduled from December 6, 2007, to December 14, 2007. The meeting will convene from 9 a.m.—12 p.m. at the Department of Environmental Protection's (Department) Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning the meeting may be directed to Dave Reed at (717) 772-5649, e-mail to davreed@state.pa.us/. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department's website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Dave Reed at (717) 772-5649 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-2215. Filed for public inspection December 7, 2007, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Application of Dubois Regional Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional 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 exception from the following standards contained in this publication: 3.1-2.1.1.1 (relating to treatment room), 3.1-5.2.11 (relating to corridor width) and 3.1-5.2.14 (relating to door width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@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 Director, Division of Acute and

Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 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. 07-2216. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Application of York Adams Pain Specialists, P. C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Adams Pain Specialists, P. C., has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-2217. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Approval of Drugs Which May be Used by Certain Optometrists

Under the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12), and specifically as the act was amended by the act of December 16, 2002 (P. L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the practice of optometry as the “practice of optometry” is defined in Act 225. The State Board of Optometry, through the Secretary of State, sent the Secretary a letter on August 22, 2007, and requested that the Secretary approve the use of the following drug. Act 225 requires that the Secretary, within 90 days of the receipt of the list of drugs, approve or disapprove for good cause each drug. The Secretary has found good cause to approve the use of the following drug in the practice of optometry:

Zylet (Loteprednol Etabonate/Tobramycin combination) ophthalmic suspension

The approval of the use of this drug is effective upon publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Janice Staloski, Director, Bureau of Community Program Licensure and Certification,

132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665 for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 07-2218. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Bethlen Home of the Hungarian Reformed Federation of America  
66 Carey School Road  
Ligonier, PA 15658  
FAC ID 021402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills).

The Pavilion at BRMC  
200 Pleasant Street  
Bradford, PA 16701  
FAC ID 024702

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 require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 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. 07-2219. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Patient Safety Trust Fund Surcharge for Fiscal Year 2007-2008 Under the Medical Care Accountability and Reduction of Error Act

On March 20, 2002, the Medical Care Accountability and Reduction of Error Act (MCARE Act) (40 P. S. §§ 1301.101—1301.910) was signed into law. Among other

provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1301.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) states that commencing July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues to operate the Authority. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt.

Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year. With the cooperation of Pennsylvania hospitals, birthing centers and ambulatory surgery facilities, the surcharge for FYs 2002-2003 and 2003-2004 was implemented, and provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

The Authority has recommended that the FY 2007-2008 surcharge assessment total \$5,400,000. The Department will bill the facilities in two installments, the first to be paid within 60 days from the date of the invoice and the second to be paid by May 30, 2008.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for 2007-2008. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ambulatory surgical facilities (ASFs), birth centers, hospitals and abortion clinics licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1087).

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion clinics, the Department has chosen the number of operating and procedure rooms; and for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen October 31, 2007.

The amount of operating/procedure rooms (for ASFs, birth centers and abortion clinics) and the amount of licensed beds (for hospitals) was totaled and that amount was divided into \$2,700,000 to arrive at a charge per unit. The total number of units (operating rooms, procedure rooms and licensed beds) is 44,463. Dividing this number into \$2,700,000 results in a per unit assessment of approximately \$60.73. As stated previously, an additional

assessment of \$2,700,000 will be completed and payable by May 30, 2008. The Department will provide separate notice when this assessment is due from the facilities. To obtain a copy of the assessment for all facilities, send an email to [paexcept@health.state.pa.us](mailto:paexcept@health.state.pa.us), and request the 2007-2008 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Susan Legros, Acting Director, Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-2220. Filed for public inspection December 7, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Availability of the Fiscal Year 2008 Low-Income Home Energy Assistance Program State Plan

The Department of Public Welfare (Department) is making available to the public the 2008 Low-Income Home Energy Assistance Program State Plan (State Plan). The State Plan describes how the Department plans to use block grant funds provided under the Low-Income Home Energy Assistance Act of 1981, Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) (42 U.S.C.A. §§ 8621—8629), as amended, during the 2007-08 program year.

Copies of the State Plan are available for interested individuals and groups at county assistance offices or upon written request to Donna Roe, Director, Division of Federal Programs and Program Management, Department of Public Welfare, DGS Annex, Room 224, Willow Oak Building, 1006 Hemlock Drive, Harrisburg, PA 17110. In addition, an online version of the State Plan can be found on the Department of Public Welfare LIHEAP website at [www.dpw.state.pa.us/services/programs/liheap/](http://www.dpw.state.pa.us/services/programs/liheap/).

ESTELLE B. RICHMAN,  
*Secretary*

[Pa.B. Doc. No. 07-2221. Filed for public inspection December 7, 2007, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Bucks County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 572(b)), the Acting Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning a roadway reconstruction and widening and bridge improvement project that involves 2.8 miles of roadway, ten bridge structures, and four retaining walls in Bensalem and Middletown Townships, Bucks County.

The subject project is considered a Level 1B Categorical Exclusion in accordance with 23 CFR Part 771.117(d), Items 1 and 3, as published in the August 28, 1987 *Federal Register*.

The Reading Railroad—NY Line (CSX Trenton Line) is an eligible resource on the National Register of Historic Places, and is, therefore, a Section 2002/Section 4(f) resource. Impacts to the Reading Railroad—NY Line (CSX Trenton Line) will constitute a use of the Section 2002/Section 4(f) resource. Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,  
*Acting Director, Bureau of Design*

[Pa.B. Doc. No. 07-2222. Filed for public inspection December 7, 2007, 9:00 a.m.]

# ENVIRONMENTAL HEARING BOARD

## Brodhead Watershed Association v. DEP; EHB Doc. No. 2007-262-L

Brodhead Watershed Association has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Pocono Township Supervisors for a facility in Stroud and Pocono Townships, Monroe 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. 07-2223. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Harmony Area School District v. DEP; EHB Doc. No. 2007-260-C

Harmony Area School District has appealed the renewal by the Department of Environmental Protection of an NPDES permit to Harmony Area School District for a facility in Burnside Township, Clearfield 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. 07-2224. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Nancy Parks and Willem van den Berg (husband and wife) and Marcia Case v. DEP; EHB Doc. No. 2006-199-L

The Department of Environmental Protection (Department), Nancy F. Parks, Willem van den Berg and Marcia Case (collectively Parks), and Con-Stone, Inc. (Con-Stone) have submitted a jointly proposed Consent Adjudication for approval by the Environmental Hearing Board (Board) in the previously-referenced matter. On August 4, 2006, the Department issued to Con-Stone Noncoal Surface Mining Permit No. 14040302 for a noncoal surface mine located in Haines and Penn Townships, Centre County, PA. Parks appealed to the Board the Department's issuance of Noncoal Surface Mining Permit No. 14040302 to Con-Stone. The appeal was docketed with the Board at EHB Doc. No. 2006-199-L.

The Department, Parks and Con-Stone have agreed to a resolution in the form of a Consent Adjudication, the major provisions of which include:

(1) Con-Stone shall:

(a) Submit a reclamation bond in accordance with 25 Pa. Code Chapter 77, Subchapter D (relating to bonding



and insurance requirements) and the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326);

(b) Install fencing to enclose Sedimentation Basins A and B;

(c) Develop and implement a Truck Tarping Management Plan;

(d) Reclaim all slopes on Noncoal Surface Mining Permit No. 14040302 to no steeper than 18°;

(e) Increase, by 10%, the volume of Sedimentation Basins A and B;

(f) Remove and segregate topsoil from subsoil and store the material separately at locations identified in an addendum to the Noncoal Surface Mining Permit No. 14040302;

(g) Record all scheduled blasting events at designated locations for Phase I and Phase II and meet maximum peak particle velocity blasting limits of 0.40 inch per second at the designated locations;

(h) Conduct preblasting surveys in accordance with 25 Pa. Code § 77.562 (relating to preblasting surveys) on all homes within a 1,000 foot boundary and three additional residences, if not already within said boundary;

(i) Provide additional visual tree barrier on the northwesterly portion and shall maintain said trees as well as other visual barriers as set forth in the Consent Adjudication; and

(j) Not begin mineral extraction on Noncoal Surface Mining Permit No. 14040302 sooner than 5 years from the effective date of the Consent Adjudication; prior to mineral extraction on Noncoal Surface Mining Permit No. 14040302, reclaim approximately 15 revegetated acres and leave no more than approximately 12 unreclaimed on Noncoal Surface Mining Permit No. 14920301.

(2) The Department shall:

(a) Review meteorological and groundwater elevation data when mining is occurring on Noncoal Surface Mining Permit No. 14040302 below an elevation of 1,080 feet above mean sea level and water is observed in an active pit area;

(b) Forward airblast and seismic records to Marcia Case at her current residence; and

(c) Waive any legal action under 25 Pa. Code § 77.128(b) (relating to permit terms).

(3) Parks shall waive any legal action under 25 Pa. Code § 77.128(b).

Copies of the full Consent Adjudication are in the possession of: Robyn Katzman Bowman, Esquire, Assistant Counsel, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 783-8301; Steven F. Lachman Ph.D., Esquire, 817 Saxton Drive, State College, PA 16801, (814) 218-2620; Jan L. Budman II, Esquire and Brian J. Clark, Esquire, Buchanan Ingersoll & Rooney PC, One South Market Square, 213 Market Street, Third Floor, Harrisburg, PA 17101, (717) 237-4800; and at the office of the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8457, (717) 787-3483 and may be reviewed by any interested party on request during normal business hours. Public comments will be received for 30 days from the date of this notice. A copy of any comments should be sent to each of the parties at the previously noted addresses. This notice is being provided

under 25 Pa. Code §§ 1021.38 and 1021.141 (relating to publication of notice; and termination of proceedings). The Consent Adjudication is subject to final approval by the Board. The Board may schedule a hearing prior to taking action on the Consent Adjudication. For any aggrieved person not a party to the action, an appeal of the Consent Adjudication must be filed with the Commonwealth Court within 30 days of the date of the Board's action.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 07-2225. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Rip Management Corp. v. DEP; EHB Doc. No. 2007-259-C

Rip Management Corp. has appealed the denial by the Department of Environmental Protection of NPDES permit to Rip Management Corp. for a facility in Sandy Township, Clearfield 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. 07-2226. Filed for public inspection December 7, 2007, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2008 Designations and Redesignations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) designated, redesignated or removed the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2008:

*58 Pa. Code § 65.6. Delayed harvest artificial lures only (DHALO) areas*

The Commission redesignated the following water as a DHALO area regulated and managed under 58 Pa. Code § 65.6:

County	Water on which located	Description
Clearfield	Sandy Lick Creek	The Commission extended the DHALO section (from the mouth of Laborde Branch downstream to 100 meters downstream of Reisinger Run) downstream 0.34 mile to the SR 219 bridge. The revised limits of this area will extend from the confluence with Laborde Branch downstream to the SR 219 bridge, a distance of 1.71 miles.

*58 Pa. Code § 65.9. Big bass special regulations*

The Commission designated the following lake as a water to be regulated and managed under the Big Bass Special Regulations under 58 Pa. Code § 65.9:

County	Water
Allegheny	North Park Lake

The Commission removed the following water from its list of "Big Bass Regulation" waters regulated and managed under 58 Pa. Code § 65.9:

County	Water
Allegheny and Westmoreland	Allegheny River Section 20 (Pool 3)

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

[Pa.B. Doc. No. 07-2227. Filed for public inspection December 7, 2007, 9:00 a.m.]

### VHS-Susceptible Species of Fish

Under 58 Pa. Code § 69.3 (relating to transportation of VHS-susceptible fish out of the Lake Erie watershed), which will go into effect on January 1, 2008, it is unlawful to transport or cause the transportation of fish susceptible to Viral Hemorrhagic Septicemia (VHS) out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except when certain conditions are met. Section 69.3 further provides that for purposes of the section, species of fish that are VHS-susceptible are those species that the Fish and Boat Commission (Commission) has defined by the notice published in the *Pennsylvania Bulletin*.

For purposes of section 69.3, the Commission has defined the following species of fish as those that are VHS-susceptible, effective January 1, 2008:

Bluegill (*Lepomis macrochirus*)  
Bluntnose minnow (*Pimephales notatus*)  
Brown trout (*Salmo trutta*)  
Bullhead catfish (*Ameiurus spp*)  
Burbot (*Lota lota*)  
Channel catfish (*Ictalurus punctatus*)  
Chinook salmon (*Oncorhynchus tshawytscha*)  
Crappie (*Pomoxis spp*)  
Emerald shiner (*Notropis atherinoides*)  
Freshwater drum (*Aplodinotus grunniens*)  
Gizzard shad (*Dorosoma cepedianum*)  
Lake whitefish (*Coregonus clupeaformis*)  
Largemouth bass (*Micropterus salmoides*)  
Muskellunge (*Esox masquinongy*)

Northern pike (*Esox lucius*)  
Pumpkinseed (*Lepomis gibbosus*)  
Rainbow trout/steelhead (*Oncorhynchus mykiss*)  
Redhorse sucker (*Moxostoma spp*)  
Rock bass (*Ambloplites rupestris*)  
Smallmouth bass (*Micropterus dolomieu*)  
Spottail shiner (*Notropis hudsonius*)  
Trout-perch (*Percopsis omiscomaycus*)  
Walleye (*Sander vitreus*)  
White bass (*Morone chrysops*)  
White perch (*Morone americana*)  
Yellow perch (*Perca flavescens*)

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

[Pa.B. Doc. No. 07-2228. Filed for public inspection December 7, 2007, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled: Tuesday, December 11, 2007, Mandated Benefits Review Committee—9 a.m., Data Systems Committee—10 a.m., Education Committee—1 p.m. and Council Meeting—3 p.m.; Wednesday, December 12, 2007, Payment Data Advisory Group—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodations due to a disability and want to attend the meetings, contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
Executive Director

[Pa.B. Doc. No. 07-2229. Filed for public inspection December 7, 2007, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-6915	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Biennial Renewal Fees 37 Pa.B. 5264 (September 29, 2007)	10/29/07	11/28/07
16A-4816	State Board of Funeral Directors Preneed Activities of Unlicensed Employee 37 Pa.B. 5257 (September 29, 2007)	10/29/07	11/28/07
16A-5416	State Board of Pharmacy Revisions Regarding Current Pharmacy Practice 37 Pa.B. 5260 (September 29, 2007)	10/29/07	11/28/07

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**State Board of Social Workers, Marriage and  
Family Therapists and Professional Counselors  
Regulation #16A-6915 (IRRC #2638)**

**Biennial Renewal Fees**

**November 28, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the September 29, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

**Section 47.4. Licensure fees.—Reasonableness; Fiscal Impact.**

Commentators assert that the proposed fee increases will financially burden licensees and request that the fee increases be implemented incrementally to alleviate some of that financial strain. We agree that incremental fee increases could lessen the burden on licensees and recommend that the Board consider implementing the commentators' suggestion.

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**State Board of Funeral Directors  
Regulation #16A-4816 (IRRC #2639)**

**Preneed Activities of Unlicensed Employee**

**November 28, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the September 29, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Funeral Directors (Board) to respond to all comments received from us or any other source.

**1. Comments from the House Committee—Fiscal impact; Public health and welfare; Implementation procedures; Feasibility; Reasonableness; Consistency or conflict with the statute; Need; Clarity; Compliance with the Act.**

By letter dated November 14, 2007, the House Professional Licensure Committee (House Committee) submitted its comments on this proposed regulation which identified concerns, issues and questions that relate directly to the criteria and requirements for submitting

regulations. We share the comments presented by the House Committee and incorporate them into the Commission's comments on this proposed regulation.

One of the most important concerns raised by the House Committee and other commentators was the fiscal impact of the proposed regulation. They assert that the proposed regulation does not reflect current practices in many segments of the preneed market and will increase costs for funeral entities and customers. The Board failed to provide any estimates of these potential costs in the Regulatory Analysis Form or the Preamble that accompanied the proposed regulation. Fiscal impact and other information is required by Section 5(a) of the Regulatory Review Act (Act) (71 P. S. § 745.5(a)). Therefore, the Board needs to develop and document an analysis of the fiscal impact of this proposed regulation on both the public and private sectors. This analysis should include detailed information as required by the Act (71 P. S. §§ 745.5(a)(4), (a)(5) and (a)(9)—(12)).

**2. Section 13.1. Definitions.—Reasonableness; Need; Clarity.**

*Preneed activity—*

This term is used only once in the proposed regulation. Therefore, this definition may be unnecessary and should be deleted from the final-form regulation unless the Board can explain both the intent and need for the definition.

*Preneed funeral contract—*

We have questions in two areas concerning this definition.

First, why does this definition only include the term "funeral entity"? In addition to "funeral entity," the term "licensed funeral director" is defined in Section 13.1 of the existing regulations. Why not include both "funeral entity" and "licensed funeral director" in the definition for preneed funeral contract?

Second, what is the intent of including the phrase "whether or not the funeral entity receives preneed funeral funds"? Why would a business enter into such a contract without receiving funds?

Furthermore, a significant focus of Section 13(c) of the Funeral Director Law (Law) (63 P. S. § 479.13(c)) is the money received for such contracts. What type of review or oversight would the Board exercise in a situation where there is no monetary transaction?

**3. Section 13.206a. Utilization of unlicensed employees by a funeral entity.—Fiscal impact; Public welfare; Implementation procedures; Feasibility; Reasonableness; Consistency or conflict with statutes and other regulations; Need; Clarity.**

There are four subsections in this section. Our comments include issues and questions relating to the whole section, and also identify specific questions or issues relating to provisions in each subsection.

Throughout the section, the terms or phrases “unlicensed employee” and “employee not licensed under the act” appear to be used interchangeably. If both refer to the same type of individual, the Board should pick one term or phrase and use it consistently in the final-form regulation.

*Subsection (a)—Responsibilities and conditions*

This subsection contains five subparagraphs. Our comments and questions address four areas regarding these subparagraphs.

First, the intent of the phrase “close supervision” in Subparagraph (a)(2) is unclear. The final-form regulation should specify the standards for the term “close supervision” or delete this subparagraph from the final-form regulation.

Second, Subparagraph (a)(3) mirrors Section 11(a)(8) of the Law (63 P.S. § 479.11(a)(8)). In discussing this provision, the Preamble states:

By prohibiting the unlicensed employee from being paid based upon how much preneed business the employee brings into the funeral home, this provision is intended to reduce the employee’s incentive to persuade a customer to select funeral services and merchandise whether or not that selection would be in the customer’s interest.

What safeguards are in place to deter funeral entities and licensed funeral directors from persuading a customer to select services and merchandise that are not in the customer’s interest regardless of whether unlicensed employees are involved?

Third, we have questions and concerns in two areas relating to Subparagraph (a)(4) which reads:

A licensed funeral director of the funeral entity employing an unlicensed employee in this capacity shall consult face-to-face with each customer before entering into or offering to enter into a preneed funeral contract.

It is unclear whether this provision also applies to funeral entities that do not hire unlicensed employees to conduct preneed business. What are the requirements for entities or directors who do not have unlicensed employees involved in preneed business? Would the “face-to-face” rule apply to them? If not, could such a funeral director conduct preneed business via the postal service, email or telephone? If some form of “face-to-face” rule is retained in the final-form regulation, it should apply to all transactions, not just the ones where unlicensed employees are involved.

The House Committee, Pennsylvania Association for Autism and Intellectual Disabilities and other commentators expressed serious concerns with, and opposition to, the “face-to-face” requirement. It is our understanding that there may be hundreds to thousands of preneed contracts being completed by means of the postal service without “face-to-face” meetings. Many of these customers are confined to their residences for various health rea-

sons. They live in various regions across the state. Many are also seeking to set aside preneed funds and avoid having them counted as resources in eligibility determinations for Social Security or Medical Assistance programs. Under a “face-to-face” mandate, these prearrangement services and the setting aside of resources may be unavailable. Given these conditions, is this new requirement feasible or necessary?

Before the Board requires “face-to-face” meetings, it should determine whether there are sufficient numbers of licensees available to meet with these parties and whether a “face-to-face” rule is needed. The final-form regulation could provide for flexibility and consumer choice by requiring that customers be given options such as: 1) “face-to-face” consultation; 2) teleconference; 3) email, facsimile or postal service; or 4) communication via intermediaries or unlicensed employees.

Fourth, Subparagraph (a)(5) contains language for a prescribed notice stating that a document presented by an unlicensed employee is not a binding contract. The Pennsylvania Funeral Directors Association (PFDA) and other commentators questioned the need for this requirement. Since a preneed contract must be signed by a funeral director, why is the prescribed notice necessary?

As an alternative to this notice, the Board should consider requiring a different disclosure statement. This disclosure would inform customers that an agent or employee is not a licensed funeral director and is acting only as an employee or agent for the licensed funeral director(s). In part, the language of this disclosure could mirror Section 15(1) of the Law (63 P.S. § 479.15(1)) which is entitled “What constitutes practice.” Section 15(1) reads:

A person, either individually or as a member of a partnership or of a corporation, shall be deemed to be practicing as a funeral director within the meaning and intent of this act who:

(1) holds himself out to the public in any manner as one who is skilled in the knowledge, science and practice of funeral directing, embalming or undertaking, or who advertises himself as an undertaker, mortician or funeral director.

By disclosing that the unlicensed person is not practicing as a person skilled in the profession, it would prevent any misconceptions on the part of customers as to whether the unlicensed person is practicing as a licensed funeral director.

*Subsection (b)—Permitted activities*

This subsection describes what an unlicensed employee may do in conducting preneed business. The employee may:

- Distribute general price lists of the employing funeral entity only.
- Provide general assistance . . . including communications with customers, not otherwise prohibited by the act or this chapter.

The Board submitted a copy of the Federal court decision in *Walker v. Flitton*, 364 F.Supp.2d 503 (M.D. Pa. 2005) (*Walker*) with this proposed regulation. The Preamble of the proposed regulation states that in the *Walker* decision, “the court noted the responsibility of the Board to delineate with precision what conduct by unlicensed persons is permissible.” The proposed regulation does not provide sufficient detail to satisfy the court’s mandate. The final-form regulation should provide spe-

cific direction and concrete examples of the types of interaction and assistance that may be conducted by unlicensed employees in the preneed business.

*Subsection (c)—Prohibited activities*

This subsection includes a list of prohibitions that apply to unlicensed employees. The list is divided into seven subparagraphs. We have identified the following questions and issues with the language of these subparagraphs.

There is an overall concern. To justify these subparagraphs, the Preamble relies exclusively on the Commonwealth Court decision in *Ferguson v. State Bd. of Funeral Directors*, 768 A.2d 393 (2001) (*Ferguson*). The Board's position that assisting customers in the selection of services and merchandise constitutes the practice of funeral directing was upheld in *Ferguson*. However, in its opinion, the court clearly noted both its obligation to give deference to the Board's interpretation of its rules and regulations, and the court's limited scope of review. 768 A.2d at 398.

Several commentators raised fiscal and policy concerns regarding this subsection. In addition, the Federal court in *Walker* clearly expressed a preference for prohibitions on commercial speech that are "narrowly tailored" to achieve a governmental interest. 364 F.Supp.2d at 525—526. In this light, we would encourage the Board to review its interpretation of the Law and consider allowing for more active and robust participation in preneed activities by unlicensed employees.

As the Board responds to commentators' concerns and questions regarding Subsection (c), it should:

- 1) Specifically identify the governmental interest or policy objective that each prohibition is designed to achieve.
- 2) Clarify how the provision is "deemed necessary or proper to safeguard the interests of the public and the standards of the profession" (63 P. S. § 479.16(a)).
- 3) Explain how the provision has been "narrowly tailored" to implement the governmental interest or policy objective.

The Board should provide solid and factual documentation to explain how each restriction on commercial speech will effectively protect the public from real and ongoing harm.

Subparagraph (c)(1) requires that an unlicensed employee be associated with only one funeral entity. Several commentators assert that this requirement will place a hardship on smaller funeral homes, especially in rural areas. A smaller business may not be able to hire an employee to assist in preneed business. But, two or more funeral homes could combine resources to share an employee who focuses on preneed business. Removing this option may reduce the ability of funeral entities to offer preneed services and increase the price of such services (since a single funeral home will need to charge more to compensate its employee). The Board should explain the need for this requirement and how it will impact the availability and cost of services.

Subparagraph (c)(2) prohibits the unlicensed employee from preparing "worksheets, proposals or other presentations." This language is overly broad. Can these employees work independently and away from customers in preparing these items with or for a licensee?

Subparagraphs (c)(3) and (c)(4) prohibit the involvement of unlicensed employees in communications with customers concerning the "actual selection of funeral services and merchandise incidental to the services" and making of "financial arrangements." How will the Board monitor these activities and enforce the prohibitions? Another concern is possible confusion relating to sale of "merchandise." Any person may sell merchandise under Act 1059 of 1963 (63 P. S. §§ 480.1—480.11) (Act 1059), also known as the Future Interment Law. Currently, unlicensed vendors legally sell funeral merchandise in Pennsylvania. The *Walker* court also observed that unlicensed individuals may sell funeral merchandise. 364 F.Supp.2d at 525—526. The Board should address this potential conflict between Act 1059 and its interpretation of the Law, and it should explain what is meant by "merchandise incidental to the services."

Subparagraph (c)(5) would not allow an unlicensed employee to "[o]ffer to or enter into a preneed funeral contract with any customer on behalf of the funeral director or funeral entity." Would an unlicensed employee be allowed to deliver or present a copy of a draft contract to a customer? If not, why?

*Subsection (d)—Insurance agents*

There are two concerns with this subsection.

First, this is the only subsection which uses the word "agent." The House Committee requested more information concerning the impact of this proposed regulation on other professions but it did not identify all these professions as "agents." The Federal court in *Walker* referred to "agents" in conjunction with employees of a funeral director even though the specific circumstances of the case were limited to employees of funeral entities. 364 F.Supp.2d at 507, 513, 520, 522—526, 528 and 529. The *Walker* decision also used the words "employer" and "principal" in discussing employees and agents. 364 F.Supp.2d at 506, 520, 522 and 528. The final-form regulation should provide specific direction for agents working on preneed accounts, or the Board should explain why they are not included.

Second, the last subsection includes the phrase "a licensed insurance agent acting under licensure from the Insurance Department." This reference is incomplete and out-of-date. Act 147 of 2002 (Act 147) changed this term to "insurance producer." However, the existing regulations for the Insurance Department at 31 Pa. Code Chapters 37 and 39 have not yet been revised and continue to use the terms "insurance agents and brokers." These two chapters remain effective to the extent they are not "clearly inconsistent" with the new act (40 P. S. § 310.98). If this subsection is retained in the final-form regulation, it should be revised to include references to the existing regulations and Act 147.

**4. General—Fiscal impact; Reasonableness; Implementation procedures; Feasibility; Need; Clarity.**

PFDA submitted extensive comments supporting the goal of the proposed regulation. It also made several suggestions for revisions and additions of new and substantive provisions. Its recommendations included proposals for new rules and procedures regulating registration and bonding, direct mail, seminars and telemarketing. We urge the Board to carefully examine and consider PFDA's recommendations.

However, if the Board opts to pursue promulgation of substantial and extensive provisions that were not included in the notice of proposed rulemaking in the *Pennsylvania Bulletin* for this regulation, it should introduce these programs via a future notice of proposed rulemaking. The general public and General Assembly should be afforded a full opportunity to review such provisions and offer comments before such substantive proposals are submitted in a final-form regulation.

**State Board of Pharmacy  
Regulation #16A-5416 (IRRC #2640)**

**Revisions Regarding Current Pharmacy Practice**

**November 28, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the September 29, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Pharmacy (Board) to respond to all comments received from us or any other source.

**1. Section 27.12—Practice of pharmacy and delegation of duties.—Implementation procedures; Clarity.**

The proposed changes to this section specifically relate to the duties and responsibilities of pharmacy interns. Has the Board considered adding specific penalty provisions to this section pertaining to failure of the pharmacist to appropriately supervise a pharmacy intern?

The proposed rulemaking also deletes the prohibition on pharmacy interns accepting and transcribing oral orders and prescriptions. Has the Board considered including this duty in Subsection (c)(3) as one of the procedures pharmacy interns may now perform? It should be noted that these duties are included in the proposed changes to Subsections 27.18(n) and (o).

**2. Section 27.17—Security for Schedule II controlled substances.—Implementation procedures; Clarity.**

This section relates to security for Schedule II controlled substances. We raise three issues.

First, the proposed changes to Subsection (b) appear to be contradictory. This Subsection requires that: “[S]chedule II controlled substances *shall* be stored in securely locked, substantially constructed cabinets,” but also provides that these substances: “[m]ay be dispersed throughout the stock of noncontrolled substances in a manner that obstructs the theft or diversion of the controlled substances.” (Emphasis added.) In the final-form regulation, the Board should clarify not only how it is possible to lock these substances, while at the same time dispersing them with noncontrolled substances, but also how this method is an adequate safety measure. The final-form regulation also should clarify what a “substantially constructed cabinet” is.

Second, how will the Board enforce these storage provisions?

Finally, has the Board considered specifying which categories of medical professionals can access Schedule II controlled substances in facilities under the jurisdiction of the Board? Why or why not?

**3. Section 27.18—Standards of practice.—Statutory authority; Reasonableness; Implementation procedures; Clarity.**

*Subsection (j)*

This Subsection (j) provides that: “[p]rescriptions for Schedule II controlled substances may not be filled more than 6 months from the date of the prescription.” What is the Board’s statutory authority for this provision? Also, how did the Board determine that six months is an appropriate timeframe in which to honor this type of prescription?

*Subsection (l)*

Subsection (l)(3) refers to the mailing of medications, prescription drugs, etc. The proposed rulemaking indicates that such mailings are permissible if “[s]hipped in a manner which would preserve the integrity of the drug.” This phrase is vague, and more specific language is needed in the final-form regulation. Also, how will the Board enforce this provision?

*Subsection (r)*

Subsection (r)(6) refers to advertising of special prices for prescriptions, etc. The proposed language replaces “a pharmacist or pharmacy” with “any person,” with respect to who is responsible for the advertising. Why did the Board propose this change to the regulation?

**4. Section 27.19—Prospective drug review and patient counseling.—Clarity.**

*Subsection (d)*

Subsections (d)(1), (2) and (3) provide what a prospective drug review (PDR) does not extend to, examples of situations when a PDR is required and examples of when a PDR is not required. A commentator noted that it is confusing to have examples of when a PDR is not used in two separate subsections. Clarity would be improved by combining (d)(1) and (3) into one subsection.

**5. Section 27.25—Licensure by reciprocity.—Clarity.**

Subsection (c) refers to abbreviations for what appears to be pharmacy licensure exams. These abbreviations should be defined in this section.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-2230. Filed for public inspection December 7, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval of a Proposed Merger

The Pennsylvania Reinsurance Company, a domestic stock casualty insurance company, has filed an application for approval to merge with National Indemnity Company of Mid-America, an Iowa domiciled stock casualty insurance company, with National Indemnity Company of Mid-America surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), Subchapter C of Chapter 19 of the Business Corporation Law, 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger 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 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, rbrackbi@ins.state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2231. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Geisinger Health Plan—Employer Group (with fewer than 50 subscribers); Rate Filing**

On November 21, 2007, Geisinger Health Plan submitted a filing for the employer group rates for all groups with fewer than 50 average subscribers, requesting a rate increase of 0.7%. The filing will affect approximately 23,000 members and generate additional revenue of approximately \$481,000 annually. An effective date of April 1, 2008 is requested.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection by appointment, during normal working hours, at the Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2232. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Geisinger Health Plan—Employer Group (with 50 or more subscribers); Rate Filing**

On November 21, 2007, Geisinger Health Plan submitted a filing for the employer group rates for all groups with 50 or more average subscribers, requesting a rate increase of 5.2%. The filing will affect approximately 86,000 members and generate additional revenue of approximately \$12.8 million annually. An effective date of April 1, 2008, is requested.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection by appointment during normal working hours, at the Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary,

Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2233. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Mitzi Hemstreet, M. D.; Prehearing**

#### **Appeal of Mitzi Hemstreet, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-10-026**

On or before December 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 27, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 8, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 4, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 19, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before December 31, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2234. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Pradeep A. Lothe, M. D.; Prehearing**

#### **Appeal of Pradeep A. Lothe, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-10-028**

On or before December 28, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's September 27, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 17, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 11, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 3, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 10, 2008.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2235. Filed for public inspection December 7, 2007, 9:00 a.m.]

**Marvin Love, M. D.; Prehearing**

**Appeal of Marvin Love, M. D. under the  
Medical Care Availability and Reduction of Error  
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);  
Doc. No. MM07-10-005**

On or before December 27, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 11, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 17, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 11, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 3, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 10, 2008.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2236. Filed for public inspection December 7, 2007, 9:00 a.m.]

**Progressive Casualty Insurance Company; Progressive Northern Insurance Company; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing**

On November 15, 2007 the Insurance Department (Department) received from Progressive Casualty Insurance Company and Progressive Northern Insurance Company a filing for rate level changes for private passenger automobile insurance.

Progressive Casualty Insurance Company requests an overall 5.7% increase amounting to \$4.132 million annually, to be effective March 9, 2008.

Progressive Northern Insurance Company requests an overall 5.8% increase amounting to \$3.518 million annually, to be effective March 9, 2008.

Unless formal administrative action is taken prior to January 14, 2008 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](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120 or [mckenney@state.pa.us](mailto:mckenney@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. 07-2237. Filed for public inspection December 7, 2007, 9:00 a.m.]

**Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Richard Jilinski; file no. 07-119-41125; Travelers Insurance Co.; doc. no. P07-10-022; December 17, 2007, 3 p.m.

Appeal of Robert and Kristine Rhodes; file no. 07-130-41137; Travelers Insurance Co.; doc. no. P07-10-002; November 27, 2007, 10 a.m.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Angel J. Ames; file no. 07-266-41185; Allstate Insurance Co.; doc. no. PH07-10-016; January 11, 2008, 11 a.m.

Appeal of Pete Brunovsky; file no. 07-265-41359; State Farm Insurance Co.; doc. no. PH07-10-008; January 10, 2008, 3 p.m.

Appeal of Lisa Kemper; file no. 07-214-42698; AIG Insurance Co.; doc. no. PH07-11-008; January 10, 2008, 1 p.m.

Appeal of Miyon Kim; file no. 07-266-42351; AIG Insurance Co.; doc. no. PH07-10-021; January 11, 2008, 9 a.m.

Appeal of Anthony Morgan; file no. 07-266-40702; American Independent Insurance Co.; doc. no. PH07-10-020; January 11, 2008, 3 p.m.

Appeal of Mark Terry; file no. 07-214-41339; Unitrin Insurance Co.; doc. no. PH07-10-015; January 11, 2008, 2 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.



Appeal of Thomas Shuler; file no. 07-302-41365; State Farm Insurance Company; doc. no. P07-10-001; January 9, 2008, 4 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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 Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2238. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

The following insurers have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insurers' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Philadelphia and Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of State Farm Insurance; file no. 07-266-42076; Margaret Greenridge; doc. no. P07-11-005; January 10, 2008, 2 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Erie Insurance Exchange; file no. 07-181-43064; Mark and Lisa Lobaugh; doc. no. P07-11-009; January 10, 2008, 10 a.m.

Appeal of Erie Insurance Exchange; file no. 07-119-40609; Patricia and David Bell; doc. no. P07-10-0003; January 9, 2008, 10 a.m.

Appeal of Erie Insurance Exchange; file no. 07-169-42638; Deborah S. Long; doc. no. P07-11-004; January 9, 2008, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

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 Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2239. Filed for public inspection December 7, 2007, 9:00 a.m.]

### **Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Hannelore Brown; file no. 07-130-42982; Nationwide Insurance Co.; doc. no. PI07-10-016; December 6, 2007, 10 a.m.

Appeal of Carol Rick; file no. 07-214-41337; Lititz Insurance Co.; doc. no. PH07-10-014; January 11, 2008, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearings and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2240. Filed for public inspection December 7, 2007, 9:00 a.m.]

### T-Bones, Inc.; Hearing

#### **Appeal of T-Bones, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2007-0007(F); Doc. No. UT07-10-029**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on January 23, 2008. A hearing shall occur on February 6, 2008, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before January 11, 2008. Answers to petitions to intervene, if any, shall be filed on or before January 16, 2008.

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 Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2241. Filed for public inspection December 7, 2007, 9:00 a.m.]

### David G. Wilson, M. D.; Prehearing

#### **Appeal of David G. Wilson, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-10-027**

On or before December 10, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's October 11, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 8, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 4, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before December 19, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before December 31, 2007.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2242. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Saul D. Wolfson, M. D.; Prehearing

#### **Appeal of Saul D. Wolfson, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-10-009**

On or before December 26, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's August 23, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for January 16, 2008. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before January 11, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before January 2, 2008, with the Hearings Administrator, Administrative Hearings Office,

Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before January 9, 2008.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-2243. Filed for public inspection December 7, 2007, 9:00 a.m.]

## OFFICE OF THE BUDGET

### Statutory Cost of Living Increases for Salaries of State Officials and the Heads of Departments, Boards and Commissions

Section 3(e) of the Public Official Compensation Act, the act of September 30, 1983 (P. L. 160, No. 39) as amended by section 2 of the act of October 19, 1995 (P. L. 324, No.

51) mandates that the salaries of the Governor, Lieutenant Governor, State Treasurer, Auditor General, Attorney General and the heads of the departments and members of boards and commissions shall be increased by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12 month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics (BLS) immediately prior to the date adjustment is due to take effect.

As required by section 3(e) of the Public Official Compensation Law, the Governor has determined, based on the change in the CPI-U (PA-DE-NJ-MD) over the past 12 months as reported by BLS on November 15, 2007, that the salaries covered by that law shall be increased by 3.5% effective January 1, 2008. The following chart lists the position, the salary prior to the adjustment, the percentage increase of the adjustment, and the new salary:

#### COLA ADJUSTMENT FOR ELECTED AND APPOINTED OFFICIALS RECEIVING SALARIES CONTAINED IN ACT 1995-51

COLA ADJUSTMENT IS BASED ON THE PERCENT CHANGE IN THE CPI-U FOR PA-DE-NJ-MD, CMSA, FOR THE 12 MONTH PERIOD ENDING OCTOBER 2007

<i>Position</i>	<i>Salary Prior 1/1/2008</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2008</i>
Governor	\$164,396	3.5%	\$170,150
Lieutenant Governor	\$138,091	3.5%	\$142,924
State Treasurer	\$136,778	3.5%	\$141,565
Auditor General	\$136,778	3.5%	\$141,565
Attorney General	\$136,778	3.5%	\$141,565
Large Agency Head	\$131,517	3.5%	\$136,120
Secretary of Education			
Secretary of Environmental Protection			
Secretary of Health			
Secretary of Labor and Industry			
Secretary of Public Welfare			
Secretary of Transportation			
Secretary of Corrections			
Medium Agency Head	\$124,940	3.5%	\$129,313
Secretary of Aging			
Secretary of Community and Economic Development			
Secretary of General Services			
Secretary of Revenue			
State Police Commissioner			
Secretary of Conservation and Natural Resources			
Small Agency Head	\$118,366	3.5%	\$122,509
Adjutant General			
Secretary of Agriculture			
Secretary of Banking			
Secretary of the Commonwealth			
Insurance Commissioner			
Liquor Control Board			
Chairperson	\$66,810	3.5%	\$69,148
Member	\$64,178	3.5%	\$66,424
Civil Service Commission****			
Chairperson	\$75,177	3.5%	\$77,808
Member	\$72,285	3.5%	\$74,815
State Tax Equalization Board			
Chairperson	\$23,016	3.5%	\$23,822
Member	\$21,371	3.5%	\$22,119
Milk Marketing Board			

<i>Position</i>	<i>Salary Prior 1/1/2008</i>	<i>Cola Adjustment</i>	<i>Salary Effective 1/1/2008</i>
Chairperson	\$21,371	3.5%	\$22,119
Member	\$20,549	3.5%	\$21,268
Securities Commission***			
Chairperson	\$35,958	3.5%	\$37,217
Member	\$32,806	3.5%	\$33,954
Athletic Commission			
Chairperson	\$17,265	3.5%	\$17,869
Member	\$16,439	3.5%	\$17,014
Board of Pardons			
Member	\$15,124	3.5%	\$15,653
Public Utility Commission			
Chairperson	\$127,440	**	\$131,813
Member	\$124,940	3.5%	\$129,313
Environmental Hearing Board*			
Chairperson	\$127,440	*	\$131,813
Member	\$124,940	*	\$129,313
Board of Claims*****			
Chairperson	\$121,421	3.5%	\$125,671
Member	\$115,029	3.5%	\$119,055

\*: The Environmental Hearing Board (Board) is not listed in Act 1995-51, but separate legislation requires that the Board's members receive the same compensation as the PUC.

\*\*: Act 1995-51 requires that the PUC Chairperson shall receive \$2,500/yr. more than PUC Members.

\*\*\*: Per Act 1998-51.

\*\*\*\*: Per Act 2002-140 effective November 27, 2002.

\*\*\*\*\*: Per Act 2002-118, effective October 2, 2002.

MICHAEL J. MASCH,  
*Secretary*

[Pa.B. Doc. No. 07-2244. Filed for public inspection December 7, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Natural Gas Service

**A-125114F2001. Mountain Energy, Ltd.** Application of Mountain Energy, Ltd., for approval of the abandonment of gas service to 31 natural gas service customers located in the Townships of Richhill, Aleppo, Springhill, Jackson, Freeport and Center in Greene County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 24, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Mountain Energy, Ltd.

*Through and By Counsel:* J. William Hook, Esquire, P. O. Box 792, Waynesburg, PA 15370

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2245. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Natural Gas Service

**A-121850F2042. National Fuel Gas Distribution Corporation.** Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas service to 13 natural gas service customers located in Green Township, Forest County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before December 24, 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:* National Fuel Gas Distribution Corporation

*Through and By Counsel:* Lee E. Hartz, Esquire, P. O. Box 2081, Erie, PA 16512

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2246. Filed for public inspection December 7, 2007, 9:00 a.m.]

**Request for Comments on the need to continue the Small Generator Interconnection Rulemaking begun under Doc. No. L-00040168**

With this Secretarial Letter, the Pennsylvania Public Utility Commission (Commission) seeks comments on whether there is a need to continue with the Small Generator Interconnection Standards and Procedures Rulemaking at Doc. No. L-00040168 in light of the promulgation of Alternative Energy Portfolio Standards Act (AEPS) Interconnection Standards at 52 Pa. Code Chapter 75, Subchapter C (relating to interconnection standards). Alternatively, the Commission seeks comments on the advisability of expanding the scope of the AEPS interconnection rules to cover all small generators, regardless of whether they qualify as customer—generators under the AEPS Act.

On November 19, 2004, the Commission entered an order soliciting comments regarding small generation interconnection standards and procedures. The Commission sought to achieve the following specific goals by promulgating rules establishing these standards and procedures: (1) elimination of unnecessary barriers to entry in the distributed generation market; (2) promoting distributed generation in order to provide peak demand responsiveness; (3) enhancing grid reliability; (4) increasing transparency in the interconnection process; (5) creating uniformity and thereby easing the difficulty presented by a patchwork of different procedures; and (6) lowering the overall cost of locating and placing distributed generation across this Commonwealth. The Commission sought comments on the technical requirements and interconnection procedures, as well as the appropriate size of generation to be covered by the rules. This order was published at 34 Pa.B. 6246 (December 4, 2004). The Commission received multiple comments and reply comments in response to this request.

On November 30, 2004, Governor Edward Rendell signed into law Act 213 of 2004, known as AEPS (71 P. S. §§ 1648.1—1648.8). Among other things, AEPS directed the Commission to develop statewide technical and net metering interconnection rules for customer—generators. See 71 P. S. § 1648.5.

On November 16, 2005, the Commission issued Proposed Rulemaking Orders governing net metering and interconnection for customer—generators at Doc. Nos. M-00051865, L-00050174 and L-00050175. On September 19, 2006, the Commission entered a Final Rulemaking Order—Reconsideration, adopting the interconnection for customer—generators regulations at 52 Pa. Code §§ 75.21—75.51. These regulations became effective upon publication in the *Pennsylvania Bulletin* on December 16, 2006.

As not all small generators may qualify under the AEPS Act, such small generators would not be covered by the AEPS interconnection regulations in its current form. The Commission noted that leaving these generators exposed to a situation where there are no interconnection regulations that they can rely upon does not seem prudent.

Therefore, as stated previously, the Commission now seeks comments on whether the Commission should continue with the Small Generator Interconnection Standards and Procedures Rulemaking at Doc. No. L-00040168. The Commission also seeks comments on the

advisability of expanding the scope of the AEPS interconnection rules to cover all small generators, regardless of whether they qualify as customer—generators under the AEPS Act. Since the AEPS interconnection regulations are technical in nature, and do not pertain to issues such as net metering or the obligation to purchase AEPS credits, this may be the more expedient way to proceed.

An original and 15 copies of any written comments referencing the Doc. No. L-00040168 shall be submitted to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105. Comments shall be submitted within 45 days of the publication of this Secretarial Letter in the *Pennsylvania Bulletin*. Reply comments may be filed 30 days thereafter. The contact person at the Commission is Kriss Brown, Assistant Counsel, Law Bureau, (717) 787-4518.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2247. Filed for public inspection December 7, 2007, 9:00 a.m.]

**Service of Notice of Motor Carrier Application**

The following temporary authority and/or permanent authority application 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 31, 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 *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for the transportation of *persons* as described under the application.**

**A-00121368, F. 1. Am-A. BM Enterprises, Inc., t/a A. G. Taxi** (8125 Frankford Avenue, Philadelphia, Philadelphia County, PA 19136), inter alia—persons, upon call or demand, in the Borough of Bristol and the Townships of Bristol and Bensalem, all located in Bucks County: *So As To Permit* the transportation of persons, upon call or demand, in the Township of Sloebury, and the Borough of New Hope, and that portion of Bucks County located south and east of Pa. Route 232; and that portion of Montgomery County located north and west of Pa. Route 73; and the Counties of Columbia, Montour, Clinton, Union, Centre and Lycoming.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2248. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Telecommunications

**A-310804F7002. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and dPi Teleconnect, LLC.** Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and dPi Teleconnect, LLC for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and dPi Teleconnect, LLC, by its counsel, filed on November 21, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and dPi Teleconnect, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2249. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Telecommunications

**A-310906F7001. Verizon North, Inc. and ACN Communications Services, Inc.** Joint petition of Verizon North, Inc. and ACN Communications Services, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and ACN Communications Services, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and ACN Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2250. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Telecommunications

**A-311163F7001. Verizon North, Inc. and AT&T Communications of Pennsylvania.** Joint petition of Verizon North, Inc. and AT&T Communications of Pennsylvania for approval of amendment no. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and AT&T Communications of Pennsylvania, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 5 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and AT&T Communications of Pennsylvania joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2251. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Telecommunications

**A-311188F7001. Verizon North, Inc. and Broadview NP Acquisition Corp.** Joint petition of Verizon North, Inc. and Broadview NP Acquisition Corp. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Broadview NP Acquisition Corp., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Broadview NP Acquisition Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2252. Filed for public inspection December 7, 2007, 9:00 a.m.]

## Telecommunications

**A-310932F7001. Verizon North, Inc. and Broadview Networks, Inc.** Joint petition of Verizon North, Inc. and Broadview Networks, Inc. for approval of

amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Broadview Networks, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Broadview Networks, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2253. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-311258F7001. Verizon North, Inc. and Broadwing Communications, LLC.** Joint petition of Verizon North, Inc. and Broadwing Communications, LLC for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Broadwing Communications, LLC, by its counsel, filed on November 16, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Broadwing Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2254. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310295F7001. Verizon North, Inc. and CTC Communications Corp.** Joint petition of Verizon North, Inc. and CTC Communications Corp. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and CTC Communications Corp., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the intercon-

nection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and CTC Communications Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2255. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310781F7001. Verizon North, Inc. and Choice One Communications of Pennsylvania, Inc.** Joint petition of Verizon North, Inc. and Choice One Communications of Pennsylvania, Inc. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Choice One Communications of Pennsylvania, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Choice One Communications of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2256. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310696F7001. Verizon North, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company.** Joint petition of Verizon North, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2257. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310738F7001. Verizon North, Inc. and D & E Systems, Inc.** Joint petition of Verizon North, Inc. and D & E Systems, Inc. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and D & E Systems, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and D & E Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2258. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310827F7001. Verizon North, Inc. and D-Tel, LLC.** Joint petition of Verizon North, Inc. and D-Tel, LLC for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and D-Tel, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the

Verizon North, Inc. and D-Tel, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2259. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310828F7001. Verizon North, Inc. and FiberNet Telecommunications of Pennsylvania, LLC.** Joint petition of Verizon North, Inc. and FiberNet Telecommunications of Pennsylvania, LLC for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and FiberNet Telecommunications of Pennsylvania, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and FiberNet Telecommunications of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2260. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310204F7001. Verizon North, Inc. and Full Service Computing Corporation, t/a Full Service Network.** Joint petition of Verizon North, Inc. and Full Service Computing Corporation, t/a Full Service Network for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Full Service Computing Corporation, t/a Full Service Network, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Full Service Computing Corporation, t/a Full Service Network joint petition are on file with the Commission and are available for public inspection.



The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2261. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310782F7001. Verizon North, Inc. and IDT America Corp.** Joint petition of Verizon North, Inc. and IDT America Corp. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and IDT America Corp., by its counsel, filed on November 21, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and IDT America Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2262. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310917F7001. Verizon North, Inc. and Line Systems, Inc.** Joint petition of Verizon North, Inc. and Line Systems, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Line Systems, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Line Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2263. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-311087F7001. Verizon North, Inc. and PaCLEC Corporation.** Joint petition of Verizon North, Inc. and PaCLEC Corporation for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and PaCLEC Corporation, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and PaCLEC Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2264. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310074F7001. Verizon North, Inc. and Penn Telecom, Inc.** Joint petition of Verizon North, Inc. and Penn Telecom, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Penn Telecom, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Penn Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2265. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310554F7001. Verizon North, Inc. and RCN Telecom Services, Inc.** Joint petition of Verizon North, Inc. and RCN Telecom Services, Inc. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and RCN Telecom Services, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and RCN Telecom Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2266. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-311156F7001. Verizon North, Inc. and Remi Retail Communications, LLC.** Joint petition of Verizon North, Inc. and Remi Retail Communications, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Remi Retail Communications, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Remi Retail Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2267. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310183F7001. Verizon North, Inc. and Sprint Communications Company LP.** Joint petition of Verizon North, Inc. and Sprint Communications Company LP for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Sprint Communications Company LP, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commis-

sion), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Sprint Communications Company LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2268. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310213F7001. Verizon North, Inc. and Teleport Communications Group, Inc., d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc.** Joint petition of Verizon North, Inc. and Teleport Communications Group, Inc., d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc. for approval of amendment no. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Teleport Communications Group, Inc., d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 5 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Teleport Communications Group, Inc., d/b/a TCG Pittsburgh and TCG Delaware Valley, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2269. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310906F7000. Verizon Pennsylvania, Inc. and ACN Communications Services, Inc.** Joint petition of Verizon Pennsylvania, Inc. and ACN Communications Services, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and ACN Communications Services, Inc., by its counsel, filed on November 13, 2007,

at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and ACN Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2270. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310448F7000. Verizon Pennsylvania, Inc. and A.R. C. Networks, Inc., d/b/a InfoHighway.** Joint petition of Verizon Pennsylvania, Inc. and A.R. C. Networks, Inc., d/b/a InfoHighway for approval of amendment no. 4 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and A.R. C. Networks, Inc., d/b/a InfoHighway, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 4 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and A.R. C. Networks, Inc., d/b/a InfoHighway joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2271. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-311163F7000. Verizon Pennsylvania, Inc. and AT&T Communications of Pennsylvania.** Joint petition of Verizon Pennsylvania, Inc. and AT&T Communications of Pennsylvania for approval of amendment no. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and AT&T Communications of Pennsylvania, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 4 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and AT&T Communications of Pennsylvania joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2272. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310992F7000. Verizon Pennsylvania, Inc. and ATX Licensing, Inc.** Joint petition of Verizon Pennsylvania, Inc. and ATX Licensing, Inc. for approval of amendment no. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and ATX Licensing, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 5 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and ATX Licensing, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2273. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310478F7000. Verizon Pennsylvania, Inc. and Advanced Telephone Systems, Inc., d/b/a HTC Communications.** Joint petition of Verizon Pennsylvania, Inc. and Advanced Telephone Systems, Inc., d/b/a HTC Communications for approval of amendment no. 1 to the interconnection agreement under section 252(e) of The Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Advanced Telephone Systems Inc., d/b/a HTC Communications, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania

Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Advanced Telephone Systems Inc., d/b/a HTC Communications joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2274. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310555F7000. Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic—Pennsylvania, Inc.) and RCN Telecom Services of Philadelphia, Inc. and RCN Telecom Services, Inc.** Joint petition of Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic—Pennsylvania, Inc.) and RCN Telecom Services of Philadelphia, Inc. and RCN Telecom Services, Inc. for approval of amendment no. 7 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic—Pennsylvania, Inc.) and RCN Telecom Services of Philadelphia, Inc. and RCN Telecom Services, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 7 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. (f/k/a Bell Atlantic—Pennsylvania, Inc.) and RCN Telecom Services of Philadelphia, Inc. and RCN Telecom Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2275. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-311188F7000. Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp.** Joint petition of Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to

the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Broadview NP Acquisition Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2276. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310932F7000. Verizon Pennsylvania, Inc. and Broadview Networks, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Broadview Networks, Inc. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Broadview Networks, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Broadview Networks, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2277. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-311258F7000. Verizon Pennsylvania, Inc. and Broadwing Communications, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Broadwing Communications, LLC for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Broadwing Communications, LLC, by its counsel, filed on November 16, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to

the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Broadwing Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2278. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310295F7000. Verizon Pennsylvania, Inc. and CTC Communications Corp.** Joint petition of Verizon Pennsylvania, Inc. and CTC Communications Corp. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CTC Communications Corp., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and CTC Communications Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2279. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310781F7000. Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc. for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Choice One Communications of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2280. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-311281F7000. Verizon Pennsylvania, Inc. and CityNet Pennsylvania, LLC.** Joint petition of Verizon Pennsylvania, Inc. and CityNet Pennsylvania, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CityNet Pennsylvania, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and CityNet Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2281. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications

**A-310696F7000. Verizon Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company.** Joint petition of Verizon Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and DIECA Communications, Inc., d/b/a Covad Communications Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2282. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310738F7000. Verizon Pennsylvania, Inc. and D & E Systems, Inc.** Joint petition of Verizon Pennsylvania, Inc. and D & E Systems, Inc. for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and D & E Systems, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and D & E Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2283. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310827F7000. Verizon Pennsylvania, Inc. and D-Tel, LLC.** Joint petition of Verizon Pennsylvania, Inc. and D-Tel, LLC for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and D-Tel, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days

after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and D-Tel, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2284. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310828F7000. Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC.** Joint petition of Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC for approval of amendment no. 4 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 4 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and FiberNet Telecommunications of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2285. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310204F7000. Verizon Pennsylvania, Inc. and Full Service Computing Corporation, t/a Full Service Network.** Joint petition of Verizon Pennsylvania, Inc. and Full Service Computing Corporation, t/a Full Service Network for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Full Service Computing Corporation, t/a Full Service Network, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Full Service Computing Corporation, t/a Full Service Network joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2286. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310782F7000. Verizon Pennsylvania, Inc. and IDT America, Corp.** Joint petition of Verizon Pennsylvania, Inc. and IDT America, Corp. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and IDT America, Corp., by its counsel, filed on November 21, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and IDT America, Corp. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2287. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310943F7000. Verizon Pennsylvania, Inc. and Lightship Telecom, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Lightship Telecom, LLC for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Lightship Telecom, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Lightship Telecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2288. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310917F7000. Verizon Pennsylvania, Inc. and Line Systems, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Line Systems, Inc. for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Line Systems, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Line Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2289. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-311087F7000. Verizon Pennsylvania, Inc. and PaCLEC Corporation.** Joint petition of Verizon Pennsylvania, Inc. and PaCLEC Corporation for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and PaCLEC Corporation, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and PaCLEC Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2290. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310074F7000. Verizon Pennsylvania, Inc. and Penn Telecom, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Penn Telecom, Inc. for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Penn Telecom, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Penn Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2291. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-311156F7000. Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Remi Retail Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2292. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310820F7000. Verizon Pennsylvania, Inc. and SNIp LiNK, LLC.** Joint petition of Verizon Pennsylvania, Inc. and SNIp LiNK, LLC for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and SNIp LiNK, LLC, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and SNIp LiNK, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2293. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310183F7000. Verizon Pennsylvania, Inc. and Sprint Communications Company, LP.** Joint petition of Verizon Pennsylvania, Inc. and Sprint Communications Company, LP for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Sprint Communications Company, LP, by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Sprint Communications Company, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2294. Filed for public inspection December 7, 2007, 9:00 a.m.]



### Telecommunications

**A-310258F7000. Verizon Pennsylvania, Inc. and TCG Delaware Valley, Inc.** Joint petition of Verizon Pennsylvania, Inc. and TCG Delaware Valley, Inc. for approval of amendment no. 6 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and TCG Delaware Valley, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 6 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and TCG Delaware Valley, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2295. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310213F7000. Verizon Pennsylvania, Inc. and TCG-Pittsburgh, Inc.** Joint petition of Verizon Pennsylvania, Inc. and TCG-Pittsburgh, Inc. for approval of amendment no. 5 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and TCG-Pittsburgh, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 5 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and TCG-Pittsburgh, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2296. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310814F7000. Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc.** Joint petition of Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. for

approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2297. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-311331F7000. Verizon Pennsylvania, Inc. and XO Communications Services, Inc.** Joint petition of Verizon Pennsylvania, Inc. and XO Communications Services, Inc. for approval of amendment no. 7 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and XO Communications Services, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 7 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and XO Communications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2298. Filed for public inspection December 7, 2007, 9:00 a.m.]

### Telecommunications

**A-310322F7000. Verizon Pennsylvania, Inc. and XTel Communications, Inc.** Joint petition of Verizon Pennsylvania, Inc. and XTel Communications, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and XTel Communications, Inc., by its counsel, filed on November 13, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and XTel Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2299. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Telecommunications Services

**A-310782F0002AMB. IDT America, Corp.** Application of IDT America, Corp., for approval to offer, render, furnish or supply telecommunications services as a facilities-based competitive local exchange carrier to the public in the service territory of Commonwealth Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities), on or before December 24, 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:* IDT America, Corp.

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2300. Filed for public inspection December 7, 2007, 9:00 a.m.]

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### Water Service

**A-210013F0018. United Water Pennsylvania, Inc.** Application of United Water Pennsylvania, Inc., for approval of: 1) the acquisition by United Water PA of the water system assets of the Perry County Economic Development Corporation; and 2) the right of United Water PA to begin to offer, render, furnish or supply water service to the public in a portion of Penn Township, Perry County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 24, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* United Water Pennsylvania, Inc.

*Through and By Counsel:* Michael D. Klein, Esquire, Dewey and LeBoeuf, 1101 New York Avenue, NW, Suite 1100, Washington, DC 20005-4213

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-2301. Filed for public inspection December 7, 2007, 9:00 a.m.]



