

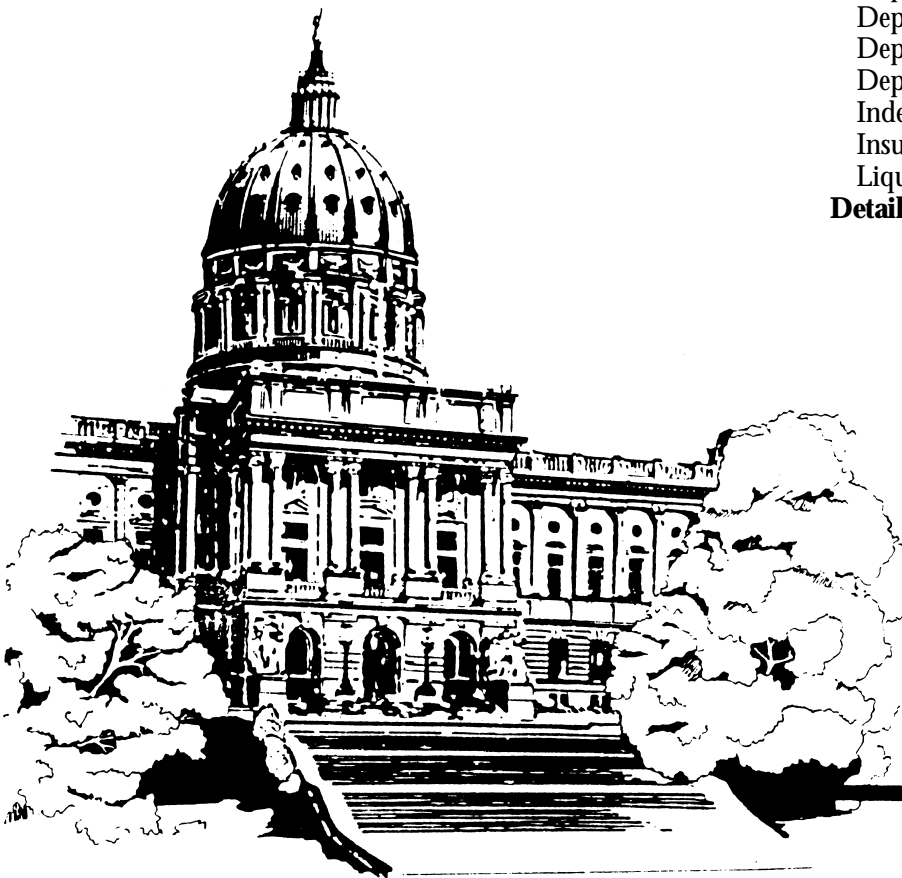
PENNSYLVANIA BULLETIN

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Agencies in this issue

The General Assembly
The Courts
Delaware River Basin Commission
Department of Aging
Department of Environmental Protection
Department of Health
Department of Public Welfare
Department of Revenue
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board

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No. 397, December 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE GENERAL ASSEMBLY

Recent Actions during the 2007 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2007 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 062 through 066					
062	Nov 20	HB0033	PN1418	60 days	Department of General Services—lease of land in Pine Township, Clearfield County
063	Nov 20	HB0191	PN1007	60 days	Donation of blood by certain minors
064	Dec 4	SB0117	PN1466	Immediately	Judicial Code (42 Pa.C.S.)—Juvenile Court Judges' Commission establishment and operation
065	Dec 4	SB0886	PN1442	60 days	Real Estate Licensing and Registration Act—prohibiting certain acts
066	Dec 12	SB0915	PN1436	Immediately	Military Affairs (51 Pa.C.S.)—grants to veterans' service officer programs

* 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. 07-2397. Filed for public inspection December 28, 2007, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART I. GENERAL

[207 PA. CODE CH. 51]

Rules 13, 14 and 15 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend Rules 13, 14, and 15 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to clarify the restrictions on magisterial district judges serving as arbitrators. The Committee is republishing this proposal. The initial publication was 33 Pa.B. 745 (February 8, 2003). The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

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

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

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

Paula Knudsen Burke, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
Fax 717-795-2175

or e-mail to: minorrules@pacourts.us

no later than March 1, 2008.

By the Minor Court Rules Committee:

M. KAY DUBREE,
Chair

Annex A

TITLE 207. JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS

CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

Rule 13. Incompatible Practices.

[Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond. Magisterial district judges shall not exploit their judicial position for financial gain or

for any business or professional advantage. Magisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator.]

A. A magisterial district judge may not exploit his or her judicial position for financial gain or for business or professional advantage.

B. A magisterial district judge may not act as an arbitrator.

C. A magisterial district judge or an employee assigned to or appointed by a magisterial district judge may not engage in, directly or indirectly, an activity or act incompatible with the expeditious, proper, and impartial discharge of his or her duties, including but not limited to (1) an activity prohibited by law, (2) the collection business, or (3) the acceptance of a premium or fee for a judicial bond.

Official Note: [The next to the last sentence of this rule is derived in part from Canon 5C(1) of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct.]

* * * * *

Rule 8 (A) of the Rules Governing Standards of Conduct of Magisterial District Judges continues to govern the disqualification of magisterial district judges where the interest in or relationship with a licensed racing or licensed gaming entity or related company thereto, or any such applicant therefor, of the magisterial district judge or a family member is at issue.

As to subdivisions B, see Section 3304 of the Judicial Code, 42 Pa.C.S. § 3304. Compare with Canon 5E of the Code of Judicial Conduct.

Adopted, effective Feb. 1, 1973. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; Jan. 6, 2005, effective Jan. 29, 2005; Nov. 1, 2005, imd. effective; Nov. 21, 2005, imd. effective. Note amended June 1, 2006, effective immediately. Amended _____, 2008, effective _____.

Rule 14. Prohibited Practice of Attorney Magisterial District Judges.

[A. Attorneys who are magisterial district judges shall not practice before any magisterial district judge in the Commonwealth, nor shall they act as a lawyer in a proceeding in which they have served as a magisterial district judge or in any other proceeding related thereto. Nor shall they practice criminal law in the county within which their magisterial district is located. An employer, employe, partner or office associate of such magisterial district judges shall not appear or practice before them.

B. Attorneys who are magisterial district judges shall not practice before, or act as an attorney or solicitor for, any county or local municipal, governmental or quasigovernmental agency, board, authority or commission operating within the Commonwealth.

Official Note: Subdivision A of this rule is derived from former Rule 3A and Compliance Exception A(2), American Bar Association Code of Judicial Conduct. Subdivision B is derived from former Rule

3B. This rule contains all the prohibitions upon the practice of law by attorney magisterial district judges that were thought necessary.]

A. In addition to the general prohibitions in Rule 13, the following prohibitions apply to a magisterial district judge who is an attorney. A magisterial district judge who is an attorney may not:

(1) practice law before a magisterial district judge in the Commonwealth;

(2) act as a attorney in a proceeding in which he or she has served as a magisterial district judge or in any other proceeding related thereto;

(3) practice criminal law in the county within which his or her magisterial district is located; or

(4) practice law before, or act as an attorney or solicitor for a county or local municipal, governmental or quasi-governmental agency, board, authority, or commission operating within the Commonwealth.

B. An employer, employee, partner, or office associate of a magisterial district judge who is an attorney may not appear or practice law before the magisterial district judge.

Official Note: The limitation on the practice of law included in subdivision B is intended to affect attorneys who are not necessarily magisterial district judges. Attorney regulation generally is governed only by the Rules of Professional Conduct. Pa. Code Tit. 204, Ch. 81. One specific prohibition is included in this rule, however, because the attorney-magisterial district judge has an independent duty to object if an employer, employee, partner, or office associate appears before the attorney-magisterial district judge.

Adopted, effective Feb. 1, 1973. Amended June 30, 1982, effective 30 days after July 17, 1982; Jan. 6, 2005, effective Jan. 29, 2005; Nov. 21, 2005, imd. effective. Amended _____, 2008, effective _____.

Rule 15. Public Office and Political Activity.

A. Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

B. Except as otherwise provided in this rule, [Magisterial] magisterial district judges or a candidate for [such] the office [shall] of magisterial district judge may not:

(1) hold office in a political party or political organization or publicly endorse candidates for political office[.];

(2) engage in partisan political activity, deliver political speeches, make or solicit political contributions (including purchasing tickets for political party dinners or other functions), or attend political or party conventions or gatherings [, except as authorized in subdivision C of this rule]. [Nothing herein shall prevent magisterial] Magisterial district judges or candidates for [such] the offices of magisterial district judge [from making] may make political contributions to a campaign of a member of their immediate family.

C. Magisterial district judges or candidates for [such] the [offices] office of magisterial district judge may

in the year they run for office, attend political or party conventions or gatherings, speak [to such] at the gatherings or conventions on their own behalf, identify themselves as a member of a political party, and contribute to their own campaign, a political party, or political organization (including purchasing tickets for political party dinners or other functions).

D. With respect to their campaign conduct, magisterial district judges or candidates for [such] the office of magisterial district judge [shall]:

(1) shall maintain the dignity appropriate to judicial office, and shall encourage family members [of their family] to adhere to the same standards of political conduct that apply to [them] the magisterial district judge or candidate[.];

(2) shall prohibit public officials or [employees] employees subject to their direction or control from doing for them what they are prohibited from doing under this rule; and except to the extent authorized under subdivision D(4) of this rule [shall] may not allow any other person to do for them what they are prohibited from doing under this rule[.];

(3) may not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent their identity, qualifications, present position, or other fact[.];

Commentary: The United States Supreme Court in *Republican Party of Minnesota v. White*, 122 S.Ct. 2528 (2002) concluded that a canon of judicial conduct prohibiting judicial candidates from "announcing their views on disputed legal or political issues" is violative of the First Amendment of the United State Constitution.

(4) may not themselves personally solicit or accept campaign funds, or solicit publicly stated support, but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign and to obtain public statements of support for their candidacy. [Such] The committees are not prohibited from soliciting campaign contributions and public support from lawyers. [Candidates'] The committees may solicit [funds for their] campaign funds no earlier than [thirty (30)] 30 days prior to the first day for filing nominating petitions, and all fundraising activities in connection with [such] the campaign [shall] must terminate no later than the last calendar day of the year in which the election is held. [Candidates] A magisterial district judge or a candidate for the office of magisterial district judge may [should] not use or permit the use of a campaign contribution for the private benefit of themselves or family members [of their family].

E. Magisterial district judges shall resign their office when they become candidates either in a party primary or in a general election for a non-judicial office.

Official Note: [This rule is derived from former Rule 15 and from Canon 7 of the American Bar Association and Pennsylvania Supreme Court Code of Judicial Conduct.] This rule prohibits only political activity that is partisan in nature, and consequently there

is no objection to magisterial district judges [**becoming engaged**] **engaging** in political activity of a public service nature, such as [, **for example,**] political activity [**in**] on behalf of measures to improve the law, the legal system, or the administration of justice. **Compare Canon 7 of the Code of Judicial Conduct.**

Nothing in subdivision D is intended to prohibit incidental benefit to a magisterial district judge or a candidate for magisterial district judge from the otherwise legitimate use of campaign contributions.

Adopted, effective Feb. 1, 1973. Amended Oct. 17, 1975, effective in 90 days; June 30, 1982, effective 30 days after July 17, 1982; Nov. 9, 1998, effective Jan. 1, 1999; Nov. 21, 2002, imd. effective; Jan. 6, 2005, effective Jan. 29, 2005; Nov. 21, 2005, imd. effective. **Amended _____, effective _____.**

REPORT

Proposed Amendments to Rules 13, 14, and 15 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

Clarification Regarding Restrictions on Magisterial District Judges Serving As Arbitrators

I. Background

The Minor Court Rules Committee ("the Committee") began its review of Rules 13 (relating to incompatible practices), 14 (relating to prohibited practice of attorney-magisterial district judges¹), and 15 (relating to public office and political activity) of the Standards of Conduct of Magisterial District Judges² in response to an inquiry from certain members of the Ethics and Professionalism Committee of the Special Court Judges Association of Pennsylvania ("SCJAP Ethics Committee"). The SCJAP Ethics Committee members reported that they had received a number of inquiries from attorney-magisterial district judges ("MDJs") asking whether or not an attorney-MDJ may serve as an arbitrator, particularly in contractual arbitration cases where the arbitrators' fees are paid by the parties.³ The SCJAP Ethics Committee referred the question to the Committee, suggesting that the interplay among Rules 13, 14, and 15 is causing confusion regarding the ethical restrictions placed on MDJs in general, and attorney-MDJs in particular. After consideration of the inquiry, and review of the relevant rules, statutes, and other authorities, the Committee agreed that amendments to the rules were advisable to provide that no MDJ, including an attorney-MDJ, may act as an arbitrator.

The Committee published its initial proposal in 2003, at 33 Pa.B. 745 (February 8, 2003). After receiving valuable comments from various sources, the Committee made selected revisions and prepared to send the proposal to the Supreme Court of Pennsylvania as a formal recommendation. However, upon the request of the Special Court Judges Association of Pennsylvania ("SCJAP"), the Committee delayed transmitting the recommendation. The SCJAP leadership maintained that they would be able to solve the "attorney-MDJ as arbitrator" quandary through legislative action. However, despite a lengthy

¹ Although the title "district justice" was in use when the Committee began reviewing this topic, this Report will use the current title of "magisterial district judge".

² 207 Pa. Code Ch. 51, Rules 13, 14, and 15.

³ As used in this Report, "contractual arbitration" refers to arbitration agreed to by the parties (e.g., as in many uninsured or underinsured motorist cases) and in which the arbitrators' fees are paid by the parties. "Compulsory arbitration" refers to arbitration governed by Section 7631 of the Judicial Code, 42 Pa.C.S. § 7361, and Pa.R.C.P. Nos. 13-1-1314, in which the arbitrators' fees are paid by the court or county government.

delay, no legislative solution has been achieved. Therefore, in order to revive this proposal, the Committee is republishing for substantive comments that were not previously submitted. Prior submissions have already been considered by the Committee and it is not necessary to resubmit those comments.

II. Discussion

As stated above, the SCJAP Ethics Committee suggested that Rules 13, 14, and 15, when read together, create confusion about what, if any, ethical restrictions are placed on attorney-MDJs' ability to serve as arbitrators. Specifically, Rule 13 states, *inter alia*, that "[m]agisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator." Rule 14, which applies specifically to restrictions on the practice of attorney-MDJs, does not expressly prohibit attorney-MDJs from serving as arbitrators. Further, the Note to Rule 14 states that "[t]his rule contains all the prohibitions upon the practice of law by attorney magisterial district judges that were thought necessary."⁴ Finally, Rule 15 provides, *inter alia*, that "[m]agisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth, or any political subdivision thereof. . . ." The Committee learned that some magisterial district judges, when reading these provisions together, have interpreted them to mean the following:

1. Because Rule 13 prohibits an MDJ from receiving "any fee or emolument for performing the duties of an arbitrator," but no similar prohibition is expressed in Rule 14, the Rule 13 provision does not apply to an attorney-MDJ acting in his or her capacity as an attorney;
2. Because of the limiting language in the Note to Rule 14, the arbitration prohibition in Rule 13 does not apply to an attorney-MDJ acting in his or her capacity as an attorney.
3. Because Rule 15 prohibits MDJs from holding "another . . . position of profit in the government . . .," an attorney-MDJ may not serve as a arbitrator in a compulsory arbitration program in which fees are paid by a county or other government entity, but may serve as an arbitrator, in his or her capacity as an attorney, in a private contractual arbitration case in which fees are paid by the parties.

The Committee also learned that some attorney-MDJs, relying on the above reading of Rules 13, 14, and 15, have been serving as arbitrators both in compulsory and contractual arbitration cases, particularly uninsured/underinsured motorist arbitrations.

The Committee disagrees with the above interpretation of the rules. The Committee reviewed Rules 13, 14, and 15, as well as Section 3304 of the Judicial Code, 42 Pa.C.S. § 3304(b), entitled "Acting as collection agent or paid arbitrator prohibited." This provision states that, "[n]o judge or magisterial district judge shall receive any fee or emolument for performing the duties of an arbitrator." In addition, the Committee compared the MDJ rules with Canon 5E of the Pennsylvania Code of Judicial Conduct, which states that, "[j]udges should not act as an arbitrator or mediator."

In its analysis of the authorities, the Committee noted that Rule 13 applies to all MDJs, and prohibits all MDJs from receiving a fee or emolument for acting as an arbitrator. Rule 14, the Committee noted, applies specifi-

⁴ The Supreme Court does not adopt the Committee's Notes to the rules.

cally to attorney-MDJs, and lists only certain prohibited practices not specified in the other rules relating to all MDJs. Further, the Committee noted that Section 3304 does not distinguish between attorney and non-attorney MDJs in its prohibition of MDJs receiving "any fee or emolument for performing the duties of an arbitrator." In addition, the Committee noted that neither Section 3304 nor the rules distinguish between compulsory (court) and contractual (private) arbitration cases in their prohibitions.

The Committee concluded, therefore, that the rules and statute prohibit an MDJ, attorney or non-attorney, from receiving a fee or emolument for performing the duties of an arbitrator. The Committee disagreed with the analysis described above that would construe Rule 13 as not applying to an attorney-MDJ in his or her capacity as an attorney, and would create an artificial distinction between compulsory and contractual arbitration cases.

Having concluded that no MDJ may receive a fee or emolument for performing the duties of an arbitrator regardless of the nature of the arbitration and the payer of the arbitrators' fees, the Committee next considered if the rules should retain the existing restriction and be amended to merely clarify the nature of the restriction, or if the rules should be amended to more closely mirror Canon 5E and fully prohibit MDJs from acting as arbitrators. After considerable discussion, the Committee concluded that the distinction between compensated and uncompensated service seemed immaterial, and that the rules should reflect an absolute prohibition on an MDJ acting as an arbitrator.

The Committee believes there is no inherent impropriety in an attorney-MDJ, in his or her capacity as an attorney, acting as an arbitrator in a contractual arbitration case. The Committee feels compelled to recommend these rule changes, however, because of what it believes to be the clear language of Section 3304 which prohibits all MDJs from receiving payment for any arbitration services, and because of the reported confusion cases by the interplay among current Rules 13, 14 and 15.

Accordingly, the Committee proposes that Rules 13, 14, and 15 be amended to more closely mirror Canon 5E and to provide that no MDJ may act as an arbitrator.

III. Proposed Rule Changes

A. Rule 13

The Committee proposes that Rule 13 be divided into three subdivisions to enhance readability. The three subdivisions would contain the existing provisions of the rule with only minor editorial changes to conform with modern drafting style. Subdivision B would contain the new provision prohibiting an MDJ from acting as an arbitrator. Finally, the existing Note to the rule would be deleted and replaced with a revised Note that cross-references Canon 5E of the Code of Judicial Conduct and Section 3304 of the Judicial Code.

B. Rule 14

The Committee proposes that Rule 14 also be restructured to enhance readability. Under the Committee proposal, the two existing subdivisions would remain, but the specific provisions restricting the practice of law by an attorney-MDJ would be consolidated and tabulated in subdivision A. Very significantly, the introductory sentence in subdivision A would be amended to read, "[i]n addition to the general prohibitions in Rule 13, the following prohibitions apply to a magisterial district judge who is an attorney." This is intended to clarify that the provisions of Rule 13, including the arbitration provision, apply to all MDJs, including attorney-MDJs. In addition,

the restrictions on lawyers who are associated with the attorney-MDJ from appearing before him or her would be moved to subdivision B. Finally, the Committee proposes minor editorial changes to conform with modern drafting style. The Committee proposes that the existing Note to the rule be deleted entirely.

C. Rule 15

The Committee does not propose any substantive changes to Rule 15 in connection with the arbitration issue. In its review of the rule, however, the Committee identified the need for, and thus proposes, extensive editorial changes to enhance readability and conform with modern drafting style. In addition, the Committee proposes an addition to the Note to clarify that nothing in the rule is intended to prohibit incidental benefit to an MDJ or candidate for the office of MDJ from the otherwise legitimate use of campaign funds, such as the food consumed while attending a political party dinner or other function.

[Pa.B. Doc. No. 07-2398. Filed for public inspection December 28, 2007, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 500]

Amendment of the Note to Rule 506 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Note to Rule 506 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to create a reference to wage garnishment. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory *Report* highlights the Committee's considerations in formulating this proposal. The Committee's *Report* should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the *Report*. Additions are shown in bold.

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

Paula Knudsen Burke, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
Fax 717-795-2175
or e-mail to: minorrules@pacourts.us

no later than March 1, 2008.

By the Minor Court Rules Committee:

KAY DUBREE,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE
RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 506. Service of Complaint.

* * * * *

B. The copy shall be served at least five days before the hearing.

Official Note: Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. **In actions where wage garnishment may be sought under Pa.R.C.P. 3311, the plaintiff may authorize the sheriff or constable to make personal service upon a tenant/defendant. If a tenant/defendant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The plaintiff may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant/defendant so the plaintiff can later prove such service if attempting to garnish wages under Pa.R.C.P. 3311. Additional service attempts by the sheriff or constable may result in additional fees.**

REPORT

**Proposed Amendment to the Note to Rule 506 of the
Rules of Conduct, Office Standards and Civil
Procedure for Magisterial District Judges****Change to the Note:
Reference to Wage Garnishment**

I. Introduction

The Committee began reviewing Pa.R.C.P.M.D.J. No. 506 in March 2007 following an inquiry from a magisterial district judge. The judge was concerned that Pa.R.C.P. No. 3311 requires personal service upon a defendant in the original action if wage attachment is to be sought at a later time. However, Pa.R.C.P.M.D.J. No. 506 does not make any reference to this restriction in the Rules of Civil Procedure.

II. Proposed Change to the Note to Rule 506

The Committee seeks to amend the Note to M.D.J. Rule 506 to specify that if wage attachment is to be sought at a later time, personal service must be effectuated. The additional language of the Note would provide concrete examples of how this personal service would play out in a landlord-tenant case. For instance, the new language would specify that if a defendant is not present at the rental unit to be personally served, the property may be posted for the underlying landlord-tenant action to proceed, but the sheriff/constable would need to return to personally serve the defendant prior to the hearing in order to satisfy Pa.R.C.P. No. 3311.

The new Note language references Pa.R.C.P. No. 3311 twice, to underscore that section's relevance and direct litigants to review the section. Pa.R.C.P. No. 3311 requires a plaintiff judgment creditor/landlord to certify, *inter alia*, "... that the defendant appeared or filed papers in the action or that the complaint was served by

handing a copy to the defendant." See Pa.R.C.P. No. 3311, Certification by Judgment Creditor—Landlord Form, No. 8(b).

Finally, the Note highlights that more than one service attempt by the sheriff/constable could result in additional fees.

[Pa.B. Doc. No. 07-2399. Filed for public inspection December 28, 2007, 9:00 a.m.]

**Title 249—PHILADELPHIA
RULES**

PHILADELPHIA COUNTY

Adult Probation/Parole Officers Firearms Policy;
Trial Division-Criminal Section; No. CP-51-AD-
0000001-2007

Administrative Order

And Now, on this 13th day of December, 2007, with the approval of the Administrative Governing Board and as authorized by the County Probation and Parole Officers' Firearm Education and Training Law, 61 P. S. § 332.1 et seq., *It Is Hereby Ordered, Adjudged and Decreed* that the Chief Adult Probation Officer of Philadelphia County is, from time to time, authorized to designate, with the approval of the Administrative Judge of the Trial Division, specific Adult Probation and Parole Officers who have received all applicable training required by the First Judicial District of Pennsylvania, as "Weapon-carrying officers" who are permitted to carry weapons in connection with the performance of the duties of their employment provided that they qualify for Firearm Education and Training as provided in 61 P. S. § 332.7, successfully complete the mandatory training, and receive the required certification from the *County Probation and Parole Officers' Firearm Education and Training Commission*.

This Administrative Order is issued in accordance with the County Probation and Parole Officers' Firearm Education and Training Law, 61 P. S. § 332.1 et seq., and the April 11, 1986, Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1 and will become effective immediately. The original Administrative Order will be filed with Active Criminal Records and the Prothonotary as an Administrative Order issued by the Administrative Judge of the Trial Division of the Court of Common Pleas of Philadelphia County and copies will be submitted to the Administrative Office of Pennsylvania Courts and the Legislative Reference Bureau. Copies of the Administrative Order will also be submitted to *American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Law Library*, and the law library for the First Judicial District. The Administrative Order will also be posted on the First Judicial District's website at <http://courts.phila.gov>.

By the Court

D. WEBSTER KEOGH,
Administrative Judge Trial Division

[Pa.B. Doc. No. 07-2400. Filed for public inspection December 28, 2007, 9:00 a.m.]

PHILADELPHIA COUNTY

In Re: Rescission, Adoption and Amendment of Philadelphia Civil Rules *201, *205.2(a), *205.4, *208.3(b), *210, *1018, *1021, *1028(c), *1303(g), *2039.1, *2039.2 and *2206; President Judge General Court Regulation No. 2007-02

Order

And Now, this 13th day of December, 2007, the Board of Judges of Philadelphia County, having voted at the Board of Judges' meeting held on November 15, 2007 to rescind, adopt or amend Philadelphia Civil Rules *201, *205.2(a), *205.4, *208.3(b), *210, *1018, *1021, *1028(c), *1303(g), *2039.1, *2039.2 and *2206 as attached, *Hereby Order* that Philadelphia Civil Rules *201, *205.2(a), *205.4, *208.3(b), *210, *1018, *1021, *1028(c), *1303(g), *2039.1, *2039.2 and *2206 are rescinded, adopted or amended as attached: Deletions are in ~~strike through text~~; additions are in **bold, underlined** text.

The effective date of the rescission, adoption or amendment of each rule is set forth in each rule.

This General Court Regulation is issued, and the attached rules are promulgated, as required by Pa.R.C.P. Nos. 239 and 239.8. The original General Court Regulation and rules shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and the Civil Procedural Rules Committee. As required by Pa.R.C.P. No. 239.8, Philadelphia Civil Rules *205.2(a), *208.3(b), *210, and *1028(c) shall be published on the Pennsylvania Judiciary's Web Application Portal: <http://ujportal.pacourts.us/Rules/RulesSelection.aspx>. Copies of the General Court Regulation and rules shall also be submitted to American Lawyer Media, *The Legal Inteligencer*; Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov>.

By the Court

HONORABLE C. DARNELL JONES, II,
President Judge

**PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION RULES**

RULE *201. STIPULATIONS.

(A) Judicial approval of stipulations of counsel is not required except for stipulations relating to the following matters:

- (1) The settlement, discontinuance and ending of an action as to less than all defendants;
- (2) The return of money deposited with the Court;
- (3) The transfer of an action to another Court or jurisdiction;
- (4) Late joinder of additional defendants; and
- (5) Waiver of the requirements of a local rule.

(B) Stipulations not requiring judicial approval shall be filed with the Prothonotary. Service shall be made by the filing party upon all counsel and unrepresented parties.

(C) Stipulations requiring Court approval in cases not assigned to the Non Jury Program, the Arbitration Program or the Arbitration Appeal Program shall be presented for approval to the Judicial Team Leader for that Program to which the case has been assigned. Stipulations requiring Court approval in the Non Jury, Arbitration or the Arbitration Appeal Programs shall be presented for approval to the Motion Court Judge. All Stipulations requiring Court approval shall be filed with the Prothonotary (Second Filing Unit), and it will be the responsibility of that Unit to forward the Stipulation **and will be assigned** to the appropriate Judge for approval. ~~All such Stipulations shall be accompanied by stamped addressed 9 1/2" X 4 1/2" size envelopes for each attorney of record and unrepresented party.~~

*Note: The amendments to this rule are made in contemplation of implementation of Electronic Filing as authorized by Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4; the amendments will thus become effective on the implementation date announced by the Administrative Judge of the Trial Division as provided in Philadelphia Civil Rule *205.4(a)(1)(ii). Until that date, the parties must continue to include with their legal papers the required addressed stamped envelopes. The Court will not accept the pleadings or legal papers without the required envelopes.*

Adopted by the Board of Judges on November 15, 2007; effective on the date established in Philadelphia Civil Rule *205.4(a)(1)(ii).

RULE *205.2(a). PLEADINGS

Note: Rule rescinded. Subject matter contained in Philadelphia Civil Rule *205.2(a)(5) and (6) is adopted as Philadelphia Civil Rule *1018. Subject matter contained in Philadelphia Civil Rule *205.2(a)(8) is adopted as Philadelphia Civil Rule *1021. All other provisions contained in this rule are covered by Pennsylvania Rules of Civil Procedure and are thus unnecessary.

~~No pleading or other legal paper that complies with the Pennsylvania Rules of Civil Procedure shall be refused for filing by the Prothonotary. All papers filed with the Prothonotary shall conform to the following requirements:~~

~~(1) Pleadings, opinions, briefs and other papers and records which are to be filed with the Prothonotary shall be prepared on letter size (approximately 8 1/2" X 11") paper of customary weight and quality.~~

~~(2) The margin on all papers shall be not less than 3/4" on the left side of the page and 1/4" on the right side of the page and the material shall be double spaced.~~

~~(3) The first paper filed by, or on behalf of, a party in a case shall have endorsed thereon an address in the Commonwealth and, as authorized by Pa.R.C.P. No. 205.4(g)(2), an electronic mail address at which all papers and notices thereafter may be served upon the party or counsel.~~

~~(4) The first page shall contain a 3" space from the top of the page for all stampings, filing notices, waivers and demands for a jury trial and notations. Beginning at the left hand margin 3" from the top of the page, the attorney name, electronic mail address, attorney identification number, firm name, address, and telephone number shall appear in that order. To the right of the attorney's address, the client's name shall appear. The size of lettering shall not be less than ten points.~~

~~(5) The case caption shall appear below the attorney address at the left-hand margin of the page with the proper Court term and number appearing to the right-hand margin.~~

~~(6) The complaint or other original filing shall contain in the caption the addresses, including zip codes, of all parties.~~

~~(7) Whenever any right, claim or defense is asserted to be founded upon a specific statute of this or another jurisdiction or upon an ordinance, governmental regulation or rule of Court, the first pleading in which such right, claim or defense is asserted shall cite, for the information of the Court, the statute, ordinance, regulation or rule to be relied upon.~~

~~(8) Whenever money damages in a sum certain are claimed, the pleading shall state the precise amount, and the date or dates from which any interest thereon is claimed.~~

~~(9) In actions in which book accounts may be offered in evidence, if a copy thereof is attached to any pleading, it shall not be necessary to produce the books at the trial, unless a responsive pleading shall allege that the account or copy is incorrect, stating particulars, or that the books are not books of original entry and shall demand the production of the books at the trial; otherwise, the copy shall be admitted as evidence without further proof.~~

~~(10) Pleadings amended before trial shall be executed, verified and filed in their amended form. If amendments to pleadings are required to be attached to any brief or other document, they shall be set forth as amended to date.~~

~~Adopted June 24, 2004, effective July 26, 2004.~~

~~***Rescinded by the Board of Judges on November 15, 2007; effective January 7, 2008.***~~

RULE *205.4. ELECTRONIC FILING OF LEGAL PAPERS FILED IN THE CIVIL TRIAL DIVISION.

(a)(1) Authorization for Electronic Filing.

(i) Commencing on a specific date as established by the Administrative Judge of the Trial Division by the issuance of an Administrative Order, parties may electronically file all legal papers and exhibits with the Prothonotary.

(ii) Commencing on a specific date as established by the Administrative Judge of the Trial Division by the issuance of an Administrative Order, parties shall electronically file all legal papers and exhibits with the Prothonotary.

Note: Electronic Filing will be implemented in 2008; however, the exact date is not known at this time. The Administrative Judge of the Trial Division will announce the implementation dates of discretionary and mandatory electronic filing by order issued as required by Pa.R.C.P. No. 239.

(b)(1) Authorized Electronic Format of Legal Papers Electronically Filed. All legal papers shall be filed in a *portable document format ("pdf")*. As authorized by Pa.R.C.P. No. 205.4 (b)(1), in the event any legal paper or exhibit is submitted to the Prothonotary in a hard-copy format, the Prothonotary shall convert and maintain such legal paper or exhibit to a *portable document format*, and the Prothonotary shall return the hard-copy legal paper or exhibit to the filing party for retention as required by Pa.R.C.P. No. 205.4(b)(5).

(c)(2) Website. Access to the Website.

(i) Website. All legal papers shall be filed electronically through the Civil Trial Division's Electronic Filing System ("Electronic Filing System") which shall be accessible through the website of the First Judicial District of Pennsylvania, <http://courts.phila.gov>, or at such other website as may be designated from time to time.

(ii) Access to the Website. To obtain access to the Electronic Filing System, counsel and any unrepresented party must apply for and receive a User Name, Password, and Personal Identification Number ("PIN").

(d) Payment of Filing Fees.

(1) The Prothonotary will accept for payment of all filing fees cash, checks and the following credit and debit cards: American Express, Discover, MasterCard, and Visa.

(2) The Prothonotary will not accept advance deposit on account of future filing fees due to the difficulty in monitoring and accounting for such advance deposits.

(3) **Electronic Filing Fees and Costs.** As authorized by Act 81 of 2006, the Prothonotary shall collect an electronic filing fee for each legal paper or exhibit filed as established by the Prothonotary with the approval of the President Judge of the Court of Common Pleas. In addition to such electronic filing fee, commencing on date provided in subsection (a)(1)(ii), the Prothonotary is authorized to charge the sum of \$1.00 per page for each page of a legal paper or exhibit which is filed in a hard copy format and which must be converted by the Prothonotary to a *portable document format*. All fees collected pursuant to this rule shall be set aside by the Prothonotary and remitted monthly to the First Judicial District's Procurement Unit. All such fees and costs collected will be used for the implementation and maintenance of the electronic filing system and additional development, enhancements and training.

(f) Local Procedures. As authorized by Pa.R.C.P. No. 205.4 (f), the following administrative procedures are adopted:

(1) Signatures on Pleadings, Verifications, Documents and Other Legal Papers. The electronic filing of legal papers utilizing the issued User Name, Password and PIN issued as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party's signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1. Additionally, the following provisions apply:

(i) **Filing Party.** The legal paper must include a signature block, and the name of the filer under whose User Name, Password and PIN the legal paper is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.

(ii) **Client Verifications and Documents Executed by Clients or Other Persons.** The Verification required by Pa.R.C.P. Nos. 206.1 and 1024 and the signature page(s) of any document or legal paper executed by any party other than the filing party must be scanned and attached to the electronic filing in a *portable document format* at the time the legal paper is submitted.

(iii) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a *portable document format* at the time the legal paper is submitted.

Note: This subsection is designed to address issues which may arise regarding signatures on legal papers and

documents. A filer's use of the User Name, Password and PIN issued through the EFS is the filer's "electronic signature." However, often, legal papers require that verifications be executed by non-filers and deficiencies in content and execution could be subject to preliminary objections. Moreover, many legal papers or documents require multiple signatures. In order to avoid prejudicial delay, this section requires that the filing party scan such legal papers, documents or signature pages and attach them to the electronic filing at the time of submission.

(2) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Electronic Filing System.

(3) After review of the legal paper, the Prothonotary shall provide the filing party with e-mail notification, or notification on the Electronic Filing System, that the legal paper has been accepted for filing ("filed") or not accepted or refused for filing.

(4) If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the Electronic Filing System; provided, however, that if a legal paper is submitted without the requisite filing fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. The Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite payment. If the pleading or legal paper is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).

Note: As required by Pa.R.C.P. No. 205.4(c)(1), access to the Electronic Filing System shall be available at all times, except for required maintenance. However, legal papers can only be reviewed during normal court hours. Therefore, parties are cautioned to file required legal papers in advance of any filing deadline to enable timely correction and re-submission in the event a legal paper is not accepted or is refused for filing. The Prothonotary may refuse for filing any legal paper submitted without the required filing fees as provided by 42 Pa.C.S. § 1725(c)(2)(xix), or, at the Prothonotary's discretion, may authorize the filer to submit the required filing fees within a stated time period after which the Prothonotary may refuse the legal paper for filing if payment is not received.

(5) If a legal paper is refused for filing, the Prothonotary shall specify the reason. Subject to the provisions of subsection Rule 205.4 (e)(1)(i), a legal paper refused for filing shall be deemed as not having been filed.

(6) Neither the Court nor the Prothonotary are required to maintain a hard copy of any legal paper or exhibit, notice, or order filed or maintained electronically under this rule.

Note: This rule is adopted as required by Pa.R.C.P. No. 239.9.

The provisions which govern the Electronic Filing of Mental Health Applications and Petitions are set forth in Philadelphia Civil Rule 7109.1, which was adopted on November 16, 2001 and which became effective on January 1, 2002.

Adopted by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *208.3(b). MOTIONS CONSIDERED AFTER RESPONSE PERIOD. BRIEFS.

(1) Applicability. This rule governs the filing of all motions except the following:

(A) All matters specifically excepted in Pa.R.C.P. 208.1(b).

(B) Assignment to an individual judge. (See Philadelphia Civil Rule *215).

(C) Advancement on the trial list. (See Philadelphia Civil Rule *215).

(D) Arbitration applications. (See Philadelphia Civil Rule 1303.1.)

(E) Motion for approval of settlements where a minor or incapacitated person have an interest. (See Philadelphia Civil Rule*2039.1.)

(F) Motion for allowance in minors' cases. (See Philadelphia Civil Rule *2039.2.)

(G) Motion for approval of settlements in wrongful death cases. (See Philadelphia Civil Rule *2206.)

(H) Motion for Extraordinary Relief (See Trial Division General Court Regulation No. 95-1).

(2) Non-Discovery Motions

(A) Filing Requirements. All motions other than discovery motions shall be filed with the Prothonotary and the requisite fee paid, and shall thereafter be immediately submitted to the Motion Clerk. All Motions shall be accompanied by the following items in the following order:

(i) A completed Petition/Motion Cover Sheet as provided in Phila.Civ.R. *205.2(b)(2);

(ii) A proposed order, which shall contain no reference to the attorney proposing same;

(iii) A brief or memorandum of law as required by Phila.Civ.R. *210;

~~(iv) Stamped, addressed 9 1/2" X 4 1/4" size envelopes for each attorney of record and unrepresented parties.~~

(B) Control Number. Response Date. Other than as provided in Phila.Civ.R. *208.3(a) and except for Summary Judgment Motions (which have a thirty (30) day response period, all Motions have a twenty (20) day response period. Upon filing, the Motion Clerk shall enter on the Cover Sheet a unique Control Number which must be used on all Responses, and shall enter the 'Response Date' on or before which all Responses must be filed by any party.

(C) Service Requirements. The moving party shall immediately serve conformed copies of all documents filed with the Motion Clerk on all counsel of record and unrepresented parties, as required by Pa.R.C.P. 440.

(D) Response Requirements. Any party opposing the motion, shall file the following documents with the Motion Court on or before the Response Date:

(i) A completed Cover Sheet as set forth in Phila.Civ.R. *205.2(b)(2);

(ii) A proposed order, which shall contain no reference to the attorney proposing same;

(iii) The Response to the motion; and

(iv) A brief or memorandum of law as provided in Phila.Civ.R. *210.

(E) Attachments. All Motions shall include copies of all documents or items necessary or relevant to the disposition of the issues. This shall include the complaint, answer, and reply to new matter. All such documents or items shall be included or attached and marked as exhibits separately. The Court may decide any matter

against a party who fails to attach to the filing those items sufficient to enable the Court to determine the matter.

(F) Disputed Issues of Fact. Disputed issues of fact shall be determined as the Court may provide pursuant to Pa.R.C.P. 208.4(b).

(G) Deadline for Filing Arbitration Motions. Motions shall not be accepted by the Motion Clerk in cases where an arbitration hearing is scheduled to be held within forty-five (45) days.

*Note: The amendments to this rule are made in contemplation of implementation of Electronic Filing as authorized by Pa.R.C.P. No. 205.4 and Philadelphia Civil Rule *205.4; the amendments will thus become effective on the implementation date announced by the Administrative Judge of the Trial Division as provided in Philadelphia Civil Rule *205.4(a)(1)(ii). Until that date, the parties must continue to include with their legal papers the required addressed stamped envelopes. The Court will not accept the pleadings or legal papers without the required envelopes.*

Adopted by the Board of Judges on November 15, 2007; effective on the date established in Philadelphia Civil Rule *205.4(a)(1)(ii).

RULE *210. BRIEF.

Except for Motions for Extraordinary Relief, all Petitions and Motions shall be accompanied by a brief or memorandum of law. Briefs or memoranda of law shall be typewritten, printed or otherwise duplicated (~~the size of lettering shall not be less than ten points~~), and endorsed with the name of the case, the court term and number, and the name, address, and electronic mail address of the attorney or the party if not represented by an attorney. Briefs and memoranda of law shall contain concise and summary statements, separately and distinctly titled, of the following items in the order listed:

1. Matter before the Court: State the particular pleading (motion, petition, objection, exception, application, etc.) before the court for disposition, and the particular relief requested therein.

2. Statement of question(s) involved: State the issue(s) in question form containing factual context sufficient to present the precise matter to be decided by the Court, each susceptible of a yes or no answer, each followed by the answer desired or advocated.

3. Facts: State the operative facts.

4. Argument: State the reason(s) why the court should answer the questions involved as proposed, including citation of the authorities relied on. An authority shall not be cited for general reference but in all cases shall be immediately preceded or followed by its relevant holding or particular proposition for which it stands.

5. Relief: State the specific action(s) requested of the court.

Amended by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *1018. CAPTION.

(a) The case caption shall appear below the attorney address at the left-hand margin of the page with the proper Court Term and Number appearing to the right-hand margin.

(b) The complaint or other original filing shall contain in the Caption the addresses, including the electronic mail address, and zip codes, of all parties.

Source: Former Philadelphia Civil Rule *205.2(a)(5) and (6). The reference to the inclusion of an electronic mail address has been added.

Adopted by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *1021. CLAIM FOR RELIEF. AMOUNT IN CONTROVERSY. SUM CERTAIN.

Whenever money damages in a sum certain are claimed, the pleading shall state the precise amount, and the date or dates from which any interest thereon is claimed.

Source: Former Philadelphia Civil Rule *205.2(a)(8).

Adopted by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *1028(c). PRELIMINARY OBJECTIONS

(1) All preliminary objections shall be filed with the Prothonotary, as provided in Pa.R.C.P. 1028, ~~and must be served on all other parties.~~ **together with:**

(a) a Brief or Memorandum of Law, as set forth in Phila.Civ.R. *210;

(b) copies of all items necessary or relevant to the disposition of the preliminary objections. This shall include the complaint, answer, and reply to new matter. All such items shall be included or attached and marked as exhibits separately. The Court may decide preliminary objections against a party who fails to attach to the filing those items necessary to enable the Court to determine the preliminary objections; and

(c) a proposed order, which shall contain no reference to the attorney proposing same.

~~(2) Pursuant to As provided in Pa.R.C.P. No. 1028(c)(1) a , any party may file an amended pleading as of course within twenty (20) days after service of the preliminary objections. Upon the timely filing of the an amended pleading, the preliminary objections are deemed moot and the Prothonotary shall administratively mark the preliminary objections and the Motion to Determine the Preliminary Objections, if filed as required by subsection (c) hereunder, shall be administratively marked "moot" on the docket of the case.~~

~~(3) Within thirty (30) days after filing Preliminary Objections with the Prothonotary, provided an amended pleading has not been filed, the objecting party shall file a Motion to Determine the Preliminary Objections, together with the following:~~

~~(a) a copy of the preliminary objections;~~

~~(b) a Brief or Memorandum of Law, as set forth in Phila.Civ.R. *210; and~~

~~(c) copies of all items necessary or relevant to the disposition of the preliminary objections. This shall include the complaint, answer, and reply to new matter. All such items shall be included or attached and marked as exhibits separately. The Court may decide preliminary objections against a party who fails to attach to the filing those items sufficient to enable the Court to determine the preliminary objections.~~

~~(4) In the event that the Motion to Determine the Preliminary Objections is not filed with Motion Court within thirty (30) days after filing with the Prothonotary, the party against whom the objections are asserted may~~

file with the Motion Court a praecipe, and a proposed order, requesting that the objections be overruled.

(5) ~~(3)~~ An answer to preliminary objections (as opposed to a Response to the Motion to Determine Preliminary Objections) is required (within twenty (20) days after service of the preliminary objections) only to preliminary objections raising an issue under Pa.R.C.P. 1028(a)(1), (5) ~~and~~, (6), ~~(7) or (8)~~, provided a notice to plead is attached to the preliminary objections. An answer need not be filed to preliminary objections raising an issue under Pa.R.C.P. 1028(a)(2), (3) and (4).

(4) An answer to preliminary objections, if filed, shall be filed together with:

(a) a Brief or Memorandum of Law, as set forth in Phila.Civ.R. *210;

(b) copies of all items necessary or relevant to the disposition of the preliminary objections. This shall include the complaint, answer, and reply to new matter. All such items shall be included or attached and marked as exhibits separately. The Court may decide preliminary objections against a party who fails to attach to the filing those items necessary to enable the Court to determine the preliminary objections; and

(c) a proposed order, which shall contain no reference to the attorney proposing same.

Amended by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *1303. SCHEDULING OF ARBITRATION HEARINGS. RELISTINGS. CONSOLIDATIONS.

* * *

(g) ~~Transfer from Arbitration to Major List to another Program.~~ A case filed as an Arbitration case may only be transferred to another Program, and listed for trial in accordance with management procedures established pursuant to Philadelphia Civil Rule *215, as follows:

(1) upon the filing of a Counterclaim which seeks monetary damages in excess of the arbitration limits; or

Note: Robert Half International Inc. v. Marlton Technologies, Inc., 2006 Pa. Super 145; 902 A.2d 519 (2006) requires that upon the filing of a counterclaim seeking monetary damages in excess of the arbitration limits, the case be transferred from the Compulsory Arbitration Program.

The transfer will be made automatically upon the filing of a counterclaim which seeks monetary damages in excess of the arbitration limits.

It is suggested that the counterclaimant make the Prothonotary aware that the case previously assigned to the Arbitration Program must be transferred to another Program due to the amount of the monetary damages sought in the counterclaim. Upon implementation of electronic filing, the Electronic Filing System will contain the necessary functionality to effectuate the transfer.

(2) certified as a major case only with Court approval. A Motion for Approval upon the filing of a Motion to Transfer from the Compulsory Arbitration Program to another Program and the entry of an order trans-

fering such case to another Program, subject to the payment of the applicable fee, if any. Day Forward must be filed with the Prothonotary. The Motion for Approval to Transfer will not be granted if it is made immediately before the Arbitration Hearing date and it appears that the requisite pleadings have not been filed.

* * *

Amended by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *2039.1. MOTIONS FOR APPROVAL OF SETTLEMENTS WHERE A MINOR OR INCOMPETENT HAS AN INTEREST

(A) Filing of Record and Approval as to Form. Motions for settlement of a case in which a minor or incompetent has an interest shall be served on all parties of record ~~and filed with the Prothonotary and taken to the Clerk of the Motion Court for approval as to form.~~ Said motions are not subject to any further filing requirements of the Motion Court under Philadelphia Civil Rule *208.3(b)(3).

(B) Which Judge to Rule on Motion. When a minor's or incompetent's settlement has been obtained before a Settlement Conference of a Trial Judge, that Judge shall have exclusive jurisdiction to approve the reasonableness of the amount of such settlement. The Trial or Settlement Judge shall also make an initial determination of the distribution of the settlement proceeds within 30 days after the filing of a formal Motion. After such determination, the Motion shall be forwarded to the Orphans' Court Division for final approval and signature, and the same shall be ruled on within 30 days. In all other cases, the reasonableness of the amount of settlement and Motion for Distribution will be adjudicated by the Administrative Judge of the Trial Division or his or her designee within 30 days of the date the same is filed.

(C) Appointment of Guardian Ad Litem. In any case where a minor or incompetent has an interest and whenever the Administrative Judge or his or her designee or the Settlement or Trial Judge believes it necessary that the minor or incompetent be represented separately, a guardian ad litem shall be appointed to represent the minor's or incompetent's interest, who shall be a member of the Bar. A guardian ad litem shall be appointed if required by the circumstances irrespective of whether a guardian of the estate has been appointed. The guardian may be the same for both purposes, but need not be.

(D) Contents of Motion. The motion shall:

(1) Set forth the factual circumstances of the case;

(2) State the reasons why the settlement is a reasonable one; and

(3) Be accompanied by the following:

(a) A proposed order of distribution;

(b) A written report of a physician setting forth the present condition of the minor or incompetent;

(c) A statement under oath by a parent or, if there is a guardian, the guardian certifying (1) the present physical or mental condition of the minor or incompetent, and (2) approval of the proposed settlement and distribution thereof;

(d) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;

(e) If there is to be an allocation between parents and children or among children, the amounts allocated to each party and specific reasons for such allocation;

(f) In the event that the minor is 16 years of age or over, his or her written approval of the proposed settlement and distribution thereof.

(g) In the event that a guardian ad litem has been appointed, a statement of the professional opinion of the guardian ad litem as to the reasonableness of the proposed allocation, and the basis for such opinion. The guardian ad litem shall give specific reasons for his or her approval or disapproval of any suggested allocation of the proceeds.

(E) Release of Defendant. After Court approval of the gross amount of the settlement, but before approval of the Motion for Distribution, the plaintiff may sign a release to discharge the settling defendant and may issue an Order to Settle, Discontinue and End to the settling party. If Plaintiff releases and discharges a defendant pursuant to this subsection, defendant's draft or check is to be made payable to all plaintiffs and to counsel for plaintiff(s), to be deposited into a separate insured, interest bearing escrow account pending an order of distribution from the Court. This subsection is intended to preclude issues regarding distribution from preventing timely and prompt tender of settlement proceeds.

(F) Counsel Fees. The Order of Distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Rules of Professional Conduct. Under normal circumstances, a counsel fee in the amount of one-third of the net fund recovered shall be considered reasonable, subject to the approval of the Court. The attorney fee determined shall be reduced by the amount of collateral payments received as counsel fees for representation involving the same matter from third parties such as Blue Cross/Blue Shield.

(G) Personal Appearances. The approving Judge, to whom the Motion is submitted, may, at his or her discretion, require the personal appearance of the minor or incompetent, guardians, the guardian ad litem, physicians, or any other relevant party, as well as the production of any other evidence deemed necessary for adjudication of the Motion.

(H) Appointment of Guardian of the Estate.

(1) Pursuant to Pa.R.C.P. 2039(b)(1), all amounts over \$10,000 may not be paid to the parents as natural guardian of the Estate.

(2) Amounts under \$350,000 may be placed in restricted accounts pursuant to Pa.R.C.P. 2039(b)(2).

(3) In all cases where the net proceeds, after costs and attorney's fees, to be paid on behalf of a minor under the age of 15 or on behalf of an incompetent is in excess of \$350,000 (exclusive of proceeds to be paid in the future under a structure), the Trial Division shall order that such proceeds be paid to a guardian of the minor's or incompetent's estate.

(a) It shall be the responsibility of counsel for the minor or incompetent to timely apply to the Orphans' Court Division for the appointment of such guardian.

(b) The Administrative Judge of the Trial Division or his or her designee may, upon motion, allow net proceeds in excess of \$350,000 to be placed in restricted or blocked accounts.

(I) Notice to Court and Proof of Deposit. Within 30 days of distribution of the settlement proceeds for minor or incompetent, counsel shall provide a copy of any order

requiring the deposit of funds into a restricted or blocked account to the Orphans' Court, if it approved the allocation; or otherwise to the Administrative Judge of the Trial Division, or his or her designee. Counsel for the minor or incompetent shall submit proof of such deposit in the form of an affidavit of counsel and a photocopy of the restricted certificate of deposit or bank book.

Amended by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *2039.2. MOTIONS FOR ALLOWANCE

(A) Motions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division shall be filed directly with such Division.

(B) All other Motions for Allowance, irrespective of which Judge approved the original settlement, shall ~~initially~~ be filed with the Prothonotary ~~and taken to the Clerk of the Motion Court~~. All such motions shall be decided by the Motion Court Judge, except where the original Judge has retained jurisdiction of the case. Said motions are not subject to any further filing requirements of the Motion Court under Philadelphia Civil Rule *208.3(b)(3).

(C) The motion shall include:

(1) The facts and circumstances surrounding the origination of the minor's fund;

(2) A chronological statement of all prior requests for allowance, including the reasons therefor, the amounts thereof, and the disposition;

(3) The age of the minor at the time the fund was created and the minor's present age;

(4) The original amount of the minor's fund and the present balance of same; and

(5) The circumstances and reasons supporting the request for allowance.

(D) All motions shall be accompanied by:

(1) A proposed Order;

(2) A copy of the Original Motion for Compromise and the Order of Distribution;

(3) Copies of all prior requests for allowances and the Orders with respect to same;

(4) Substantiating documentation to support the proposed request; and

(5) A consent filed by the movant.

Amended by the Board of Judges on November 15, 2007; effective January 7, 2008.

RULE *2206. MOTIONS FOR APPROVAL OF SETTLEMENTS IN WRONGFUL DEATH OR SURVIVAL ACTIONS

(A) When Required. Court approval of settlements shall be required in all survival actions and in those wrongful death actions in which a minor or incompetent has an interest.

(B) Filing of Record and Approval as to Form. Motions for Approval of Settlement shall be served on all heirs of the estate, wrongful death beneficiaries, and any others having a possible interest, and filed with the Prothonotary ~~and taken to the Clerk of the Motion Court for approval as to form~~. Said motions are not subject to any further filing requirements of the Motion Court under Philadelphia Civil Rule *208.3(b)(3).

(C) Which Judge to Rule on Motion. When a settlement has been obtained before a Settlement Conference or a Trial Judge, that Judge shall make an initial determination of the allocation of the settlement proceeds within 30 days after the filing of a formal Motion. After such determination, the Motion shall be forwarded to the Orphans' Court Division for final approval and signature within 30 days. In all other cases, such Motion will be determined by the Administrative Judge of the Trial Division or his or her designee within 30 days.

(D) Contents of Motion. The motion shall:

- (1) Set forth the circumstances of the case;
- (2) State the reasons as to why the settlement is a proper one; and
- (3) Be accompanied by the following:
 - (a) A proposed order approving the settlement and allocation between wrongful death and survival;
 - (b) A statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;
 - (c) A statement setting forth the proposed allocation between wrongful death and survival actions and the amount proposed to be allocated to each beneficiary;
 - (d) A statement clearly identifying those parties believed to be beneficiaries under each of the actions, attaching a copy of the will of the decedent, if any.
 - (e) A statement setting forth the following:
 - (i) the time between the injury and death;
 - (ii) whether or not the decedent was conscious, and the circumstances prior to his or her death;
 - (iii) the amount of the medical and funeral bills;
 - (iv) the amount of the decedent's wage loss;
 - (v) the age, employment and any other circumstances of any potential beneficiaries under the Wrongful Death Act.
 - (f) A certification of service of notice and a copy of the motion to all parties with a possible interest, together with a list of those persons notified.

(E) Release of Defendant. After Court approval of the gross amount of the settlement, but before approval of the Motion for Distribution, the plaintiffs may sign a release to discharge the settling defendant and may issue an Order to Settle, Discontinue and End to the settling party. If Plaintiff releases and discharges a defendant pursuant to this subsection, defendant's draft or check is to be made payable to all plaintiffs and to counsel for

plaintiff(s), to be deposited into a separate insured, interest-bearing escrow account pending an order of distribution from the Court. This subsection is intended to preclude issues regarding distribution from preventing timely and prompt tender of settlement proceeds.

Amended by the Board of Judges on November 15, 2007; effective January 7, 2008.

[Pa.B. Doc. No. 07-2401. Filed for public inspection December 28, 2007, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Appointment of C. Theodore Fritsch as Administrative Judge of the Orphans Court Division of the Court of Common Pleas of Bucks County; Administrative Order No. 51

And Now, this 30th day of November, 2007, in compliance with the provisions of 42 Pa.C.S. Section 953, Judge C. Theodore Fritsch is hereby appointed to be Administrative Judge of the Orphans Court Division of this Court. This appointment is to be effective immediately, and shall continue until further order of this Court.

By the Court

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 07-2402. Filed for public inspection December 28, 2007, 9:00 a.m.]

LEHIGH COUNTY

Clerk of Courts; Civil and Criminal Divisions—New Office Hours for 2008

Effective January 2, 2008, the office hours for the Lehigh County Clerk of Courts' Office, Civil and Criminal Divisions, will change to Monday to Friday 8 a.m. to 4 p.m.

ALAN M. BLACK,
President Judge

[Pa.B. Doc. No. 07-2403. Filed for public inspection December 28, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

DELAWARE RIVER BASIN COMMISSION

[25 PA. CODE CH. 901]

Proposed Rulemaking to Implement a Flexible Flow Management Program for the New York City Delaware Basin Reservoirs

Summary

The Delaware River Basin Commission (Commission or DRBC) will hold a public hearing to receive comments on proposed amendments to its Water Code and Comprehensive Plan to implement a Flexible Flow Management Program (FFMP) for the New York City Delaware River Basin reservoirs. The proposed amendments are consistent with provisions of an agreement dated September 26, 2007 among the parties to the 1954 Supreme Court decree in *New Jersey v. New York*—the states of Delaware, New Jersey, and New York, the Commonwealth of Pennsylvania and the City of New York—that provide a comprehensive framework for addressing multiple flow management objectives, including water supply, drought mitigation, flood mitigation, protection of the tailwaters fishery, a diverse array of habitat needs in the main stem Delaware River, the Delaware Estuary and Delaware Bay, recreational uses and salinity repulsion.

Dates

The public hearing will take place on Wednesday, January 16, 2008, from 3 p.m. to 5:30 p.m. and from 7 p.m. to 10 p.m. or until all those who wish to testify have had an opportunity to do so. The hearing will take place at the West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, West Trenton, NJ. Persons wishing to testify are asked to register in advance with the Commission Secretary at (609) 883-9500 ext. 224. Written comments will be accepted through the close of business on Friday, January 18, 2008. Written comments may be submitted by email to paula.schmitt@drbc.state.nj.us; by United States Mail to Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; or by fax to 609-883-9522. In all cases, the commenter's name, affiliation, and address should be provided in the comment document, and FFMP should appear in the subject line. Testimony and written comments submitted to the Commission during its previous hearings or comment period on the FFMP, including comments on the form of the FFMP that was published on the Commission's website in February 2007, will be included in the administrative record for this action and need not be resubmitted.

Four informational meetings on the proposed amendments will be held. The first two meetings took place on Tuesday, December 18, 2007, from 3 p.m. to 5 p.m. and from 6:30 p.m. to 9:30 p.m. at the Best Western Inn at Hunt's Landing, 120 Routes 6 and 209, Matamoras, PA. The second two meetings will take place on Tuesday, January 8, 2008, from 3 p.m. to 5 p.m. and from 6:30 p.m. to 9:30 p.m. at the offices of Wolf, Block, Schorr and Solis-Cohen LLP, 1650 Arch Street, 26th Floor, Philadelphia, PA. Directions to the hearing and meeting locations are available via links on the DRBC website.

Supplementary Information

Background. The Delaware River Basin Commission (Commission or DRBC) was created by the Delaware River Basin Compact (Compact), a statute concurrently enacted in 1961 by the United States and the four basin states—Delaware, New Jersey, New York and Pennsylvania. The Compact empowers the Commission, among other things, “to allocate the waters of the basin to and among the states signatory to the compact and to and among their respective political subdivisions, and to impose conditions, obligations and release requirements related thereto.” This authority is subject, however, to the significant limitation that the Commission may not “impair, diminish or otherwise adversely affect the diversions, compensating releases, rights, conditions, obligations and provisions for the administration thereof” established by the Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954), without the unanimous consent of the decree parties. Compact, § 3.3. The Commission and the decree parties are the same with two exceptions. Although the United States Government is a member of the Commission, it is not a party to the 1954 decree; and although the City of New York is a decree party, it is not a member of the Commission. The Compact provides for the City of New York (City) to serve as an advisor to the State of New York in Commission matters.

The 1954 Supreme Court decree gave the City the right to divert up to 800 million gallons per day (mgd) of water from its three Delaware Basin reservoirs—Cannonsville, Pepacton and Neversink—subject to the condition that it release water from its reservoirs in quantities designed to maintain a minimum basic rate of flow at Montague, New Jersey of 1,750 cubic feet per second (cfs), a condition known as “the Montague flow objective.” The decree further required the City to release annually an excess quantity (“the excess release quantity” or “ERQ”) of up to 70 billion gallons (b.g.) during the seasonal period June 15—March 15. The amount of the ERQ is determined each year based on the City's estimate of the amount by which its available water from all sources will exceed its estimated consumption for that year. (The ERQ is calculated as the lesser of 70 bg or 83% of the amount by which the City's continuous safe yield during the year from all its sources obtainable without pumping exceeds its estimated consumption.) The decree gave New Jersey the right to divert up to 100 mgd from the basin without compensating releases. It assigned to the United States Geological Survey the role of supervising the diversions and releases established by the court, in the person of a Delaware River Master.

Since the Commission's creation, the agency has provided a forum for the decree parties and commissioners to adapt reservoir operations to hydrologic conditions and flow needs not contemplated by the decree. Almost simultaneously with the Commission's creation, a new drought of record from 1961 to 1967 gave rise to conditions in which the diversions and flow objectives established by the decree could not be sustained. To apportion limited water supplies in an equitable fashion, avert severe shortages, and avoid the need to negotiate future reductions during a severe drought, the parties eventually responded by entering into the Good Faith Agreement of 1983. “Good Faith,” a term used to refer collectively to the 1983 agreement and the DRBC instruments adopted to implement it, among other things established a schedule

of graduated reductions in diversions and flow objectives to conserve water when storage in the City's three Delaware Basin reservoirs declines below specified thresholds; it also established a flow objective of 3,000 cfs at Trenton, subject to stepped reductions during periods of drought, to prevent chloride concentrations from rising in the vicinity of key water supply intakes in the Delaware Estuary; and it provided for supplemental releases by New York City and from other Delaware Basin reservoirs during drought emergency operations to augment river flows at Montague and Trenton in order to repel salt, a concept known as the "salt front vernier."

The DRBC with the unanimous consent of the decree parties adopted the Good Faith recommendations for modified diversions and flow targets during drought through Resolutions Nos. 83-13, 84-7 and 88-22 in 1983, 1984 and 1988, respectively, and subsequently incorporated these resolutions into the Commission's Water Code. The DRBC established the conservation releases contained in the Good Faith agreement when it approved Docket D-77-20 CP (Revised) with the unanimous consent of the decree parties in November of 1983. From time to time thereafter, in revisions 2 through 9 of Docket D-77-20 CP, the Commission with the unanimous consent of the decree parties approved temporary revisions to the reservoir releases program for purposes that included, among others, fisheries protection and spill mitigation. Some of these docket revisions also modified on a temporary basis reservoir operating conditions that had been placed in the Water Code. The latest of the operating conditions established by revisions 2 through 9 of Docket D-77-20 CP expired on September 30, 2007.

On September 26, 2007, the decree parties reached unanimous agreement on a Flexible Flow Management Program (FFMP) that would provide a framework for managing diversions and releases from New York City's Delaware Basin reservoirs for multiple objectives, including water supply, drought mitigation, flood mitigation, protection of the tailwaters fishery, a diverse array of habitat needs in the main stem, estuary and bay, recreation and salinity repulsion. On the same day, the Commission unanimously approved Resolution No. 2007-14, authorizing the Commission's executive director to publish proposed regulations for implementing the FFMP, and to conduct notice and comment rulemaking, including public hearings, on such proposed regulations. Today's notice is issued in accordance with that authorization.

Water Code Sections to be Amended. The proposed rulemaking would place reservoir operating rules consistent with the decree parties' September 26, 2007 agreement into a revised Section 2.5.3 of the Water Code newly titled, "Flexible Flow Management Program." Water Code sections 2.5.4 (concerning drought emergency actions by the Commission in accordance with Section 3.3 of the Compact), 2.5.5 (providing for coordinated operation of lower basin and hydroelectric reservoirs during a basinwide drought) and 2.5.6 (relating to coordinated operation of upper and lower basin reservoirs during a lower basin drought) are proposed to be amended for consistency with the new Section 2.5.3. The proposed amendments to Sections 2.5.3 through 2.5.6 collectively would comprise the "FFMP."

Term of Proposed Amendments. The amendments constituting the FFMP are proposed to expire on May 31, 2011, unless the decree parties' agreement of September 26, 2007 is extended prior to that date. Absent further revisions adopted by the DRBC with the unanimous approval of the decree parties, upon expiration of the

amendments comprising the FFMP, the New York City Delaware Basin reservoirs will be operated in accordance with the pre-FFMP Water Code and Docket D-77-20 CP (Revised).

Effect of Proposed Amendments. The proposed amendments would substitute a fixed volume of releases called the "Interim Excess Release Quantity" for the ERQ calculated annually in accordance with a formula established by the decree. They would modify the schematic rule curves diagram that defines basinwide normal, drought watch, drought warning and drought emergency operating conditions by updating labeling of the diagram, adding a discharge mitigation trigger curve, and adding labels for storage levels L1 through L5. The amendments also would increase New Jersey's allowable diversion during drought warning and drought emergency operations by 15 mgd and 20 mgd, respectively, above the levels established by the Good Faith agreement; eliminate the link established by the Good Faith agreement between the Montague flow objective and the location of the salt front during basinwide drought emergency operations ("the Montague vernier"); and establish the rate of releases to be made from each of the City's Delaware Basin reservoirs for habitat protection and discharge mitigation, based upon combined reservoir storage levels and individual reservoir storage levels. Key aspects of each of these proposed amendments are set forth below:

- An Interim Excess Release Quantity (IERQ) in the fixed amount of 15,468 cfs-days for nonleap years and 17,125 cfs-days for leap years is proposed to replace the ERQ calculated annually in accordance with the decree. The IERQ is proposed to be released from the City's Delaware Basin reservoirs during basinwide normal operations in order to: 1) increase the Montague flow objective from 1,750 cfs to 1,850 cfs during the period from June 15 through September 15; and 2) maintain the Trenton flow objective of 3,000 c.f.s for the period from June 15 through March 15. All or a portion of the available IERQ also is proposed to be subject at any time to placement in an "IERQ Extraordinary Needs Bank" to support research, aquatic life, or other activities approved by the DRBC with the unanimous agreement of the decree parties.

- Labels for the rule curves diagram that establishes basinwide operating conditions in accordance with combined storage in the City's three Delaware Basin reservoirs are proposed to be updated to reflect normal, drought watch, drought warning, and drought emergency conditions. Although the term "drought watch" has been used consistently since April 28, 1999 in accordance with a definition established by Docket D-77-20 CP (Revision 4), this term has not previously appeared in the Water Code. The label "drought emergency" is proposed to replace the more ambiguous "drought". No change is proposed to the placement of the three curves established by Docket D-77-20 CP (Revision 4). A fourth curve is proposed to be added, however, to indicate the combined storage level at which L1 discharge mitigation releases are triggered. The rule curves with updated labeling are depicted in Figure 1 of proposed Section 2.5.3 F., Drought Management, of the proposed amendments. Figure 1 is linked to the schedule of diversions and flow objectives set forth in proposed Table 1 of the same section and to provisions set forth in the text of that section. Figure 1 is proposed to be further amended by the addition of labels L1 through L5 for the five storage zones delineated by the curves. The storage zones correspond to minimum releases from each of the City's Delaware Basin reservoirs for purposes of habitat protection and discharge mitiga-

tion in accordance with Tables 3A through 3D of proposed Section 2.5.3 G., the Tailwaters Habitat Protection and Discharge Mitigation Program ("THP-DMP").

- New Jersey's allowable diversion is proposed to be increased from 70 mgd to 85 mgd during drought warning operations and from 65 mgd to 85 mgd during drought emergency operations. The lower diversions during drought warning and drought emergency operations have not been changed since they were established by Good Faith. These amendments are proposed to be included in Table 1 of proposed Section 2.5.3 F., Drought Management.

- The Montague flow objective is proposed to be "detached" from the 7-day average location of the 250 mg/L chloride concentration (the "salt front") in the Delaware Estuary during basinwide drought emergency operations. Current Water Code provisions that link the Trenton flow objective to the salt front location will remain in place. The Montague and Trenton flow objectives are set forth in Tables 1 and 2 of proposed Section 2.5.3 F. Rules establishing the Trenton flow objective for lower basin drought operating conditions are set forth in Section 2.5.6.

- A Tailwaters Habitat Protection and Discharge Mitigation Program (THP-DMP) is proposed, consisting of conservation releases to help maintain minimum flows and adequate temperatures in the tailwaters below the City's Delaware Basin reservoirs to protect the cold water fishery, and discharge mitigation releases designed to help mitigate the effects of flooding immediately below the three reservoirs. Releases are defined for each of the reservoirs individually, based upon total combined storage in accordance with the four rule curves contained in Figure 1 in proposed Section 2.5.3 F.

The proposed amendments would largely eliminate the use of storage "banks" for purposes of habitat protection. Such banks were central to the program established by Docket D-77-20 CP. Instead, conservation releases would be based on reservoir storage levels, resulting in larger releases when reservoir storage is high and smaller releases when storage is at or below normal. Conservation release rates for each storage zone are set forth in new Tables 3A through 3D of Section 2.5.3 G.

Discharge mitigation releases from the City's Delaware Basin reservoirs are proposed to be triggered when total combined storage in the reservoirs is in the uppermost storage zone (L1) of the rule curves diagram (Figure 1). When this condition applies, the individual reservoir storage zones (L1-a, L1-b, and L1-c) defined by Figure 2 in proposed Section 2.5.3 G. are proposed to be used in conjunction with Tables 3A through 3D to establish the applicable release rates. The schedule of releases (either 3A, 3B, 3C or 3D) to be used during a given year depends upon the quantity (not to exceed 35 mgd) that the City makes available for the program from its allowable daily diversion in accordance with proposed Sub-section 2.3.5 G.2. Discharge mitigation releases are limited by potential downstream flood stages in accordance with conditions set forth in proposed Table 4 in Sub-section 2.5.3 G.4.

Temporary Suspension or Modification of FFMP in Case of Emergency. The proposed amendments provide at Section 2.5.3 H. a procedure for temporary suspension or modification of provisions of the FFMP if the executive director after consultation with the decree parties and with their unanimous consent finds that customary notice and comment rulemaking by the Commission is impracticable and contrary to the public interest.

In that event, the proposed amendments provide for the executive director to issue an emergency order, which must be ratified, rejected or modified at the next meeting of the Commission, subject to the unanimous approval of the decree parties. Public notice of such action in advance of the public meeting is required. In the event that a suspension or modification of rules by emergency order were proposed to remain in effect on more than a temporary basis, ratification by the Commission would be temporary, pending completion of notice and comment rulemaking.

Previous Notices. The text of the proposed Water Code amendments that appears below was published on the DRBC website, www.drbc.net, on December 3, 2007. Notices on the proposed FFMP appeared in the *Federal Register* at 72 FR 6509 (February 12, 2007); 72 FR 49268 (August 28, 2007) and 72 FR 57875 (December 3, 2007) and at 37 Pa.B. 785 (February 17, 2007), 37 Pa.B. 3099 (June 25, 2007) and 37 Pa.B. 4871 (September 8, 2007). In response to the February and August notices (and similar notices published in the registers of the other Delaware Basin states), the Commission received written and oral comments from more than 100 agencies, organizations, elected officials and private citizens. The decree parties in revising their agreement considered the broad range of public comments the Commission received. The Commission will consider these comments along with any and all additional comments received during the rule-making process.

Related Documents. All DRBC resolutions and dockets relating to operation of the New York City Delaware Basin reservoirs are available on the Commission's website at www.drbc.net or upon request from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, NJ 08628-0360. The DRBC website includes a link to the site of the U.S. Geological Survey, Office of the Delaware River Master, <http://water.usgs.gov/orh/nrwww/odrm/>, which includes the decree parties' agreement of September 26, 2007.

Further Information, Contacts

For further information about the rulemaking process, please contact Pamela M. Bush, Commission Secretary and Assistant General Counsel, DRBC, at 609-883- 9500 ext. 203.

It is proposed to amend Sections 2.5.3 through 2.5.6 of the *Water Code* as set forth below. Material proposed to be added is printed in **bold face** and material proposed to be deleted is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipses of rule text retained without change.

The proposed amendments entail changes to the outline and organization of Section 2.5.3 in order to make DRBC's regulations relating to operation of the New York City Delaware Basin reservoirs more comprehensive, to incorporate into the regulations conditions formerly included only in DRBC dockets, and to follow to the extent possible and appropriate the outline of the Decree Parties' agreement dated September 26, 2007. Accordingly, the portions of current (un-amended) *Water Code* subsections 2.5.3 A. through D. that relate to normal operating conditions are included in proposed subsections 2.5.3 C. through E. (entitled "Diversion," "Flow Objectives" and "Releases," respectively). Provisions of the un-amended *Water Code* sections 2.5.3 A. through E. that relate to operation of the New York City reservoirs during drought are proposed to be placed in amended Sub-section 2.5.3 F., Drought Management (see proposed sub-sections 2.5.3

F.1. through 2.5.3 F.3). The provisions of current sub-section 2.5.3 E., which establish the triggers and duration of certain drought operating conditions, are proposed to be placed in amended Sub-section 2.5.3 F.4. Paragraphs of the current Section 2.5.3 that are proposed to be moved or re-numbered but which otherwise closely track the existing *Water Code* language are presented in normal face type.

Sections 2.5.3 through 2.5.6 of the *Water Code* in their entirety and showing all proposed amendments are posted on the Commission's web site, drbc.net. Graphics on the website are in color.

§ 2.5.3 FLEXIBLE FLOW MANAGEMENT PROGRAM

A. Program Established

1. A Flexible Flow Management Program (FFMP) is hereby established, whereby diversions and releases from the New York City Delaware Basin reservoirs provided for by the Supreme Court Decree in the matter of *New Jersey v. New York*, 347 U.S. 995, 74 S. Ct. 842 (1954) (referenced elsewhere in these Regulations as "the Decree") shall be implemented as herein amended with the following objectives: to provide safe and reliable supplies of water from the Delaware River Basin to the more than 17 million people who depend upon this water source; to provide flows to help control temperatures in the tailwaters to help sustain cold water fisheries; to assist in mitigating the impacts of flooding; and to provide freshwater flows to the main stem and bay to help protect ecological health, withdrawal and non-withdrawal uses and repel salinity.

2. The FFMP shall be comprised of Section 2.5.3 of these regulations and the revisions to other Sections of the *Water Code* adopted simultaneously for consistency with Section 2.5.3.

B. Criteria for Program Modification. Criteria to be considered by the DRBC in evaluating proposed modifications to the FFMP shall include but shall not be limited to the following (without any particular priority):

1. Decree Party equity
2. Net benefits and costs to environmental and economic resources
3. Source and sustainability of water available to support the proposed modification
4. Habitat types—with naturally-occurring habitats receiving consideration over man-made habitats
5. Scientific basis for modification
6. Implications for drought management, water supply and flood mitigation, including but not limited to impacts on: 1) frequency, duration and seasonal timing of the various drought operating conditions; and 2) frequency and duration of changes to levels of storage, diversions, releases and flows
7. Extent to which the diversions and the minimum basic rate of flow at Montague, New Jersey established by the Decree are met
8. Potential impacts on water quality, including effect on water quality standards, national and state pollutant discharge elimination system per-

mits issued in accordance with the Clean Water Act, DRBC dockets, wasteload allocations, assimilative capacity of the Delaware River and ecological health

9. Ease and practicability of operation

10. Consistency with adaptive management principles

11. Applicability and implementation of water conservation practices

12. Impacts on salinity

C. Diversions

1. City of New York

a. In accordance with Paragraphs III.A.3 and III.A.4. of the Decree, and subject to the limitations set forth in these regulations, the City may divert the equivalent of 800 million gallons per day (mgd), to be computed such that "[a]t no time during any twelve-month period, commencing June 1, shall the aggregate total quantity of water diverted [by the City], divided by the number of days elapsed since the preceding May 31, exceed [800 million gallons per day (mgd)]."

b. In accordance with Paragraph III.B. of the Decree, diversions by the City of New York from the Delaware River shall be made under the supervision and direction of the Delaware River Master.

2. State of New Jersey

a. In accordance with Paragraph V.A. of the Decree, and subject to the limitations set forth in these regulations, "[t]he State of New Jersey may divert outside the Delaware River watershed, from the Delaware River or its tributaries in New Jersey, without compensating releases, the equivalent of 100 m.g.d. . . ."

b. In accordance with Paragraph V.B. of the Decree, diversions by New Jersey from the Delaware River shall be made under the supervision of the Delaware River Master.

c. In addition to the limitations on New Jersey's diversion established by these Regulations for periods of drought, the State's diversion shall be subject to the conditions and obligations set forth in Paragraphs V.B.1. through V.B.3. of the Decree, as modified in accordance with Sections 2.5.3 C.2.d. and e. immediately below.

d. Until the State of New Jersey builds and utilizes one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diverting the same to another watershed, or purchases or leases reallocated water or new storage from an existing or new storage facility, the State of New Jersey diversion may not exceed 100 mgd as a monthly average, with the diversion on any day not to exceed 120 million gallons.

e. In accordance with Paragraph V.B.2. of the Decree, "[i]f and when the State of New Jersey has built and is utilizing one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diversion to another watershed, it may withdraw water from the Delaware River or its tributaries into such impounding reservoirs without limitation except during the months of July, August, September and October of any year,

when not more than 100 m.g.d. as a monthly average and not more than 120 million gallons in any day shall be withdrawn." This restriction may be modified upon unanimous consent of the Decree Parties should the State of New Jersey purchase or lease reallocated water or new storage from an existing or new facility.

f. In accordance with Paragraph V.B.3. of the Decree, "[r]egardless of whether the State of New Jersey builds and utilizes storage reservoirs for diversion, its total diversion for use outside of the Delaware River Basin without compensating releases shall not exceed an average of 100 m.g.d. during any calendar year."

D. Flow Objectives

1. Montague Flow Objective

a. The City of New York shall release water from one or more of the City's Delaware Basin reservoirs in quantities designed to maintain a minimum basic rate of flow (or "flow objective") at the gaging station of the United States Geological Survey (U.S.G.S.) at Montague of 1,750 cubic feet per second (cfs) in accordance with Paragraph III.B.1.(b) of the Decree during basinwide normal operating conditions. Provided, however, that during the period from June 15 through September 15 annually during normal operating conditions, the Montague flow objective shall be elevated to 1,850 cfs, to the extent that this objective is supported by releases from the Interim Excess Release Quantity (IERQ), as defined in Section 2.5.3 E.2. below.

b. In accordance with Paragraphs III.B.1.(b) VII.B.2. and VII of the Decree, releases from the City's Delaware Basin reservoirs to maintain the Montague Flow Objective shall be as directed by the River Master. Such releases shall be referred to as "directed releases."

c. In evaluating alternatives to the Montague Flow Objective, the Commission shall consider the availability of increased storage and the impact of such alternatives on the Trenton Flow Objective.

2. Trenton Flow Objective

a. The minimum basic rate of flow at the gaging station of the U.S.G.S. at Trenton, New Jersey (or "Trenton Flow Objective") when both basinwide¹ and lower basin² operating conditions are normal shall be 3,000 cfs.

b. Reservoir releases required to maintain the Trenton Flow Objective during basinwide normal operating conditions shall be made from the City's Delaware Basin reservoirs in accordance with Sections 2.5.3. E.2. and Section 2.5.6. below, and from Commission storage in the Beltzville and Blue Marsh reservoirs in Pennsylvania.

c. IERQ releases from the City's Delaware Basin reservoirs in accordance with Section 2.5.3 E.2. below to maintain the Trenton Flow Objective during basinwide normal operating conditions shall be in such quantities and at such times as determined by the Delaware River Basin Commission and directed by the Delaware River Master.

¹ The terms "basinwide operations" and "basinwide operating conditions" refer to reservoir operations determined by combined storage levels in the three New York City Delaware Basin reservoirs, as set forth in Figure 1.

² The terms "lower basin operations" and "lower basin operating conditions" refer to operations as set forth in Section 2.5.6. of these regulations.

d. Releases of stored water to maintain the Trenton Flow Objective at times other than during basinwide normal operating conditions shall be in accordance with the priorities established in Sections 2.5.5 and 2.5.6 of these regulations.

E. Releases

1. Tailwater Habitat Protection and Discharge Mitigation Program. In order to protect the ecology of the tailwaters below the City of New York's Delaware Basin reservoirs, including water quality and fishery habitat, as well as to help mitigate the impacts of flooding immediately below these reservoirs and support recreational uses, the City shall release water from the three reservoirs in accordance with the Tailwater Habitat Protection and Discharge Mitigation Program (THP-DMP), set forth in Section 2.5.3 G. of these Regulations.

2. Interim Excess Release Quantity (IERQ)

a. For the period commencing with the effective date of these regulations and ending May 31, 2011 unless extended in accordance with Section 2.5.3 J.2. below, the "excess quantity" (also referred to as the "Excess Release Quantity" or ERQ) defined by Paragraphs III.B.1.(c) and (d) of the Decree shall be used in support of an "Interim Excess Release Quantity" (IERQ), in accordance with this Section 2.5.3 E.2.

b. The quantity of water to be provided annually by the City of New York for the IERQ during the period set forth in the preceding paragraph unless extended in accordance with Section 2.5.3 J.2. below, shall be fixed at 15,468 cfs-days, except that during any leap year the quantity shall be 17,125 cfs-days. For 365 and 366-day years respectively, these sums are equal to 83 percent of the difference between the highest annual consumption reported for the New York City water supply system during water years 2002 through 2006 (or 458,805 mg) and the City's estimate in 2007 of the continuous safe yield of the City water supply system obtainable without pumping (or 1,290 mgd multiplied by either 365 days or in a leap year, 366 days).

c. The IERQ shall be released for purposes of:

i. elevating the Montague Flow Objective from 1,750 cfs to 1,850 cfs annually during basinwide normal operations for the period from June 15 through September 15; and

ii. maintaining the Trenton Flow Objective of 3,000 cfs during basinwide normal operations for the period from June 15 through March 15.

d. The IERQ may be released for the additional purposes of:

i. establishing an Interim Excess Release Quantity Extraordinary Needs Bank in accordance with Section 2.5.3 E.3., below; and

ii. supplementing the quantity of water provided by New York City in a given year for THP-DMP releases in accordance with Section 2.5.3 G., if the quantity of water provided by the City is less than 35 mgd.

e. The City of New York shall release the IERQ during basinwide normal operating conditions at rates designed to maintain a minimum flow at Montague of 1,850 cfs for the period commencing annually on June 15 and continuing through Sep-

tember 15 and a minimum flow at Trenton of 3,000 cfs during basinwide normal operating conditions for the period commencing on June 15 and continuing through March 15. The latter period shall be referred to as the "seasonal period." In releasing the IERQ, the City shall not be required to release water at rates exceeding the capacity of its release works. The City shall in each seasonal period continue its interim excess releases until the aggregate quantity of the releases from the IERQ is equal to the total specified in Section 2.5.3 E.2.b. above.

3. Interim Excess Release Quantity Extraordinary Needs Bank. The Commission, with the unanimous consent of the Decree Parties, may at any time place all or a portion of the available IERQ in an Interim Excess Release Quantity Extraordinary Needs Bank to help support research, aquatic life or any other water use approved by the Commission. Any quantity of water so banked shall be released in accordance with the defined use in a manner approved by the Commission and the Decree Parties, and shall be deducted from the IERQ otherwise available for release.

F. DROUGHT MANAGEMENT

1. Drought Operating Conditions

a. In accordance with Figure 1 and as defined by three drought management curves depicted therein, three drought operating conditions—"drought watch," "drought warning" and "drought emergency"—are established, based upon specified combined storage levels in the City of New York's three Delaware Basin reservoirs—Cannonsville, Pepacton and Neversink. Figure 1 defines five zones of combined reservoir usable storage relative to the normal and drought management storage levels. The storage level corresponding to normal operations is divided into two zones—L1 and L2—and the drought management curves delimit Zones L3 through L5.

b. The three drought operating conditions shall be used in conjunction with other provisions of these Regulations to determine:

- the maximum allowable diversions from the basin by the City of New York and the State of New Jersey;
- the minimum rates of flow to be maintained in the main stem Delaware River at the U.S.G.S. gaging stations at Montague and Trenton; and
- the releases to be made from each of the City's three Delaware Basin reservoirs in accordance with the THP-DMP set forth in Section 2.5.3 G., below.

2. Reduced Diversions and Flow Objectives During Drought Operations

a. Out-of-basin diversions by the City of New York and the State of New Jersey and flow objectives at the Montague and Trenton U.S.G.S. gaging stations shall be reduced incrementally during drought watch, drought warning and drought emergency operations (collectively, "drought operations") in accordance with Table 1 and Section 2.5.3 F.4 below, to conserve water.

b. The Montague flow objective shall vary during basinwide drought emergency operations with the time of year, and the Trenton flow objective shall

vary during basinwide drought emergency and during lower basin drought warning and drought emergency (defined in Section 2.5.6. below) with both the time of year and the location of the "salt front," defined as the upstream location in the Delaware Estuary at which the seven-day average chloride concentration equals 250 mg/l as provided in Table 1. Within the ranges set forth in Table 1, the Montague and Trenton flow objectives shall be adjusted in accordance with the specific values set forth in Table 2.

c. Nothing in these Regulations shall affect the Commission's authority pursuant to Section 3.3(a) of the Compact to take action to address an emergency condition.

3. Computation of Diversions During Drought Operations (*Resolutions Nos. 83-13 and 2007-_____*)

a. Daily Running Average. Diversions by the City of New York and State of New Jersey set forth in Table 1 during drought watch, drought warning, and drought emergency operations shall in each case be computed as a daily running average, commencing on the day such operations become effective.

b. Unused Diversion. If during any drought operating period the allowable diversion is not fully used, the unused portion may not be credited or used during subsequent periods.

c. Resumption of Normal Operations. Upon the resumption of normal operations following any period of drought operations, diversions by the City of New York and the State of New Jersey shall in each case be computed as daily running averages commencing upon the date of return to normal operations.

d. Balancing Adjustment. In order to conserve water, the River Master is requested to utilize a balancing adjustment, based upon procedures agreed upon by the Decree Parties, when calculating the releases to be directed to meet the Montague flow objectives in Tables 1 and 2. Additionally, during drought watch, warning, and emergency, the amount of the conservation releases from the City's Delaware Basin reservoirs that is greater than the basic conservation release rates as set forth in Table 1 of Docket D-77-20 CP (Revised) shall be considered directed releases for the purpose of calculating the balancing adjustment.

4. Triggering Conditions and Duration of Reduced Diversions and Flow Objectives

a. The schedule of diversions and streamflow objectives for drought watch operations as set forth in Table 1 shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought watch line defined in Figure 1 and remains below that line for five consecutive days.

b. The schedule of diversions, and streamflow objectives for drought warning operations as set forth in Table 1 shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought warning line defined in Figure 1 and remains below that line for five consecutive days.

c. The schedule of diversions, and streamflow objectives for drought emergency operations as set forth in Table 1 shall go into effect automatically whenever the combined storage in the New York City Delaware Basin

Reservoirs declines below the drought emergency line defined in Figure 1 and remains below that line for five consecutive days.

d. When the combined storage in the City's Delaware Basin reservoirs (including the projected water runoff equivalent of actual snow and ice within the watersheds tributary to the reservoirs) reaches a level 15 billion gallons above the drought watch line defined in Figure 1 and remains at or above that level for 5 consecutive days, normal diversions and flow objectives as set forth in Table 1 shall resume.

e. Pursuant to Section 3.3(a) of the Compact, the Parties to the U.S. Supreme Court Decree in New Jersey v. New York, 347 U.S. 995 (1954), have given their unanimous consent to adoption and implementation by the Commission of the drought operation schedules provided in this section. The Parties have agreed that drought operations will go into effect automatically, and be binding on parties for not less than 180 days following the triggering of drought watch operations, unless terminated automatically by improved storage conditions as provided in the preceding paragraph. During the 180-day period following triggering of drought watch operations, authorized representatives of the City of New York, States of Delaware, New Jersey, and New York, and Commonwealth of Pennsylvania, as parties to the U.S. Supreme Court Decree, shall convene no less frequently than once each month to review current conditions, and

they may extend, modify, or extend as modified the schedules provided in this section. If no unanimous agreement as to a continuing drought operation formula is reached within the 180-day period, all Parties shall be released from the terms of the formula and schedules and may pursue their rights and obligations under the Delaware River Basin Compact and the U.S. Supreme Court Decree.

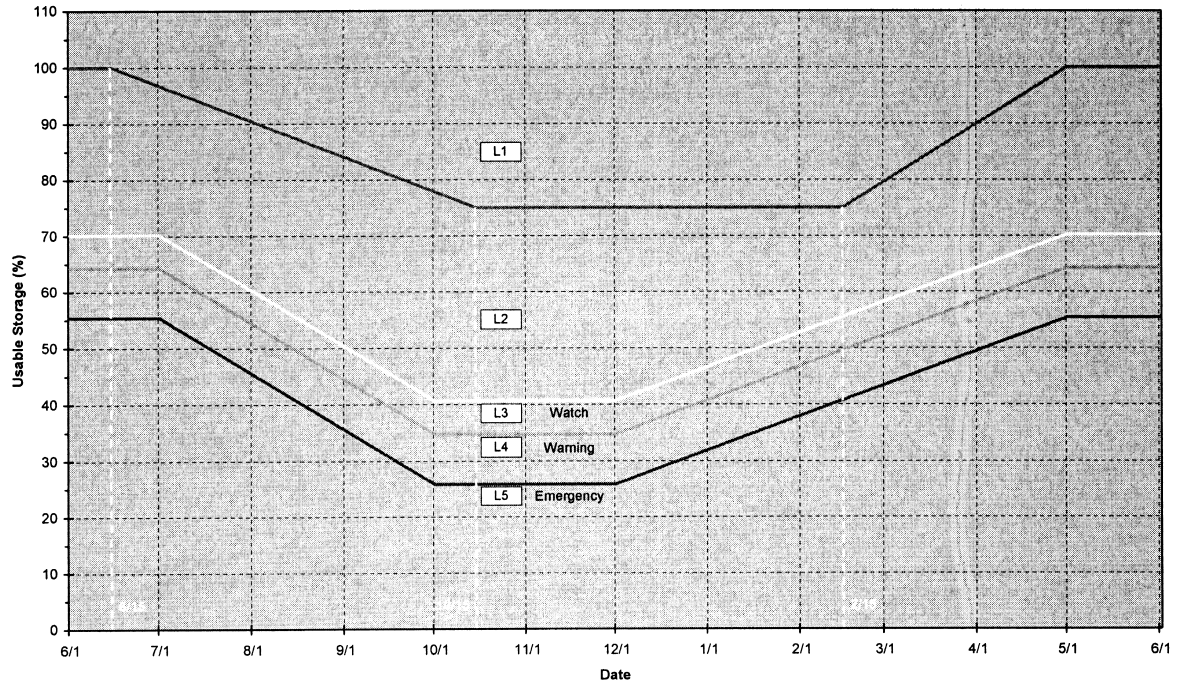
5. THP-DMP Releases During Drought. Provisions relating to THP-DMP releases under normal and drought conditions are set forth in Section 2.5.3 G., below.

6. Drought Emergency Actions. Provisions relating to Drought Emergency actions by the Commission in accordance with Section 3.3 of Article 10 of the Delaware River Basin Compact are set forth in Section 2.5.4 of these regulations.

7. Operation of Lower Basin and Hydroelectric Reservoirs During Basinwide Drought. Provisions relating to coordinated operation of lower basin and hydroelectric reservoirs during basinwide drought are set forth in Section 2.5.5 of these regulations.

8. Lower Basin Drought Operations. Provisions relating to coordinated operation of reservoirs during a lower basin drought are set forth in Section 2.5.6 of these regulations.

**Figure 1
New York City Delaware System Combined Usable Storage
(Cannonsville, Pepacton and Neversink Reservoirs)**



[Figure 1 can be viewed in color on the DRBC web site, drbc.net.]

Table 1
Interstate Operation Schedule For Diversions and Flow Objectives

NYC Storage Condition	NYC Diversion (mgd)	NJ Diversion (mgd)	Montague Flow Objective (cfs)	Trenton Flow Objective (cfs)
Normal (June 15—Sept 15)	800	100	1,850*	3,000
Normal (Sept 16—June 14)	800	100	1,750	3,000
Drought Watch (L3)	680	100	1,660	2,700
Drought Warning (L4)	560	85	1,550	2,700
Drought Emergency (L5)	520	85	1,100—1,500**	2,500—2,900***
Severe Drought	(to be negotiated depending upon conditions)			

* To the extent supported by the IERQ in accordance with Section 2.5.3 E.2. Otherwise, 1,750 c.f.s.

** Varies with time of year, in accordance with Table 2.

*** Varies with time of year and location of salt front, in accordance with Table 2, except that for lower basin drought warning and drought emergency conditions, Section 2.5.6 of these regulations shall control.

Table 2
Interstate Operation Schedule
For Adjusting Montague and Trenton Flow Objectives
During Drought Conditions

7-Day Average Location of "Salt Front"* (RiverMile**)	Trenton				Montague			
	Dec 1-Apr 30	May 1-Aug 31	Sep 1-Nov 30	June 1-June 30	July 1-Nov 31	Dec 1-Dec 31	June 1-May 31	
				1,450	1,500	1,350	1,100	
Upstream of R.M. 92.5	2,700	2,900	2,900					
R.M. 87.0—R.M. 92.5	2,700	2,700	2,700					
R.M. 82.9—R.M. 87.0	2,500	2,500	2,500					
Downstream of R.M. 82.9	2,500	2,500	2,500					

* Defined as the 250 mg/L isochlor in the Delaware Estuary.

** Measured in statute miles along the center of the navigation channel, from the mouth of the Delaware Bay.

G. Tailwaters Habitat Protection and Discharge Mitigation Program (THP-DMP)

1. Program Established. A Tailwaters Habitat Protection and Discharge Mitigation Program (THP-DMP) is hereby established, which consists of conservation releases designed to protect the ecology of the tailwaters below the New York City Delaware Basin reservoirs and discharge mitigation releases, designed to help mitigate the effects of flooding immediately below these reservoirs.

2. Availability of Water to Support THP-DMP Releases. Until the earlier of 2012 or such time as the additional 13 billion gallons (equivalent to approximately 35 mgd) of combined storage proposed to be constructed at the Cannonsville and Pepacton Reservoirs as contemplated by New York State and the City of New York has been built, an unused portion of New York City's allowable diversion of 800 mgd not to exceed 35 mgd shall be made available on an annual basis to support THP-DMP releases in accordance with the following:

a. The City annually shall inform the River Master of a quantity of its allowable diversion not to exceed 35 mgd that it anticipates the City will not use during the ensuing year, which quantity shall be made available to support THP-DMP releases.

b. In any year in which the quantity of water furnished by the City in accordance with the preceding paragraph is less than 35 mgd, the states of Delaware, New Jersey and Pennsylvania may by unanimous agreement make available to support THP-DMP releases a quantity of the IERQ not to exceed the difference between the City's contribution and 35 mgd. The three states shall report such quantity to the River Master.

c. After December 31, 2012, if the additional storage under consideration by New York State and the City of New York has not been constructed, then THP-DMP releases shall be made in accordance with the schedule set forth in Table 3D (0 mgd) below except that the Decree Parties may in the exercise of their discretion agree to make additional water available for the program in accordance with the procedures for revision of the FFMP set forth in paragraph H below. In that event, releases shall be made in accordance with the schedule set forth in Table 3A (35 mgd), 3B (20 mgd), or 3C (10 mgd).

d. Releases made when the combined storage of the City's Delaware Basin Reservoirs is in Zone L1 in Figure 1 shall not be considered part of the

quantity of water the City has made available to support THP-DMP releases pursuant to Section 2.5.3 G.2.b. above.

3. Schedule of Releases. Depending upon the amount of water made available in accordance with the preceding section, 2.5.3 G.2., THP-DMP releases in a given year shall be made in accordance with Table 3A (35 mgd), 3B (20 mgd), 3C (10 mgd) or 3D (0 mgd). The quantity of controlled releases to be made from each of the City's Delaware Basin reservoirs shall be further determined on the basis of the following:

a. Combined storage levels in accordance with Figure 1. In Figure 1, the percentage of combined usable storage associated with basinwide normal operations is subdivided into two ranges (or "zones")—L1 and L2. The percentage of combined usable storage associated with drought operations is subdivided into three zones—L3, L4, and L5—in order of diminishing storage, corresponding to drought watch, drought warning and drought emergency operating conditions, respectively.

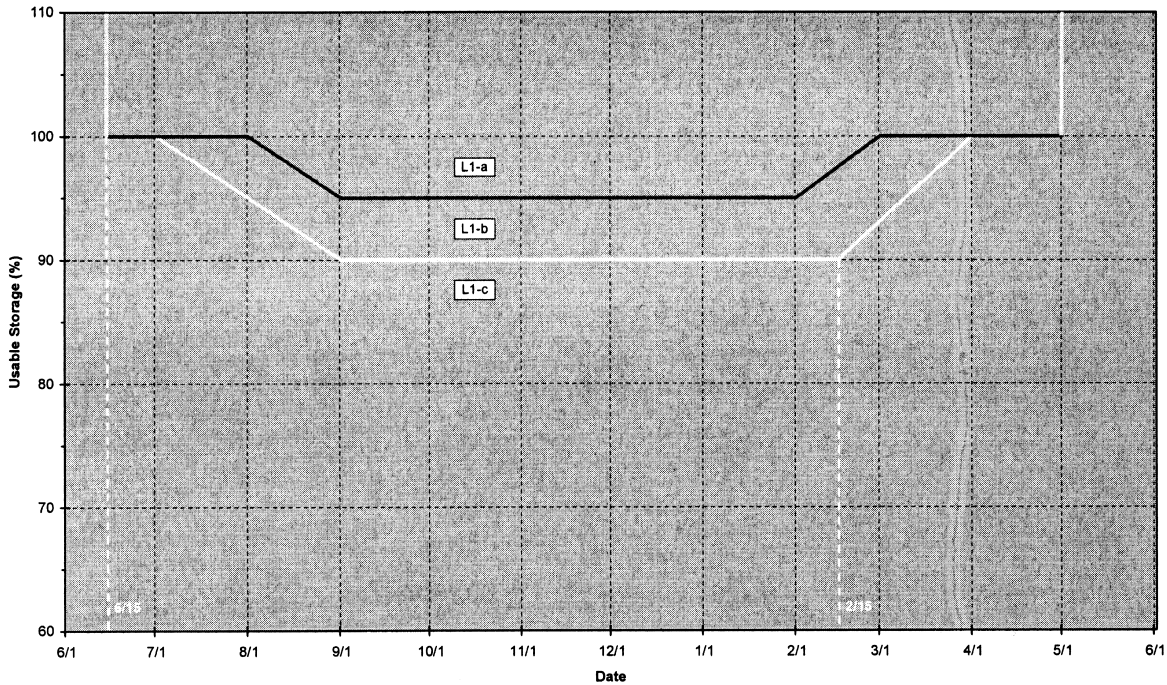
b. For the highest combined storage range only, individual reservoir storage levels in accordance with Figure 2. In Figure 2, for purposes of deter-

mining the quantity released from individual reservoirs, Zone L1 (representing maximum combined reservoir storage) is sub-divided into three storage zones—L1-a, L1-b, and L1-c—expressed as percentages of usable storage. When combined storage in the City's three Delaware Basin reservoirs is in Zone L1, the time of year and the percentage of usable storage available in each individual reservoir will determine whether the L1-a, L1-b or L1-c release quantity specified in Table 3 is made from that reservoir.

c. Dates. Releases from each of the reservoirs are established for eight date ranges, grouped by season as set forth in Table 3. These are: June 1-15, June 16-30, July 1-August 31 (Summer); September 1-30 and October 1—November 30 (Fall); December 1—March 31 and April 1-30 (Winter); and May 1-31 (Spring).

d. THP-DMP releases during recovery from drought. During recovery from drought, THP-DMP releases corresponding to the lowest storage level attained will continue until combined storage in the three New York City Delaware Basin reservoirs reaches 25 billion gallons above the drought watch level and remains at or above that level for 15 consecutive days.

Figure 2
New York City Delaware System Usable Individual Storage
(Cannonsville, Pepacton and Neversink Reservoirs)



[Figure 2 can be viewed in color on the DRBC web site, drbc.net.]

**Table 3A
Schedule of Releases (cfs)
With 35 mgd Available**

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	80	80	215	260	260	260	115	80
L3	70	70	100	175	175	175	95	70
L4	55	55	75	130	130	130	55	60
L5	50	50	50	120	120	120	50	50

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	65	65	110	140	140	140	85	60
L3	55	55	80	100	100	100	55	55
L4	45	45	50	85	85	85	40	40
L5	40	40	40	80	80	80	30	30

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	45	45	85	100	100	100	70	45
L3	40	40	50	75	75	75	40	40
L4	35	35	40	60	60	60	30	30
L5	30	30	30	55	55	55	25	25

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

PROPOSED RULEMAKING

**Table 3B
Schedule of Releases (cfs)
With 20 mgd Available**

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	72	72	194	234	234	234	104	72
L3	63	63	90	158	158	158	86	63
L4	50	50	68	117	117	117	50	54
L5	45	45	45	108	108	108	45	45

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	59	59	99	126	126	126	77	54
L3	50	50	72	90	90	90	50	50
L4	41	41	45	77	77	77	36	36
L5	36	36	36	72	72	72	27	27

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	41	41	77	90	90	90	63	41
L3	36	36	45	68	68	68	36	36
L4	32	32	36	54	54	54	27	27
L5	27	27	27	50	50	50	23	23

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

**Table 3C
Schedule of Releases (cfs)
With 10 mgd Available**

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	65	65	175	212	212	212	94	65
L3	57	57	82	143	143	143	77	57
L4	45	45	61	106	106	106	45	49
L5	41	41	41	98	98	98	41	41

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	53	53	90	114	114	114	69	49
L3	45	45	65	82	82	82	45	45
L4	37	37	41	69	69	69	33	33
L5	33	33	33	65	65	65	24	24

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	37	37	69	82	82	82	57	37
L3	33	33	41	61	61	61	33	33
L4	29	29	33	49	49	49	24	24
L5	24	24	24	45	45	45	20	20

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

**Table 3D
Schedule of Releases (cfs)
With 0 mgd Available**

Cannonsville Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	1500	1500	*	*	1500	1500	1500	1500
L1-b	250	*	*	*	*	350	275	250
L1-c	110	110	225	275	275	275	140	110
L2	58	58	157	190	190	190	84	58
L3	51	51	73	128	128	128	69	51
L4	40	40	55	95	95	95	40	44
L5	37	37	37	88	88	88	37	37

Pepacton Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	700	700	*	*	700	700	700	700
L1-b	185	*	*	*	*	250	200	185
L1-c	85	85	120	150	150	150	100	85
L2	47	47	80	102	102	102	62	44
L3	40	40	58	73	73	73	40	40
L4	33	33	37	62	62	62	29	29
L5	29	29	29	58	58	58	22	22

Neversink Storage Zone	Winter		Spring	Summer			Fall	
	Dec 1 - Mar 31	Apr 1 - Apr 30	May 1 - May 31	Jun 1 - Jun 15	Jun 16 - Jun 30	Jul 1 - Aug 31	Sep 1 - Sep 30	Oct 1 - Nov 30
L1-a	190	190	*	*	190	190	190	190
L1-b	100	*	*	*	*	125	85	95
L1-c	65	65	90	110	110	110	75	60
L2	33	33	62	73	73	73	51	33
L3	29	29	37	55	55	55	29	29
L4	26	26	29	44	44	44	22	22
L5	22	22	22	40	40	40	18	18

* Storage zone does not apply during this period. Releases shall be made in accordance with zone L1-c.

4. Additional Requirements Applicable to Discharge Mitigation Releases. The City of New York shall make discharge mitigation releases from the City's Delaware Basin reservoirs in accordance with the following:

a. For the period June 16 through April 30, if combined usable storage is in Zone L1, then each reservoir shall be considered separately, and for each individual reservoir, the percentage of usable storage available in that reservoir will determine whether the L1-a, L1-b or L1-c release is made from the reservoir, in accordance with Figure 2 and Table 3. During the period October 1 through April 30, fifty (50) percent of the water equivalent of snow pack in the watersheds above the reservoirs shall be included in the determination of combined and individual usable storage.

b. For the period April 1 through April 30, if combined reservoir usable storage including snow

pack is within the L1 zone, the releases from each reservoir shall be in the L1-a or the L1-c quantity, as provided in Table 3.

c. For the period May 1 through June 15, the L1-a and L1-b Zones do not apply. If combined reservoir usable storage is in Zone L1, releases shall be made in the L1-c quantities provided in Table 3.

d. The NYCDEP and NYSDEC release managers may transfer reservoir spills to bottom releases to the extent possible and mutually agreed upon at any of the three reservoirs.

e. The current National Weather Service flood stage for the West Branch Delaware River at Hale Eddy is 11 feet. Accordingly, Zone L1 THP-DMP releases shall not be made from Cannonsville Reservoir when the river stage for the West Branch Delaware River at Hale Eddy is above 9 feet or is forecast to be above 9 feet within 48 hours of a

planned discharge mitigation release. Releases shall be made in accordance with Table 3, except that only the L2 through L5 quantities shall be released. This provision may be modified by unanimous agreement of the Decree Parties in consultation with the DRBC if they conclude that conditions so warrant.

f. The current National Weather Service flood stage for the East Branch Delaware River at Fishs Eddy is 13.0 ft. Accordingly, Zone L1 THP-DMP releases shall not be made from Pepacton Reservoir when the river stage for the East Branch Delaware River at Fishs Eddy is above 11.0 ft. or is forecast to be above 11.0 ft. within 48 hours of a planned discharge mitigation release. Releases shall be made in accordance with Table 3, except that only the L2 through L5 quantities shall be released. This provision may be modified by unanimous agreement of the Decree Parties in consultation with the DRBC if they conclude that conditions so warrant.

g. The current National Weather Service flood stage for the Neversink River at Bridgeville is 13 feet. Accordingly, Zone L1 THP-DMP releases shall not be made from Neversink Reservoir when the river stage for the Neversink River at Bridgeville is above 12 feet or is forecast to be above 12 feet within 48 hours of a planned discharge mitigation release. Releases shall be made in accordance with Table 3, except that only L2 through L5 quantities shall be released. This provision may be modified by unanimous agreement of the Decree Parties in consultation with the DRBC if they conclude that conditions so warrant.

h. Zone L1 THP-DMP releases from any one of the City's reservoirs may be suspended from the respective reservoirs if NYCDEP and NYSDEC in consultation with the National Weather Service determine that ice conditions threaten flood prone areas of the Neversink River below Neversink Reservoir, East Branch Delaware River below Pepacton Reservoir, or West Branch Delaware River below Cannonsville Reservoir. In the event Zone L1 THP-DMP releases from a reservoir are suspended, the quantity of a controlled release from that reservoir shall not exceed the L2 quantity provided in Table 3.

i. Discharge mitigation (Zone L-1) releases shall be designed so that the combined discharge from each reservoir's controlled release works and spillway does not exceed the flow rate provided in Table 4 below. If the combined discharge at any of the three reservoirs exceeds the flow rate provided in Table 4, then controlled releases from such reservoir(s) shall be reduced to the L-2 releases provided in Table 3, or lower.

j. To more naturally effect downward or upward transitions between discharge mitigation release rates identified in Table 3, discharge mitigation release rates may be ramped generally over a period not to exceed three days at Cannonsville and Pepacton Reservoirs or two days at Neversink Reservoir, but in increments of no less than 10 cfs at any reservoir.

Table 4
Maximum Combined Discharge Rates

<i>Reservoir</i>	<i>Maximum Combined Discharge Rate (cfs)</i>
Neversink	3,400
Pepacton	2,400
Cannonsville	4,200

H. FFMP Evaluation, Monitoring and Reporting

1. **THP-DMP.** In accordance with the agreement among the Decree Parties dated September 26, 2007, NYSDEC shall periodically provide the DRBC and the Decree Parties with reports evaluating the effectiveness of the THP-DMP.

2. **Construction of Additional Reservoir Storage.** In accordance with the agreement among the Decree Parties dated September 26, 2007, NYSDEC and the City of New York shall provide the DRBC and the Decree Parties with periodic reports on the status of efforts by New York State to secure the necessary funding and to implement construction of additional storage in the City's Delaware Basin reservoirs.

3. **Evaluation and Revision of the FFMP.**

a. The Commission and Decree Parties may propose modifications to the FFMP based upon periodic evaluation of the scientific basis for its various elements and the effectiveness of the FFMP in achieving the objectives set forth in Section 2.5.3 A., above.

b. Among other things, the Commission, in consultation with the Decree Parties, will consider modifications to the FFMP that may be necessary to avoid taking, harming or adversely affecting Dwarf Wedge Mussels.

I. Temporary Suspension or Modification in Case of Emergency.

1. **Emergency Order by Executive Director.** If the Executive Director after consultation with the Decree Parties and with their unanimous consent finds that customary notice and comment rulemaking by the Commission is impracticable and contrary to the public interest, then the Executive Director shall set forth such finding in an Emergency Order and therein authorize a temporary suspension or modification of these Regulations.

2. **Commission Ratification.** The Commission shall ratify, reject or modify the Emergency Order at the next public meeting of the Commission, subject to the unanimous consent of the Decree Parties. In such circumstances, public notice shall be provided, consisting at a minimum of publication of the Emergency Order on the Commission's website, along with the date, time and location of the Commission's next scheduled hearing, procedures for submitting written comments, and the name and telephone number of a Commission contact person.

3. **Permanent Change.** In the event that a suspension or modification of provisions of this Section 2.5.3 by Emergency Order is proposed to remain in effect permanently, ratification by the Commission shall be temporary, pending completion of a notice and comment rulemaking in accordance with Section 2.5.3 I.2. above.

J. Effective Date; Expiration

1. This Section 2.5.3 and amendments to Sections 2.5.4 through 2.5.6 of the Water Code required to implement the FFMP consistent with this section shall take effect upon completion of DRBC rule-making in accordance with the requirements of the Delaware River Basin Compact and the Commission's customary practice, subject to the unanimous consent of the Decree Parties.

2. The Water Code amendments constituting the FFMP shall expire on May 31, 2011, unless the Agreement of the Decree Parties dated September 26, 2007 is extended by the Parties prior to that date. In the event of expiration, the language of Section 2.5.3 of the Water Code in effect on the date preceding the effective date of these amendments shall be restored, as shall the language of all other sections to the extent they were amended simultaneously and for consistency with Section 2.5.3 in establishing the FFMP. The New York City Delaware Basin reservoirs shall then be operated in accordance with the (restored) Water Code and Docket D-77-20 CP (Revised). A discharge mitigation plan and an amelioration program for the potential effects of the Lake Wallenpaupack drought operating plan will be considered.

3. Unless and until the FFMP expires, Docket D-77-20 CP (Revised) issued on November 30, 1983, shall be suspended. All other revisions to Docket D-77-20 CP have previously been terminated or superseded or have expired in accordance with the provisions of these revisions.

2.5.4 [Drought Emergency Actions] Drought Emergency Declaration (Resolution No. 83-13).

[A. Criteria Defining Conditions (Resolution No. 83-13). For purposes of water management pursuant to Section 3.3 and Article 10 of the Compact, the determination of drought warning and drought conditions shall be based upon the combined storage in the Cannonsville, Pepacton and Neversink Reservoirs, in accordance with Figure 1, entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs". The division of the drought-warning zone into upper and lower halves shall be defined as a physically equal division, or 20 billions of gallons in each zone. B.] It is the policy of the Commission that a basinwide . . . drought emergency zone as defined in Figure 1 of Section 2.5.3 for five consecutive days. Termination of a declared drought emergency . . . the drought watch[rning] line . . . days. The . . . drought watch[rning] line . . .

§ 2.5.5 Coordinated Operation of Lower Basin and Hydroelectric Reservoirs During a Basinwide Drought (Resolution No. 84-7, as amended by Resolution No. 2002-33).

* * * * *

During basinwide "drought emergency" [conditions] operations as . . . and Mongaup [hydroelectric] reservoirs [,] will be utilized . . . The priority of . . . in Table 1 below. Lake Wallenpaupack also . . . during "drought watch" and "drought warning" . . . in Section 2.5.3 F [A].

TABLE 1. PRIORITY OF USE FOR EXISTING LOWER BASIN RESERVOIRS DURING BASINWIDE DROUGHT EMERGENCY

* * * * *

Lake Wallenpaupack . . . reservoirs [would] will be called . . . releases [would have to be] are directed by the River Master to meet the Montague flow objective. [These] Such releases . . . at Trenton. During basinwide "drought watch," [and] "drought warning" and "drought emergency" operations, as . . . Section 2.5.3 [.A]. of the Water Code, releases . . . with Commission direction. The Lake Wallenpaupack elevation schedules during basinwide normal, drought watch, drought warning, and drought emergency [conditions] operations are set forth in Table 2.

* * * * *

- 1. Utilization of Lake Wallenpaupack during basinwide drought watch and . . .
- 2. During basinwide drought watch, warning and [drought] emergency operations, Lake Wallenpaupack . . . targets that may be in effect in the . . .
- 3. During basinwide drought emergency operations, . . . Table 2 for the approaching month.

* * * * *

- 5. Subject to the concurrence . . . for "normal operations [conditions]" shown in Table 2.

TABLE 2. LAKE WALLENPAUPACK ELEVATION SCHEDULES

Day	Normal [Conditions] Operations**	Drought [Warning] Watch [[] and Warning [Watch]]	Drought Emergency
June 1	1187.0	1187.0	1187.0
July 1	1185.0	1185.0	1185.0

[Full table is not shown.]

* * * * *

** Lake elevation may be lowered under normal operations in accordance with a discharge mitigation plan approved by the Decree Parties and the Commission for the purposes of reducing the likelihood that uncontrolled spills will occur during flood events and if they should occur, reducing their magnitude.

* * * * *

Temporary storage in Prompton reservoir [would] will be used if available to . . . lower Basin . . . releases [could] also may be used [for] to meet the [a] Montague objective if [there was] a critical need arises to . . . and Blue Marsh reservoirs [was] is above 70% of capacity.

* * * * *

Water [could] may be stored temporarily in flood control storage upon a request by the [issuance of] Commission [requests] for storage and releases [after] following issuance of a Conservation Order by the Commission.

* * * * *

If releases to . . . when releases are *not* required for the Trenton . . . Montague requirement [would] may be adjusted . . . reservoirs. [In so doing, t] The storage saved in . . . drought persist. [or be available, i] If on the other hand, conditions should improve, the stored water would contribute to an earlier return to [a] normal operation [condition at an earlier date, at which time restrictions could be lifted].

* * * * *

When only conservation releases are being made . . . modified [according] in accordance with [to] Table 4 below, beginning with basinwide "drought [warning] watch" conditions, as defined by Figure 1 in Section 2.5.3[A]. If Docket D-77-20 CP (Revised) or a subsequent revision of that docket is in effect, then [Drought] conservation releases will [terminate and] return to normal at the same time as augmented conservation releases are restored at the New York City Delaware reservoirs. If the Tailwaters Habitat Protection and Discharge Mitigation Program (TailPro) is in effect, then conservation releases will return to normal at the same time as TailPro releases are restored to L2 levels or above. Conservation releases for the reservoirs listed in Table 4 also will be modified in accordance with the lower basin drought operating criteria set forth in Section 2.5.6.

* * * * *

Operation of the lower Basin reservoirs [for drought management] in accordance with Table 1 of this section will continue until termination of [the] a drought emergency declaration by the Commission.

§ 2.5.6 Coordinated Operation of Reservoirs During [a] Lower Basin Normal, Drought Warning and Drought Emergency (Resolution No. 88-22 Revised, as Amended by Resolution No. 2002-33).

A. Banking and Use of Excess Release Quantity: New York City Reservoirs (Resolution No. 88-22 Revised). Prior to June 15 of [each] any year in which the Interim Excess Release Quantity established by Section 2.5.3 E.2. of these Regulations is *not* in effect, . . . and the Delaware River Master [will] shall review existing conditions The "excess release bank" shall be used[,] during that water year[,] to provide [lower basin "drought" assistance] releases to the . . . or 3,000 cfs. Such [lower basin "drought" assistance] releases shall be . . . Basin Commission[,] and directed by the Delaware River Master, and subject to the condition that [. The lower basin "drought" assistance releases shall be made provided that] the total combined storage . . . exceeds the basinwide "drought watch [warning]" criteria . . . Section 2.5.3. The total lower basin releases . . . water operations year [under the provision of] in accordance with this [section] Section 2.5.6 A. shall not exceed . . . Delaware [River] Basin reservoirs are made that would have been be credited

B. Operations During Lower Basin "Normal" Conditions (Resolution No. 88-22 Revised). When basinwide conditions are "normal" and lower basin conditions are "normal"

1. *New Jersey Diversion.* Diversions by the State of New Jersey during lower basin "normal" [periods] operating conditions[,] shall be as set forth in Section 2.5.3 C. of these Regulations. [computed as provided in Section V.B. of the amended Decree of the U.S. Supreme Court in *New Jersey v. New York*, 347 U.S. 995 (1954) and its total diversion without compensating releases shall not exceed 100 million gallons per day (mgd) as a monthly average, with the diversion on any day not to exceed 120 million gallons, and its total diversion without compensating releases shall not exceed an average of 100 mgd during any calendar year.]

2. *Trenton Flow Objective.* In accordance with Section 2.5.3 D.2.a. of these regulations, [T] the minimum basic rate of flow at the U.S.G.S. gaging station at Trenton, New Jersey (or "Trenton Flow Objective") during normal operating conditions [streamflow objective at the U.S.G.S gaging station located at Trenton, NJ,] shall be 3,000 cfs.

3. *Priority of Releases.*

* * * * *

a. Releases from the "excess release bank" in the New York City Delaware Basin reservoirs, if available as provided [under] by Section 2.5.6 A. of [this] these [plan] Regulations, or releases from the Interim Excess Release Quantity (IERQ) established by Section 2.5.3 E.2.

* * * * *

C. *Operations During Lower Basin "Drought Warning" Conditions (Resolution No. 88-22 Revised).* When basinwide conditions are "normal" and

* * * * *

1. *New Jersey Diversion.* The total diversion by the State of New Jersey during lower basin "drought warning" conditions [in the lower basin] shall be computed The total diversion by New Jersey shall not exceed a running average of 85[70] million gallons per day (mgd) with the diversion on any day not to exceed 120 mgd.

* * * * *

2. *Trenton Flow Objective.* During lower basin "drought warning" [periods] conditions, the minimum streamflow objective . . . as set forth in Table 2 of Section 2.5.3, "Interstate Operation Formula for Adjusting Montague and Trenton Flow Objectives During Drought Emergency (L5) Operations" in . . . the Delaware Estuary.

3. *Priority of Releases.*

* * * * *

a. Releases from the New York City Delaware Basin reservoirs, either from the "excess release bank" in accordance with Section 2.5.6 A. or from the IERQ [in the New York City Delaware River Basin Reservoirs, if available, as provided under Section A] in accordance with Section 2.5.3 E.2. if available. Because the "excess release bank" or the IERQ, if in effect, [will] may have been used under lower basin "normal" conditions, [it] either quantity [would] may [only] be available only in the second

* * * * *

c. The Commission may... as [applied] apply to operation during... in accordance with Section 2.5.6 D.3.e. below, except....

* * * * *

D. Operations During Lower Basin "Drought Emergency" Conditions (Resolution No. 88-22 Revised). When basinwide conditions are "normal" and....

* * * * *

1. New Jersey Diversion. The total diversion... drought emergency... running average of 85 [65] mgd, for the continuous period... lower basin "drought emergency," with the diversion on any day not to exceed 120 mgd.

2. Trenton Flow Objective. During lower basin "drought emergency" conditions,....

* * * * *

3. Reservoir Operations[.]

a. If not previously agreed to, ... basin "drought emergency" conditions, ... the Delaware River Basin Commission[,] shall consider... one of the six lower basin "drought emergency" reservoir operations plans set forth in Section 2.5.6 E. below,....

b. The lower basin "drought emergency"....

* * * * *

v. Any water from storage... above basinwide "drought watch[arning]" criteria as set forth....

vi. Any water from storage... above basinwide "drought watch[rning]" criteria... gallons above "drought watch[rning]." Credits will be added to the... as defined in Subsection 2.5.6 D.3.d.ii. below and... Subsection 2.5.6. D.3.d.iii. below.

vii. Up to 30 billion gallons... above basinwide "drought watch[rning]" criteria... set forth in [s]Subsection 2.5.6 D.3.d.

viii. Available storage... in Subsection 2.5.6 D.3.f.

c. The... Commission... [R]reservoirs for future use.

d. New York City Delaware Basin Reservoirs Operations. During a lower basin "drought emergency" condition, ... the basinwide "drought watch[rning]" line... in the lower basin "drought emergency" reservoir operations plan ... as may be [needed] applicable in accordance with Table 1 of Section 2.5.3 to meet the Montague flow objective),... flow objective[s],...

i. Lower basin "drought"... the "drought watch[rning]" criteria set forth in Figure 1 of Section 2.5.3.

ii. The total quantity... above "drought watch[rning]" criteria....

iii. Except as provided in (3) and (4),....

(1) Credits shall... or to reduce the IERQ established by Section 2.5.3 E.2., if in effect.

(2) ... to meet the Montague flow objective[s],....

(3) Should any credits still... as outlined in Subsections 2.5.6 D.3.d.iii.(1) and [D.3.d.iii.](2) immediately above shall be repeated... except as provided in Paragraph 2.5.6. D.3.d.iii.(4), immediately below.

* * * * *

e. Power Reservoir Releases - During lower basin "drought emergency" conditions, ... according to Subsection 2.5.6 D.3.a. through d....

i. Releases from Lake Wallenpaupack... the [following] approaching month [according to] in Table 2 of Section 2.5.5... lake elevation is above the [following] first-of-month "normal elevation" for the approaching month as defined in Table 2....

ii. Releases..., [following] in accordance with an....

* * * * *

f. In selecting the reservoir operations plan....

* * * * *

E. Operations Alternatives for Lower Basin "Drought Emergency" When Basinwide Conditions are "Normal" (Resolution 88-22 Revised). When conditions are "normal" and storage... and storage in the reservoirs remains below these [such] levels, respectively, for three consecutive days, ... condition, in the lower basin and the following [provisions] shall....

1. New Jersey Diversion. The total diversion... lower basin "drought emergency" conditions... of 85 [65] mgd[,] for the... lower basin "drought emergency", with....

2. Trenton Flow Objective. During lower basin "drought emergency" conditions, the minimum basic rate of flow [streamflow objective] at the....

3. Operations Alternatives. The... "drought emergency" operations... "drought emergency"... if the lower basin is in a "drought emergency" condition and... a "drought watch[rning]" condition, ... basinwide "drought emergency" conditions... "drought emergency" operations....

* * * * *

E.3. (continued)

a....

i. Alternative 1

Indications	Operations
.... Basin reservoirs... "drought watch[rning]" line),....	* * *
Under these conditions, ... triggering [a] basinwide "drought emergency" [condition] operations....	2. Make... "drought watch[rning]" without... "drought watch[rning]" with... "drought watch [rning]",....
	* * *

* To be followed... out of [a] drought operations [condition].

* * * * *

*** New York City... the "drought watch[rning]" curve.

* * * * *

**** Use of water... Subsection 2.5.6 D.3.f.

ii. Alternative 2

Indications

Use of Alternative 2 . . . drought watch [rning] and . . . drought watch [rning]). . . above "drought watch [rning]," . . . basin entering "drought watch [rning]," this option . . . "drought watch [rning] [conditions] operations is reduced. . . .

Operations

* * *

* * * * *

*** New York City . . . the "drought watch [rning]" curve. The maximum cumulative amount of these releases is 30 bg.

* * * * *

***** Use of water from Lake Hopatcong . . . Subsection 2.5.3 D.3.f.

* * * * *

E.3.a. . . .

iii. Alternative 3

Indications

This alternative . . . entering the [a] "drought watch [rning]" [condition] level . . . the "drought watch [rning]" line

Operations

* * *

* * * * *

***** Use of water from Lake Hopatcong . . . Subsection 2.5.6 D.3.f.

iv. Alternative 4

Indications

This alternative . . . the "drought watch [rning]" line . . . entering [a] "drought watch [rning]" [condition] operations, thus

Operations

* * *

* * * * *

***** Use of water from Lake Hopatcong . . . Subsection 2.5.6 D.3.f.

* * * * *

v. Alternative 5

Indications

This option . . . above "drought watch [rning]" then . . . entering "drought watch [rning]" later

Operations

* * *

* * * * *

***** Use of water from Lake Hopatcong . . . Subsection 2.5.6 D.3.f.

* * * * *

vi. Alternative 6

Indications

Operations

* * * * *

* * * * *

***** Use of water from Lake Hopatcong . . . Subsection 2.5.6 D.3.f.

* * * * *

4. Reduction of Conservation Releases. In order to conserve storage, . . . duration of [a] lower basin "drought" [condition] operations.

5. Conservation Measures. Upon the declaration by the Commission of a lower

* * * * *

6. Ending "Drought Emergency."

F. Operations During Basinwide Drought Watch, Drought Warning, or Drought Emergency Following Lower Basin Drought Warning or Drought (Resolution 88-22 Revised).

1. Selection of Alternate Plans. If, following the . . . basinwide "drought watch", "drought warning", or "drought emergency" [conditions] operations

* * * * *

2. Combined Drought Operations Plan 1

* * * * *

b. The operation of . . . the [operating] plan for basinwide "drought emergency" [conditions] operations. . . .

c. So long as lower basin "drought warning" or lower basin "drought" [conditions] operations [prevail] are in effect simultaneously with basinwide "drought watch", "drought warning" and "drought emergency" [conditions] operations, the maximum . . . permit [lesser] lower New Jersey diversions and lower Trenton Flow Objectives.

3. Combined Drought Operations Plan 2

a. If during the period May 1 to November 30, [the combined storage in] the New York City Delaware [River] Basin [R]reservoirs [is] are in [the] "drought watch" [n the upper half of the "drought warning" condition] operations as [identified] defined by [in] Figure 1 of . . . New York City Delaware [River] Basin [R]reservoirs, and the streamflow objectives . . . for [lower half] the "drought warning" [zone] level in . . . Delaware [River] Basin reservoirs subsequently [enters] triggers [the lower half of the] "drought warning" [condition] operations [identified] in accordance with Figure 1

b. If during the period . . . the "drought watch" or "drought warning" . . . applicable "drought watch" and "drought warning" [upper and lower half conditions] operations set . . . Any subsequent . . . "drought emergency" [conditions] operations shall be governed

c. So long as . . . "drought emergency" conditions prevail simultaneously with a basinwide "drought watch" or "drought warning" condition,

d. In the event that [**following the triggering of a**] lower basin “drought warning” or lower basin “drought **emergency** [,]” operations have been triggered and [,the] combined storage in the New York City Delaware [**River**] Basin Reservoirs [**is in the**] reaches the “drought **emergency**” level[**s**] identified in F.3.a. [**and**] or b., whichever [**The operation of all basin reservoirs shall be as prescribed in the plans for basinwide d**] Drought **emergency** [**reservoir**] operations **shall be in effect for all basin reservoirs.**

e. The operation of Lake Wallenpaupack . . . “drought **emergency**” conditions. . . .

PAMELA M. BUSH,
Secretary

Fiscal Note: 68-51. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART V. DELAWARE RIVER BASIN COMMISSION

CHAPTER 901. GENERAL PROVISIONS

§ 901.2. Comprehensive Plan and water quality.

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2007) and the Water Code and Water Quality Standards as set forth in 18 Part 410 (2007) are hereby incorporated by reference and made part of this title.

[Pa.B. Doc. No. 07-2404. Filed for public inspection December 28, 2007, 9:00 a.m.]

LIQUOR CONTROL BOARD

[40 PA. CODE CHS. 3, 5, 7 AND 13]

Licenses; Promotion

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (code) (47 P. S. § 2-207(i)), proposes to amend Chapters 3, 5, 7 and 13.

Purpose

The Board has reviewed its regulations and determined that these proposed revisions to Chapters 3, 5, 7 and 13 are necessary to conform to changes in the code (47 P. S. §§ 1-101—10-1001), update obsolete regulations and implement new procedures to improve service to the public.

Summary of the Proposed Amendments

The proposed rulemaking concerns the “Points System,” the enabling legislation for which has expired. Other proposed changes permit the Board to conduct tasting events in its stores. Finally, obsolete and repetitive regulations are updated and consolidated.

- The proposed rulemaking rescinds regulations concerning the “Points System.”
- It consolidates two separate regulations about the appointment of managers for licensed establishments.
- It corrects a regulation relating to license transfers upon death of a licensee.
- It amends regulations on the safekeeping of licenses to parallel recent changes in the code.

- It permits the Board to conduct tasting events in its stores.

Affected Parties:

The proposed rulemaking will affect licensees and customers of the Board’s wine and spirits stores.

Paperwork Requirements:

The proposed rulemaking will not significantly increase paperwork for the agency or the regulated community.

Fiscal Impact:

No fiscal impact is expected.

Effective Date

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

Public Comment/Contact Person:

Written comments, suggestions or objections will be accepted for 30 days after publication of the proposed amendments in the *Pennsylvania Bulletin*. Comments should be addressed to James F. Maher, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 6, 2007, the agency submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. 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 amendments within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the agency, the General Assembly and the Governor of comments, recommendations or objections raised prior to final-form publication of the regulation.

PATRICK J. STAPLETON, III,
Chairperson

Fiscal Note: 54-64. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

CHAPTER 3. LICENSE APPLICATIONS

Subchapter L. [POINT SYSTEM FOR CERTAIN LICENSEES] (Reserved)

§ 3.121. [**Statutory authority and applicability**] (Reserved).

§ 3.122. [**Points assessment**] (Reserved).

(Editor’s Note: As part of this proposed rulemaking, the Board is proposing to rescind the regulations which appear in 40 Pa. Code pages 3-23—3-25, serial pages (312235)—(312237).)

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter B. [EMPLOYES] EMPLOYEES OF LICENSEES

EMPLOYMENT OF MINORS

§ 5.16. [Appointment of managers] (Reserved).

[(a) The operation of a licensed business requires the full time and attention of a manager. A licensee holding one or more licenses shall appoint an individual as manager for each licensed establishment and the manager shall devote full time and attention to the licensed business. If the licensee is an individual, he may designate himself as manager of one licensed establishment, except in the case of distributors or importing distributors. If a license is held by more than one individual, the manager may be one of the individuals or another person the licensee may designate, except in the case of distributors and importing distributors.]

(b) The manager appointed by a licensee shall be a reputable person. The licensee shall notify the Board in writing of the name and home address of the manager and the date and place of birth. If there is a change of manager, the licensee shall give the Board written notice within 15 days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by a fee of \$60.

(c) When a background investigation shall be conducted to obtain or verify information regarding an individual appointed as manager, an additional fee of \$75, for a total fee of \$135, will be assessed. An individual may not act in the capacity of manager after the licensee has been notified that the individual has been disapproved by the Board. The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior written approval is obtained from the Board.

(d) A club manager or steward may be engaged in employment outside his duties as manager or steward except as provided in section 493(11) of the Liquor Code (47 P. S. § 4-493(11)).]

EMPLOYMENT OF OTHERS

§ 5.23. Appointment of managers.

* * * * *

(b) An individual licensee holding multiple licenses may designate himself as manager of only one licensed establishment. If a license is held by more than one individual, the manager may be one of the individuals or another person the licensee may designate.

(c) The manager appointed by a licensee shall be a reputable person. The licensee shall notify the Board in writing of the name and home address of the manager and the date and place of birth. If there is a change of manager, the licensee shall give the Board written notice within 15 days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by the appropriate fee.

(d) When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, a total fee of \$135 will be assessed. An individual may not act in the capacity of manager after the licensee has been notified that the individual has been disapproved by the Board. The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior written approval is obtained from the Board. If the designated manager is currently a Board-approved officer, member, partner or shareholder of that licensee, a fee of \$60 will be assessed.

(e) Appointment or approval, or both, by the Board of a manager will not exempt the licensee from the penalties provided by law and this title for violations committed in the licensed establishment or in the course of the operation of the licensed business.

[(c)] (f) The Board may rescind the approval of an appointment of a manager at any time for any cause which it deems sufficient.

[(d)] (g) In the event of the illness or extended vacation of a licensee, the Board may approve the appointment of a manager for a period not to exceed 30 days. In case of emergency, the approval may be extended upon written request of the licensee.

[(e)] (h) The licensee, without Board approval, may designate one of its [employees] employees as the person in charge of the business for a period of time not to exceed 15 calendar days, when the manager is absent from the licensed premises.

[(f) The manager appointed by a licensee shall be a reputable person. The licensee shall submit an application for appointment of a manager to the Board. If the licensee is a club or catering club, notice of the change in manager shall be part of licensee's application for license validation or renewal. For other licensees, if there is a change of manager, the licensee shall give the Board written notice within 15 calendar days of the change together with full information for the new individual who is appointed as manager. Each notice of the appointment of a manager or notice of a change of manager shall be accompanied by a fee of \$60.

(g) When a background investigation is conducted to obtain or verify information regarding an individual appointed as manager, an additional fee of \$75 for a total fee of \$135 will be assessed. An individual may not act in the capacity of manager after the licensee has been notified that the Board has disapproved the individual. The designated manager shall devote full time to the licensed business and may not be employed or engaged in another business unless prior approval is obtained from the Board.

(h)] (i) A club manager or steward may engage in employment outside his duties as manager or steward except as provided in section 493(11) of the Liquor Code (47 P. S. § 4-493(11)).

[(i)] (j) If approved by the Board, management contracts may permit the manager for the licensed premises to be employed by the management company; however, licensee shall have unfettered discretion in all aspects of management of the licensed business, including the employment of the manager and sales of food, alcoholic and

nonalcoholic beverages. Licensee's discretion includes control of the manager's hiring, firing, discipline, salary and duties. The manager is an agent of the licensee. **(Editor's Note:** This subsection is being published as it had been presented in the proposed regulations at 37 Pa.B. 3418, 3420 (July 21, 2007). The text has not been finally adopted by the Board.)

CHAPTER 7. TRANSFER, EXTENSION, SURRENDER AND EXCHANGE OF LICENSES

Subchapter A. TRANSFER OF LICENSES

§ 7.5. Transfers on death of the licensee.

On the death of the licensee, the license may be transferred immediately to the surviving spouse or to the **[administrator or executor of the estate of the licensee,] decedent's estate** upon presentation of the transfer form, application, filing fee, and short form certificate from the registrar of wills. If it is desired to transfer the license to a person designated by and acting for the administrator or executor, the transfer application and fee, with written evidence of the designation, shall be submitted by the administrator or executor. The Board **[will] shall** be notified in writing within 30 days of the death of a licensee.

Subchapter C. SURRENDER OF LICENSES

§ 7.31. Surrender of licenses in certain cases.

* * * * *

(d) A license surrendered to the Board, or a renewal thereof in possession of the Board, will not be held for the benefit of the licensee for a period exceeding 3 years from the date of surrender, **[except as provided in section 474 of the Liquor Code (47 P. S. § 4-474)]** or with regard to club licenses, **for a period exceeding 2 years from the date of surrender, except as set forth in this section.** Unless an application for transfer or request for reissue of the license from safekeeping is pending, failure of the licensee to reactivate the license and resume operation of the licensed business or to effect a transfer of the license within the 3-year **or 2-year** period shall result in revocation of the license. The Board will extend the period for an additional year if, at the end of the 3-year period, the licensed premises are unavailable due to fire, flood or other similar natural disaster. **The safekeeping period for licenses other than club licenses may also be extended by the Board for successive 1 year periods upon a licensee's written request and payment of the fee, as provided in section 474.1 of the Liquor Code (47 P. S. § 4-474.1), unless the license or licensee no longer meets the requirements of the Liquor Code or this title.**

* * * * *

§ 7.32. Surrender of licenses for cancellation or transfer.

* * * * *

(b) A retail licensee will not be granted a new retail license to cover an establishment for which he already holds a retail license of a different type. **[Where] When** an application for a new retail license of a different type is approved, the license then in effect in the name of the applicant for that establishment shall be surrendered to the Board for **[cancellation prior to issuance of the new license] safekeeping.**

(c) Except as provided by section 461(f) of the Liquor Code (47 P. S. § 4-461(f)), when an application for transfer of a retail license of a different type to premises already licensed is approved, the license then in effect in the name of the applicant for that establishment shall be surrendered to the Board before the issuance of the transferred license in the name of the applicant. In this case, the license surrendered to the Board, or a renewal thereof in possession of the Board, will be held available for the benefit of the licensee solely for transfer for up to **[2] 3** years from the date of surrender. When a transfer is not effected within the **[2] 3**-year period, the license will automatically be cancelled with no refund of the license fee, or a portion thereof, **unless the safekeeping period has been extended as set forth in section 474.1 of the Liquor Code (47 P. S. § 4-474.1).** A transfer application pending at the expiration of the **[2] 3**-year period may be processed to conclusion.

CHAPTER 13. PROMOTION

Subchapter D. TASTING EVENTS

IN-STORE TASTING EVENTS

§ 13.221. General requirements.

* * * * *

(d) The Board may conduct its own in-store tasting event with or without the participation of a sponsor.

§ 13.227. Participation by Board employees.

(a) Board employees may **[not]** pour, dispense or serve tastings to the public. **[Board employees may not encourage consumer participation in the event].**

* * * * *

[Pa.B. Doc. No. 07-2405. Filed for public inspection December 28, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGING

State Plan on Aging; Town Meetings

The Department of Aging (Department) is seeking input on the new State Plan on Aging (Plan). The Secretary would like to hear from interested people, advocates for older people and service providers. There is no charge to attend these meetings, but reservations are recommended and can be made by calling the telephone numbers listed in this notice. The meetings are from 9 a.m. to 12 p.m.

Elizabethtown—January 31

Masonic Village at Elizabethtown
Freemasons Cultural (Visitor) Center
One Masonic Drive—Elizabethtown
Area Agency on Aging (717) 209-7979

Clarion—February 7

Clarion Holiday Inn
45 Holiday Inn Road—Clarion
Area Agency on Aging (814) 226-4640

Pittsburgh—February 8

Comm. College of Allegheny County
North Campus-Auditorium
8701 Perry Highway—Pittsburgh
Area Agency on Aging (412) 350-5460 or:
SeniorLine@dhs.county.allegheny.pa.us

Nanticoke—February 21

Luzerne County Community College
Main Campus: Educational Conference Center
Building 10, Auditorium
1333 South Prospect Street—Nanticoke
RSVP: Judy McAnnally (570) 822-1159 Ext. 2317

Bedford—March 7

Heartland Hall
5564 Business 220—Bedford
RSVP: Penny Clark (814) 623-8148 or:
(800) 892-7903

West Chester—March 14

West Chester University
Sykes Student Union Building
Theatre-Ground level
110 West Rosedale Avenue—West Chester
RSVP: Lois or Marilyn (610) 344-4546

Williamsport—March 17

Pennsylvania College of Technology
Main Campus
Klump Academic Center-Auditorium
One College Avenue—Williamsport
Office of Aging (800) 332-8555 or:
(570) 323-3096

The purpose of the Plan is to help structure the Department's priorities and to set an aging agenda for the Commonwealth. The Plan is submitted to the Federal Administration on Aging for the Commonwealth to receive Federal funds under the Older Americans Act. The Plan will cover the 4-year period—October 1, 2008, through September 30, 2012.

Persons with a disability who require an accommodation to attend this meeting or would like to attend one of the town meetings, but are in need of language or interpreter services, please indicate this when registering. Please call 2 weeks prior to the meeting so that the Department can make the necessary arrangements requested. Persons may also e-mail special accommodations to Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919; RA-StatePlanonAging, www.aging.state.pa.us.

NORA DOWD EISENHOWER,
Secretary

[Pa.B. Doc. No. 07-2406. Filed for public inspection December 28, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VII	NPDES	NOI for coverage under NPDES general permits

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060321 (Minor Sewage)	Village of Mountain Heights, Inc. 125 North Main Street Moscow, PA 18444	Overfield Township Wyoming County	UNT to the South Branch of Tunkhannock Creek 4F	Y

Chesapeake Bay nutrient monitoring requirement for Ammonia, Kjeldahl, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus was added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0052591 (Minor Sewage)	Richard C. Becker Walnutport Mobile Home Court 901 South Best Avenue Walnutport, PA 18088-9706	Lehigh Township Northampton County	Bertsch Creek 02C	Y
PA0063703 (Minor Sewage)	Thomas E. Little (Single Family Residence) R. R. 4 Box 89A Dalton, PA 18414	Benton Township Lackawanna County	UNT to South Branch Lackawanna County	Y
PAS902202	Lehigh County Authority 1053 Spruce Street P. O. Box 3348 Allentown, PA 18106	Lehigh County Upper Macungie Township	Little Lehigh Creek 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084522 (IW)	Allentown Refrigerated Terminal, Inc. 125 Seneca Trail Boyertown, PA 19512	Berks County Colebrookdale Township	UNT of Ironstone Creek 3-D	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081817 (Sew)	Juniata County School District South 7th Street HC 63 Box 7D Mifflintown, PA 17059	Juniata County Fayette Township	Cocolamus Creek 12-B	Y
PA0080608 (Sew)	Fellowship of Bible Churches, Inc. Camp Tohiglo 10670 Fort London Road Mercersburg, PA 17236	Franklin County Montgomery Township	Licking 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS204801 IW	GKN Sinter Metals, Inc. P. O. Box 493 Emporium, PA 15834	Emporium Borough Cameron County	West Creek 8A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0210501	Earl G. Willey 3974 Longview Road West Middlesex, PA 16159-2912	Shenango Township Mercer County	Hog Run 20-A	Y
PA0103870	Greenville Mobile Home Park 347 Hadley Road Greenville, PA 16125	Hempfield Township Mercer County	UNT to the Little Shenango River 20-A	Y

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

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

PA0013021, Industrial Waste, SIC 2819, PQ Corporation, 1200 West Swedesford Road, Berwyn, PA 19482. This proposed facility is located in the City of Chester, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge industrial wastewater and stormwater from the PQ Corporation Chester Plant.

The receiving stream, Delaware River-Zone 4, is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. There is no public water supply intake below the point of discharge.

The proposed monitoring requirements for Outfall 001 are based on an average stormwater flow.

<i>Parameters</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (Standard)	Monitor and Report
TSS	Monitor and Report
TKN	Monitor and Report
Total Phosphorus	Monitor and Report
Iron, Dissolved	Monitor and Report
Temperature	110° F

The proposed effluent limits for Monitoring Point 301 are based on 0.075 mgd flow.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
TSS	30	60	75
TDS	1,000	1,750	2,500
Oil and Grease	15		30
pH	6.0 to 9.0 Standard Units at all the time		

The proposed monitoring requirements for Outfalls 004, 005 and 007 are based on an average stormwater flow.

<i>Parameters</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (Standard)	Monitor and Report
TSS	Monitor and Report
TKN	Monitor and Report
Total Phosphorus	Monitor and Report
Iron, Dissolved	Monitor and Report
PCBs, Total	Monitor and Report

The proposed monitoring requirements for Outfall 003 are based on an average stormwater flow.

<i>Parameters</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (Standard)	Monitor and Report
TSS	Monitor and Report
TKN	Monitor and Report
Total Phosphorus	Monitor and Report
Iron, Dissolved	Monitor and Report

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

1. Change in Ownership.
2. 2/Month Sampling.
3. Stormwater Condition.
4. PCB/PMP Condition.

PA0244368, Sewage, **Toll Brothers, Inc.**, 2799 Surrey Hill Drive, Doylestown, PA 18902. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Activity: Application for a new NPDES permit to discharge treated sewage from a small flow sewage treatment plant for a single residence located at Lot 6 Doylestown Woods.

The receiving stream, tributary to Pine Run (Stream Code 02792), is in the State Water Plan Watershed 2F and is classified for: TSF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for North Penn and North Wales (Forest Park), is located on Pine Run. The discharge is not expected to affect the downstream public water supply.

The proposed effluent limits for Outfall 001 are based on a design flow of 600 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum mg/l</i>
CBOD ₅			10		20
Total Suspended Solids			10		20
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Fecal Coliform	200 Colonies/l as a Geometric Mean				

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

1. Abandon STP when Public Sewer Available.
2. Remedial Measures.
3. No Stormwater.
4. Obtain Property Rights.
5. Small Stream Discharge.
6. Change of Ownership.
7. Sludge Disposal.
8. AMMR to DEP and BCHD.

PA0054186, Sewage, SIC 4952, **SCI Graterford Wastewater Treatment Plant**, Department of Corrections—Graterford, P. O. Box 246, Graterford, PA 19426. This facility is located in Skippack Township, **Montgomery County**.

Description of Proposed Activity: This is a renewal NPDES permit application is for an existing sewage treatment facility.

The receiving streams, UNTs to Perkiomen Creek, are in the State Water Plan Watershed 3E—Perkiomen and are classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pennsylvania American’s Water Filtration Plant is located on the Schuylkill River and is 15 miles downstream.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Average Weekly	Average Monthly	Average Weekly	Instantaneous Maximum (mg/l)
Flow					
CBOD ₅			25		50
Total Suspended Solids			30		60
Fecal Coliform			200/100 ml		1,000/100 ml
Dissolved Oxygen			6.0 (Minimum)		
pH (Standard Unit)			6.0 (Minimum)		9.0 (Maximum)
Ammonia as N (5-1 to 10-31)			1.5		3.0
(11-1 to 4-30)			3.0		6.0
Phosphorus as P			1.0		2.0
Total Residual Chlorine			0.01		0.03

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

1. Discharge must not cause nuisance or health hazard.
2. Sludge disposal according to State and Federal regulations.
3. Discharge is to small stream.
4. Operations and maintenance plan required.
5. Utilize spray irrigation fields to maximum extent possible.
6. Monitor coal pile runoff (Outfall 002) and facility stormwater (Outfall 003).

The EPA waiver is in effect.

No. PA0050831, Sewage, **HPC Associates**, 167 Meadowbrook Drive, Huntingdon Valley, PA 19006. This application is for renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Meadowbrook Apartments and Washington Mill Subdivision in Abington Township, **Montgomery County**. This is an existing discharge to Pennypack Creek.

The receiving stream is classified for the following uses: TSF, MF.

The proposed effluent limits for Outfall 001, based on an average flow of 0.154 mgd are as follows:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	0.5	1.17
Fecal Coliform	200 colonies/100 ml as a Geometric Average	
Dissolved Oxygen	minimum of 2.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

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

PA0043915, Sewage, **Herb Jacobsen, President, River Road Utilities, Inc.**, 3300 River Road, Mount Bethel, PA 18343-6122. This proposed facility is located in Upper Mount Bethel Township, **Northampton County**.

Description of Proposed Activity: Issuance of an NPDES permit for expansion of discharge flow from 0.049 mgd to 0.066 mgd.

The receiving stream, Delaware River, is in the State Water Plan Watershed 01F and is classified for: aquatic life, WWF, MF, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.066.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	10		20
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform	50/100 ml as a Geometric Mean		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	Ultra Violet Disinfection or Nondetect		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
NH ₃ -N (5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorous	2.0		4.0
Total Dissolved Solids	1,000		2,000

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

Application No. PA 0260789, Concentrated Animal Feeding Operation (CAFO), **Clark Crest Dairy Farm**, 754 Solanco Road, Quarryville, PA 17566.

Ron Clark has submitted an NPDES permit application for Clark Crest Dairy Farm, an existing dairy operation in East Drumore Township, **Lancaster County**. The CAFO is situated near Stewart Run (Watershed 7-K), which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 874 animal equivalent units consisting of 650 adult cows, 20 heifers, 5 calves and 4 horses.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency (permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0248541, Concentrated Animal Feeding Operation (CAFO), **Bailey Farms**, 2820 Daron Road, Spring Grove, PA 17362.

Hillandale Gettysburg, LP has submitted an NPDES permit application for Bailey Farms, an existing poultry layer operation in Codorus Township, **York County** that will be undergoing an expansion. The CAFO is situated near Codorus Creek (Watershed 7-H), which is classified as a TSF. The CAFO has a target animal population of approximately 4,050 animal equivalent units consisting of 1,100,000 standard layers, 50,000 organic layers, 4 beef cows, 4 beef calves and one bull.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0248541, Concentrated Animal Feeding Operation (CAFO), **Berkshire Layers Farm**, 3304 Mountain Road, Hamburg, PA 19526.

Pat Shea and Wenger's Feed Mill, Inc. have submitted an NPDES permit application for the Berkshire Layers Farm, an existing poultry layer operation in Upper Bern Township, **Berks County**. The CAFO is situated near Mill Creek (Watershed 3-D), which is classified as a TSF. The CAFO has a target animal population of approximately 1,469 animal equivalent units consisting of 422,121 layers.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0260053, Concentrated Animal Feeding Operation (CAFO), **Jason Zimmerman Farm**, 260 Golden Rule Road, New Enterprise, PA 16652.

Jason Zimmerman has submitted an NPDES permit application for the Jason Zimmerman Farm, an existing swine and dairy operation in South Woodbury Township, **Bedford County**. The CAFO is situated near Beaver Creek (Watershed

11-D), which is classified as a HQ-CWF. The CAFO has a target animal population of approximately 575 animal equivalent units consisting of 3,500 finishing swine and 40 dairy heifers.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Person may make an appointment to review the Department's files by calling the file review coordinator at (717) 705-4732.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Northcentral Regional Office: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-0530.

PA0229172, Industrial Wastewater (SIC code 4941), **Duncan Township Municipal Water Authority**, R. R. 1, Box 55, Wellsboro, PA 16901. This facility is located in Duncan Township, **Tioga County**.

Description of Proposed Action/Activity: The proposed activity is for the issuance of a NPDES permit authorizing the discharge of treated industrial wastewater from a greensand water filtration plant to a UNT to Wilson Creek in Duncan Township, Tioga County. This receiving stream is classified for CWF, aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for total dissolved solids, NO₂-NO₃ (Nitrate-Nitrite), fluoride, phenolics, sulfates and chlorides, the existing downstream potable water supply considered during the evaluation is near Jersey Shore, PA, located approximately 50 river miles downstream from the discharge.

The proposed effluent limits for Discharge (numbered) 001, based on a design flow of 0.0067 mgd are in (mg/l).

<i>Discharge Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30		60	
Iron (total)	1.50		3.00	
Aluminum (total)	0.75		1.50	
Manganese (total)	1.00		2.00	
pH			6 to 9 between all times	
Total Residual Chlorine	0.5			

The previously effluent limitations were established at the Water Quality Criteria levels described in a Total Daily Maximum Load Report conducted by the Department of Environmental Protection on the Babbs Creek Watershed. In addition to the effluent limits, the applicant will be required to monitor and sample the outfall, and submit monthly Discharge Monitoring Reports.

The EPA waiver is in effect.

PA0233536, Industrial Waste, SIC 4952 (Sewerage), **David A. Finrock**, 371 Seymour Hill Road, Mansfield, PA 16933. This proposed facility is located in Sullivan Township, **Tioga County**.

Description of Proposed Activity: The applicant has applied for an NPDES permit to authorize the discharge from the proposed small flow treatment facility serving his residence.

The receiving stream, a UNT to Corey Creek, is in the State Water Plan Watershed 4A and is classified for: CWF. The nearest downstream public water supply intake for Mansfield University is located on Corey Creek and is approximately 5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅			10		20
TSS			10		20
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a Geometric Mean and not greater than 2,000 colonies/100 ml in more than 10% of the samples tested				
(10-1 to 4-30)	2,000 colonies/100 ml as a geometric mean				
pH	Within the range of 6.0 to 9.0				
Flow	Monitor and Report				
UV Disinfection	Monthly Bulb cleaning				

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

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

WQM Permit No. 5907402, Sewerage, Industrial Waste SIC 4952, **David A. Finrock**, 371 Seymour Hill Road, Mansfield, PA 16933. This proposed facility is located in Sullivan Township, **Tioga County**.

Description of Proposed Action/Activity: Applicant seeks a permit authorizing the design, construction and operation of a small flow treatment facility, consisting of a 1,000 gallon septic tank with effluent filter, a 500 gallon pump/equalization tank, an EcoFlow peat biofilter and ultraviolet disinfection. Discharge will be to a UNT to Corey Creek, a CWF.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

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

Luzerne County Conservation District: Smith Pond Road, Lehman, PA 18627-0250, (570) 674-7991.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024007006	Luzerne County Road and Bridge Department 200 North River Street Luzerne County Courthouse Wilkes-Barre, PA 18711	Luzerne	Hanover Township	Solomon Creek HQ-CWF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507012	First National Community Bank 102 East Drinker Street Dunmore, PA 18512	Monroe	Paradise Township	Swiftwater Creek EV
PAS10S020R(1)	Keystone Hollow Corp. P. O. Box 1158 Marshalls Creek, PA 18335	Monroe	Middle Smithfield Township	Marshall Creek HQ-CWF Bushkill Creek HQ-TSF Delaware River HQ-CWF

Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, (570) 253-0930

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026407005	Joseph Bunnell 267 Tryon Street Honesdale, PA 18431	Wayne	Berlin Township	Tributary to Rattlesnake Creek HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025207005	Pine Hill Partners, LP HC 8 Box 8334 Hawley, PA 18428	Pike	Westfall Township	Cummins Creek HQ-CWF Crawford Branch HQ-CWF, MF

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI091407003	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Centre County	Rush Township	UNTs to Cold Stream to Moshannon Creek HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

WATER ALLOCATIONS

Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

WA11-236C, Water Allocations. **Patton Borough Water Department**, P. O. Box 175, Patton, PA 16668, **Cambria County**. The applicant is requesting the right to withdraw 750,000 gpd of water (peak day), from a surface water intake on Chest Creek and a service area expansion into Chest, East Carroll and Clearfield Townships.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the

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

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

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

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

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

St. Joseph Medical Center, City of Reading, **Berks County**. Spotts, Stevens and McCoy, Inc., 1047 North Park Road, Reading, PA 19610, on behalf of St. Joseph Medical Center, P. O. Box 316, Reading, PA 19603; Reading School District, 800 Washington Street, Reading, PA 19601; and Empire Services, 1420 Clarion Street, Reading, PA 19601, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil and diesel fuel. The applicants will remediate the site to the Statewide Health Standard. The property was recently purchased by the Reading School District, and future use is unknown at this time.

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

Northumberland National Bank Property, Northumberland Borough, **Northumberland County**, Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 on behalf of Northumberland National Bank, P. O. Box 271, Northumberland, PA 17857 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with No. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

54-322-007: Blythe Recycling and Demolition Site—BRADS (P. O. Box 91, Cumbola, PA 17931) for construction of a new recycling and demolition landfill with flare at their facility to be in Blythe Township, **Schuylkill County**.

35-303-012: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) for installation of a new baghouse on their existing asphalt plant at their facility in Covington Township, **Lackawanna County**.

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

10-001M: AK Steel Corp. (P. O. Box 832, Butler, PA 16003-0832) for modification of the melt shop to increase production and the construction of a conventional electric arc furnace and a dual station ladle metallurgical facility at the melt shop facility, Butler Works, in the City of Butler, **Butler County**. This plan approval is subject to the Prevention of Significant Deterioration requirements for CO, SO₂ and NO₂. The facility currently has a Title V permit which was issued February 13, 2006.

25-1015A: Erie Renewable Energy, LLC (East 12th and Downing Avenues, Erie, PA 16501) for construction of a tire derived fuel fired power generation facility designed to generate up to 100 megawatts (MW) gross, 90 MW net electrical power using circulating fluidized bed (CFB) boiler technology in Erie City, **Erie County**. The facility will consist of two 50 MW CFB steam generators operating in parallel being controlled by TurboSorp scrubber, fabric filter and a Regenerative Selective Catalytic Reduction. In addition to the CFB steam generators, the facility will have a totally-enclosed tire shredding and preparation area and material handling operations such as TDF conveyance; limestone, sand and lime storage, and handling; anhydrous ammonia handling and ash handling. A firewater pump and cooling tower will also be located at the facility. The source is subject to PSD/NSR requirements. It may also be subject to the Acid Rain regulations and the Clean Air Interstate Rule. Compliance Assurance Monitoring will also apply. This will be a Title V facility.

33-178A: Triangle Suspension Systems, Inc. (1 Meter Street, Punxsutawney, PA 15767) for installation of two dip tanks and associated hoods, fans and at the facility site in Punxsutawney Borough, **Jefferson County**. This is not a Title V facility.

42-158M: Temple-Inland-Mt. Jewett (R. R. 1, Hutchins Road, Mt. Jewett, PA 16740) for modification of the secondary tube dryer system at the facility in Mt. Jewett, **McKean County**. This is a Title V facility.

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

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

09-0200: Burton Imaging Group (625 Winks Lane, Bensalem, PA, 19020) for installation of five digital printer with a regenerative thermal oxidizer as a control, and a digital coater in Bensalem Township, **Bucks County**. This facility is a Synthetic Minor for VOC. Emissions from these sources are 13.95 tons of VOC. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality 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.

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

06-05033: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) for operation of a natural gas transmission compressor station at the Bernville Compressor Station in North Heidelberg Township, **Berks County**. This action is a second renewal of the Title V operating permit originally issued in 1998. The facility's major sources of emissions include natural gas fired internal combustion engine and turbine driven compressors and emergency generators. The primary emission is NOx. The Title V operating permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00186: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Kinder Morgan Bulk Terminals, Inc. owns and operates a Bulk Material Handling System (Source ID: 101) that is used to unload and load aggregate material, so that emissions can be controlled by water suppression. The main sources of emissions are the transfer points from transferring of material, stockpiling of material and roadway emissions. Potential emissions from this operation are 73.32 tpy of PM and 9.88 tpy of HAPs. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

15-00053: Superior Woodcraft, Inc. (160 North Hamilton Road, Doylestown, PA 18901) is a non-Title V, Synthetic Minor facility in Doylestown Borough, **Bucks**

County. This action is a renewal of the State-only Operating Permit. The initial permit was issued on August 8, 2002. Superior Woodcraft, Inc. manufactures high quality wood cabinets at this facility. There are three coating booths and a staining operation that have the potential to emit 23 tons of VOCs and 10 tons of a single HAP and 25 tons of a combination of HAPs. The facility averages 8.03 tons of VOC emissions per year, and the estimated emissions of HAPs are 5.3 tpy. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

06-03054: Martin Stone Quarries, Inc. (P. O. Box 297, Bechtelsville, PA 19505) for operation of a limestone processing facility in Colebrookdale Township, **Berks County**. Annual emissions of PM10 from the facility are expected to be about 5 tpy. This is a renewal of the facility's State-only operating permit issued in 2002.

06-03063: East Penn Mfg. Co., Inc. (P. O. Box 147, Lyon Station, PA 19536) for operation of a manufacturing facility for various products associated with the lead/acid battery industry and assembly operations in the Borough of Kutztown, **Berks County**. The potential emissions are all below the Title V thresholds. The permit will include monitoring, testing, work practices, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

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

60-00001: Bucknell University (Lewisburg, PA 17837) for the renewal of State-only Operating Permit 60-00001 for operation of a university campus in East Buffalo Township, **Union County**.

The facility incorporates a 5.5 megawatt natural gas/No. 2 fuel oil-fired combustion turbine, a heat recovery steam generator incorporating a 92.0 mmBtu/hr natural gas-fired duct burner, an 88.8 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler, an 85.2 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler, 21 small No. 2 fuel oil-fired boilers and furnaces (with a total combined heat input of 5.194 mmBtu/hr), four small natural gas-fired boilers and furnaces (with a total combined heat input of 3.199 mmBtu/hr), four small propane-fired boilers and furnaces (with a total combined heat input of .61 mmBtu/hr), nine diesel fuel/No. 2 fuel oil-fired emergency generators and fire pumps (with a total combined horsepower of approximately 2,367), ten propane-fired emergency generators (with a total combined horsepower of approximately 800), three natural gas-fired emergency generators (with a total combined horsepower of approximately 188), a 60 horsepower experimental diesel fuel-fired engine, a 120 horsepower experimental gasoline-fired engine and five solvent parts washers.

The facility has the potential to emit up to 99.999 tons of NOx, 94.7 tons of CO, 96.42 tons of SO, 15.84 tons of VOCs and 13.23 tons of PM including PM10 per year.

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

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 60-00001. The Department intends to incorporate into this renewal all conditions currently contained in State-only Operating Permit 60-00001 with these exceptions, additions and changes:

1. Conditions concerning the monitoring of No. 2 fuel oil sulfur content and the maintenance of records of this information have been modified to eliminate a monitoring option which the Department has determined does not provide the compliance demonstration originally intended and to require the maintenance of more comprehensive records of No. 2 fuel oil sulfur content.

2. Conditions requiring a daily inspection of the facility for the presence of visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of these inspections, have been removed from the permit as the sources existing at this facility are not the type which would readily generate these types of air contaminant emissions.

3. Conditions requiring the maintenance, and, in some cases, the periodic reporting, of records of the "supporting calculations used to verify compliance" with various air contaminant emission limitations have, in the case of short-term emission limitations, been removed from the permit, as compliance with the limitations cannot be demonstrated with "calculations," or, in the case of long-term emission limitations, have been changed to require the maintenance, and periodic reporting, of the amount of the respective air contaminants emitted each month.

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

5. A condition requiring the submission of emission statements has been removed from the permit as the permittee is not subject to the regulation, 25 Pa. Code § 135.21, which requires the submissions.

6. Conditions have been added to the permit requiring the performance of NO_x and CO stack testing upon the facility's 88.8 mmBtu/hr and 85.2 mmBtu/hr natural gas/No. 2 fuel oil fired boilers between December 2008 and February 2009.

7. A number of small No. 2 fuel oil and/or natural gas-fired boilers and furnaces have been removed from the permit, as they no longer exist onsite, and a number of others have been added to the permit as they have been installed onsite since the last permit issuance.

8. A condition limiting the amount of No. 2 fuel oil which can be fired in the 85.2 mmBtu/hr natural gas/No. 2 fuel oil fired boiler to 850,000 gallons in any 12 consecutive month period, which once existed in the permit but was removed, has been restored to the permit as the Department has determined that its removal was an error.

9. The conditions previously contained in the permit for the combustion turbine have been replaced with the conditions established in plan approval 60-00001A, issued by the Department on September 19, 2006, for the construction of a replacement combustion core in the respective turbine.

10. A condition has been added to the permit requiring the performance of NO_x and CO stack testing upon the combustion turbine between December 2008 and February 2009.

11. A number of No. 2 fuel oil, propane and/or natural gas-fired emergency generators and fire pumps have been removed from the permit, as they no longer exist on site, and a number of others have been added to the permit as they had been installed since the last permit issuance, including a 277 horsepower diesel fuel-fired emergency generator which is subject to Subpart IIII of the Federal Standards of Performance for new stationary sources, 40 CFR 60.4200—60.4219. Conditions specifying the applicable regulatory requirements for the 277 horsepower emergency generator have also been added to the permit.

12. Five solvent parts washers have been added to the permit along with conditions specifying the applicable 25 Pa. Code § 129.63 requirements for these parts washers.

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*		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: (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.

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

32070109 and NPDES No. PA262536. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Black Lick Township, **Indiana County**, affecting 70.4 acres. Receiving streams: UNT to Muddy Run and Muddy Run to Blacklick Creek to Conemaugh River classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received November 26, 2007.

56920109. Heritage Mining Company, P. O. Box 126, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 46.1 acres. Receiving streams UNT to Stonycreek River and Oven Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Water Authority. Application received December 4, 2007.

05070101 and NPDES No. PA0262544. Forcey Coal, Inc., P. O. Box 225, Madera, PA 16661 commencement,

operation and restoration of a bituminous surface encroachment mine in Broad Top Township, **Bedford County**, affecting 110.0 acres. Receiving streams: Brewster Hollow Run, East Fork Brewster Hollow Run classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Coaldale-Six Mile Run Area Water Corporation infiltration gallery and two wells. Application received December 6, 2007.

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

54683043C11. Jeddo-Highland Coal Company (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to an existing anthracite surface mine operation to include coal refuse reprocessing in Mahanoy Township, **Schuylkill County**, affecting 1,328.0 acres, receiving stream: none. Application received December 6, 2007.

54850201T. Joe Kuperavage Coal Company (916 Park Avenue, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation from Ginther Coal Company in Blythe Township, **Schuylkill County** affecting 31.1 acres, receiving stream: none. Application received December 7, 2007.

Noncoal Applications Received

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

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹		greater than 6.0; less than 9.0	
pH ¹			

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction

of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

Permit No. 6577SM3A and NPDES Permit No. PA0120588. P & W Excavating, Inc., P. O. Box 712, McConnellsburg, PA 17233-0712, renewal of NPDES Permit, Todd Township, **Fulton County**. Receiving streams: UNT Kendall Run to Big Cove Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 12, 2007.

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

33020303. Glen-Gery Corporation (P. O. Box 7001, 1166 Spring Street, Wyomissing, PA 19610) Renewal of NPDES Permit No. PA0242144 in Oliver Township, **Jefferson County**. Receiving streams: UNTs to Little Sandy Creek, classified for the following uses: Statewide Water Use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal Application received December 10, 2007.

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

6276SM4C5 and NPDES Permit No. PA0613142. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), correction to an existing quarry operation to update the mining plan, water handling plan and update NPDES for discharge of treated mine drainage in Caernarvon and Honey Brook Townships, **Chester and Lancaster Counties** affecting 163.0 acres, receiving stream: West Branch Brandywine Creek and Conestoga River, classified for the following uses: HQ-TSF and WWF. Application received December 6, 2007.

36070301. Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506), commencement, operation and restoration of a quarry operation in Honey Brook and Caernarvon Townships, **Lancaster and Chester Counties** affecting 47.5 acres, receiving stream: Conestoga River, classified for the following use: WWF. Application received December 6, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing,

of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E14-487. Robert S. McGrail-Peasley, 2045 Runville Road, Bellefonte, PA 16823, Berm/bridge/culvert, in Boggs Township, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches).

To construct and maintain: 1) 340 foot long by 2 foot wide by 2 foot high earthen berm on the top of the right bank of a UNT to Wild Cat Run for the purpose of protecting an earthen road from flood waters; 2) a wooden pedestrian bridge with a 19-foot clear span and 4-foot underclearance across Wild Cat Run for private use; 3) a 24-inch diameter HDPE culvert with a rock headwall to make a new road crossing near the upstream limit of the earthen berm, located 3,100 feet upstream of the intersection of Gum Stump and Runville Roads (SR 144) (Bellefonte, PA Quadrangle N: 21.07 inches; W: 13.35 inches) in Boggs Township, Centre County. This project proposes to impact 340 linear feet of the UNT to Wild Cat Run and 5 linear feet of Wild Cat Run that are tributaries to Wallace Run, which is classified as a HQ-CWF and proposes no wetland impacts.

E18-427. Department of Conservation and Natural Resources, Bureau of Forestry, P. O. Box 8451, Harrisburg, PA 17105-8451. Water Obstruction and Encroachment Joint Permit Application, in Chapman Township, **Clinton County**, ACOE Baltimore District (Slate Run, PA Quadrangle N: 41° 27' 26"; W: 77° 36' 21").

To construct and maintain a single span concrete box beam bridge with a span of 30 feet, an underclearance of 6 feet on a skew of 90° over Young Womans Creek (Exceptional Value) as well as a precast concrete box culvert with a span of 24 feet, and underclearance of 6 feet on a skew of 78° over Lebo Run (Exceptional Value). The projects will temporarily impact 322 square feet of wetlands while impacting 95 linear feet of waterway. The projects are located along Fork Hill Road over Lebo Run and Young Womans Creek in Chapman Township, Clinton County.

E18-428. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 1001 Section A02, Far-randsville Road Bridge Replacement Project over Queen's

Run, Woodward Township, **Clinton County**, ACOE Susquehanna River Basin District, (Lock Haven, PA Quadrangle N: 9.39 inches; W: 14.56 inches).

To remove an existing single reinforced concrete T-beam bridge and construct, operate and maintain a single span prestressed concrete box beam bridge approximately 45 feet south of the existing structure. This project will realign the approach to the new structure flattening the existing horizontal curve. The vertical geometry will be raised only in the area of the proposed bridge to meet hydraulic requirements. Fill and scour protection will be placed to protect the bed and banks of Queen's Run. The new structure will have a curb-to-curb width of 30 feet, a single clear span of 40.0 feet, minimum underclearance of 9.03 feet, skew of 82° and will carry vehicle traffic across Queen's Run, SR 1001 Section A02, in Woodward Township, Clinton County.

This project proposes to have a minimal impact on Queen's run, which is designated a HQ-CWF. This project does not propose to impact any jurisdictional wetlands.

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

E63-600. Kriebel Minerals, Inc., P. O. Box 765, Clarion, PA 16214. To construct a culvert in Deemstown

Borough, **Washington County**, Pittsburgh ACOE District. (Ellsworth, PA Quadrangle N: 3.8 inches; W: 1.2 inches, Latitude: 40° 01'16"; Longitude: 80° 00' 30"). The applicant proposes to construct and maintain a culvert consisting of two 48-inch diameter corrugated steel pipes in Fishpot Run (WWF) with inverts depressed 1 foot below channel bed on a proposed access road to a gas well located approximately 1.2 miles north of the intersection of SR 88 and Ridgewood Drive.

Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.

E0209-001. Allegheny Land Trust, 409 Broad Street, Carn Barn Shops, Suite 206A, Sewickley, PA 15143. Abandoned Mine Drainage Treatment Project, in Upper St. Clair Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to construct an abandoned mine drainage treatment facility with funds received from the Bureau of Abandoned Mine Reclamation. The project will include impacts to 1.32 acres of PEM/SS wetland and 860 linear feet of manmade stream channel. Mitigation is proposed to include 0.24 acre of replacement wetland, 2 acres of wetland enhancement and water quality improvements to 2.1 miles of Chartiers Creek. (Bridgeville Quadrangle N: 16 inches; W: 16 inches).

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0009440 (IW)	Pennsylvania American Water Company 82 Wesley Drive Mechanicsburg, PA 17050	Cumberland County Silver Spring Township	Conodoguinet Creek 7B	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0205079 Industrial Waste	Daily Juice Products 1 Daily Way Verona, PA 15147	Allegheny County Verona Borough	Plum Creek	Y

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

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

NPDES Permit No. PA0058505, Sewage, **Kilcar House, Inc.**, 1197 California Road, Quakertown, PA 18951-4519. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Casey's Tavern STP, into Tohickon Creek in Watershed 2D.

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

NPDES Permit No. PA0025933, Sewerage (4952), **South Creek Township**, P. O. Box 60, Gillett, PA 16925-0060. The proposed action is for the issuance of an NPDES permit authorizing the discharge of treated sewage from the proposed South Creek Township WWTP to the South Creek in South Creek Township, **Bradford County**. This receiving stream is classified for CWF, aquatic life, water supply and recreation.

Facility Standard Industrial Classification (SIC): No. 4952 (Sewerage Systems).

For the purpose of evaluating effluent requirements for total dissolved solids, NO₂-NO₃ (Nitrate-Nitrite), fluoride, phenolics, sulfates and chlorides, the existing downstream potable water supply considered during the evaluation is the New York border approximately 6 river miles downstream from the discharge.

The effluent limits for Outfall (numbered) 001, based on a design flow of 0.075 mgd are:

Parameter	Concentration (mg/l)			
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum
CBOD ₅	25	40		50
Total Suspended Solids	30	45		60
NH ₃ N	12			24
Total Chlorine Residual	0.5			1.6
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)		200 col/100 ml 2,000 col/100 ml as Geometric Mean		
pH	Within the range of 6.0 to 9.0			
Dissolved Oxygen	Minimum of 4 mg/l			

The Chesapeake Bay Tributary Strategy Nutrient Requirements:

Parameter	Concentration (mg/l)			Mass (lbs) Annual Load
	Monthly Average	Monthly Load	Annual Load	
Ammonia-N	Report	Report	Report**	
Kjeldahl-N	Report	Report	Report	
Nitrate-Nitrate as N	Report	Report	Report	
Total Nitrogen	Report	Report	Report	Report
Net Total Nitrogen		Report	Report	6,075*

<i>Parameter</i>	<i>Concentration (mg/l) Monthly Average</i>	<i>Monthly Load</i>	<i>Mass (lbs) Annual Load</i>
Total Phosphorus	Report	Report	Report
Net Total Phosphorus		Report	230*

*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

*The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin immediately. Since these reporting requirements are annual loads, the reporting on the compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary.

**Total Annual Ammonia Load required to be reported on Supplemental DMR.

In addition to the effluent limits and best management practices the permit contains the following major permit conditions:

1. Submittal of DMRs.
2. Proper disposal of sludge and wastes.

The EPA waiver is in effect.

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

NPDES Permit No. PA0253537, Industrial Waste, **Rolling Rock Club**, P. O. Box 747, Ligonier, PA 15658. This proposed facility is located in Ligonier Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the discharge of treated industrial wastewater from a fish hatchery.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

WQM Permit No. 6507203, Industrial Waste, **Rolling Rock Club**, P. O. Box 747, Ligonier, PA 15658. This proposed facility is located in Ligonier Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a settling basin to treat industrial wastewater from a fish hatchery.

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines

PAG-11 (To Be Announced)
 PAG-12 Concentrated Animal Feeding Operations (CAFOs)
 PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Hazleton Borough Luzerne County	PAG2004007033	MBC Development, LP P. O. Box 472 Schuylkill Haven, PA 17972	Black Creek CWF	Luzerne County Conservation District (570) 674-7991
Lower Mt. Bethel Township Northampton County	PAG2004807025	Lower Mt. Bethel Township Attn: Richard Schilling P. O. Box 257 Martins Creek, PA 18063	Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
Smithfield Township Monroe County	PAG2004507002	Revapuri Maharaj Motel Investments, Inc. Attn: David Patel 936 Beatrice Parkway Edison, NJ 08820	Brodhead Creek MF, TSF	Monroe County Conservation District (570) 629-3060
Centre County Patton Township	PAG2001407020	Ronald Woodhead Park Forest Pool Centre Region Parks and Recs 2643 Gateway Drive State College, PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Tioga County Charleston Township	PAG2005907012	Michael Schumacher 19 Pond Lane Wellsboro, PA 16901	Hills Creek WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Clearfield County Beccaria Township	PAG2091707010	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Muddy Run to Clearfield Creek CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cecil Township Washington County	PAR206103	All Cladmetal Crafters, LLC 424 Morganza Road Canonsburg, PA 15317	Chartiers Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Butler Butler County	PAR808331	Buffalo & Pittsburgh Railroad, Inc. P. O. Box 1532 Butler, PA 16003	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Center Township Butler County	PAR608320	Marshall Offstein Auto Sales and Towing 655 Oneida Valley Road P. O. Box 213 Butler, PA 16003	Connoquenessing Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Beaver Township Crawford County	PAG048886	Leslie M. Forinash 27076 Spring Road Springboro, PA 16435	Stone Run 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Middleton Township Cumberland County	PAG083568	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050-3097	Gerald Regi Farm North Middletown Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Dickinson Township Cumberland County	PAG083570	Borough of Carlisle 53 West South Street Carlisle, PA 17013	John McKeehan—Moordale Road Farm Dickinson Township Cumberland County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Elephant Septic Tank Service, Inc. South Huntingdon Township Westmoreland County	PAG096112	Elephant Septic Tank Service, Inc. 151 Buffalo Hill Road Irwin, PA 15642		Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2450677, Operations Permit, Public Water Supply.

Applicant	Mt. Airy No. 1, LLC 299 Main Street Olyphant, PA 18447 Paradise Township
County	Monroe
Type of Facility	PWS
Consulting Engineer	James Palumbo, P. E. Quad Three Group, Inc. 37 North Washington Street Wilkes-Barre, PA 18701
Permit to Operate Issued	December 5, 2007

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

Operations Permit issued to **Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244, (PWSID No. 5020045) Robinson Township, **Allegheny County** on December 10, 2007, for the operation of facilities approved under Construction Permit No. 0206504MA.

Permit No. 3207501MA, Minor Amendment, Public Water Supply.

Applicant	Blairsville Municipal Authority 203 East Market Street Blairsville, PA 15717
Borough or Township	Blairsville Borough
County	Indiana
Type of Facility	Walnut Hill Water Storage Tank No. 1
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051
Permit to Construct Issued	December 10, 2007

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

Wellhead Protection Program Approval issued to **Mount Jewett Municipal Authority**, 1 Center Street, Box 441, Mount Jewett, PA 16740, PWSID No. 6420018, Mount Jewett Borough, **McKean County** on December 11, 2007.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in

environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Kunkle Tract, Hampden Township, **Cumberland County**. CMX, 910 Century Drive, Mechanicsburg, PA 17055-4351, on behalf of K Rail, Inc., P. O. Box 3088, Camp Hill, PA 17011-3088, submitted a Final Report concerning remediation of site soils and groundwater contaminated with petroleum releases from three adjacent bulk fueling terminals. The report is intended to document remediation of the site to the background standard.

Former Goggle Works Apartments, City of Reading, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, Suite 1, Royersford, PA 19468, on behalf of City of Reading Community and Economic Development, 815 Washington Street, Reading, PA 19601, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with benzene, lead and mercury from historical industrial use of the property. The report is intended to document remediation of the site to the Site-Specific Standard.

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

Northumberland National Bank Property, Northumberland Borough, **Northumberland County**, Pennsylvania Tectonics, 826 Main Street, Peckville, PA 18452 on behalf of Northumberland National Bank, P. O. Box 271, Northumberland, PA 17857 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.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release

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

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

The Department has received the following plans and reports:

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

Cloud Landfill, Lower Oxford Township, **Chester County**, Douglas Schott, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Michael Losito, HMR Associates, P. O. Box 485, Willow Street, Toughkenamon, PA 19374 on behalf of Franics Cloud, 461 South Street, Oxford, PA 19363 has submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated. The Cleanup Plan/Remedial Investigation Report was approved by the Department of Environmental Protection on November 29, 2007.

Worth & Worth, LP, Doylestown Borough, **Bucks County**, Daniel Erdman, Keystone E-Sciences Group, Inc., 967 East Swedesford Road, Suite 300, Exton, PA 19341 on behalf of Steven Worth, Joyce McFalls, Worth & Worth, LP, 6263 Keller Church Road, Pipersville, PA 18947 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final report demonstrated

attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 30, 2007.

Mattie Tire Company, City of Philadelphia, **Philadelphia County**, Benjamin Shaw, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Timothy Mattie, Mattie Tire Company, 2035 Washington Avenue, Philadelphia, PA 19148 has submitted a Remedial Investigation Report/Final Report concerning the remediation of site soil contaminated with lead. The Remedial Investigation/Final Report was approved by the Department of Environmental Protection on November 30, 2007.

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

Turbine Airfoil Design, City of Harrisburg, **Dauphin County**, Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of AIC Ventures, LP, 8080 North Central Expressway, Suite 1220, Dallas, TX 75206 and Turbine Airfoil Designs, Inc., 1400 North Cameron Street, Harrisburg, PA 17102-1012, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated from industrial use of the property. The report was approved by the Department of Environmental Protection on December 10, 2007. The site is being remediated as a special industrial area.

Charles D. Snyder & Son, Inc., City of Harrisburg, **Dauphin County**, BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of Harrisburg Regional Chamber & CREDC, 3211 North Front Street, Suite 201, Harrisburg, PA 17110-1342 and Timothy Sharretts, Sharretts Plating County, Inc., P. O. Box 157, Emigsville, PA 17318-0157, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with metals and VOCs. The reports demonstrated attainment of the Nonresidential Statewide Health and Site-Specific Standards. The remedial investigation report and final report were approved by the Department of Environmental Protection on December 11, 2007.

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

Former Rhoads Mills Property, Borough of Selingsgrove, **Snyder County**, Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Ed Rhoads, 10 Fairway Drive, Selingsgrove, PA 17870 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil and groundwater contaminated with organophosphorous based agricultural compounds (alachlor and metalochlor), fertilizer components (nitrate/nitrite) and chloride. The Final Report demonstrated attainment of the Statewide Health Standard and Site-Specific Standard and was approved by the Department of Environmental Protection on December 10, 2007.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Permit Renewal under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Infectious and Chemotherapeutic Waste Processing Facilities.

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

General Permit Application Number WMGI010. GlaxoSmithKline, 1250 South Collegeville Road, Collegeville, PA 19426-0989. General Permit Number WMGI010 authorizes processing of infectious waste through chemical and thermal digestion of biological tissues using sodium or potassium hydroxide. The permit for renewal of General Permit Number WMGI010 was issued by Central Office on December 11, 2007.

Any questions concerning this permit should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

General Permit Application Number WMGI010R001. University of Pennsylvania School of Veterinary Medicine, 382 West Street Road, Kennett Square, PA 19348. General Permit Number WMGI010R001 authorizes infectious waste processing through digestion of biological tissues. The approved processing is limited to chemical and thermal digestion using sodium or potassium hydroxide. The permit renewal of General Permit Number WMGI010R001 was issued by Central Office on December 11, 2007.

Any questions concerning this permit may be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

RESIDUAL WASTE GENERAL PERMITS

Permit Renewal 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 WMGR042. US Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219-2702. General Permit Number WMGR042 authorizes beneficial use of slag fines from the production of steel using the basic oxygen process (BOP) (SIC Code 3312) as construction material. Permit renewal of General Permit Number WMGR042 was issued by Central Office on December 12, 2007.

Any questions concerning this permit should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. WMGM015D001. Emery Tree Service, Inc., 1 Hershey Road, Indianola, PA 15051. Operation of municipal waste processing and beneficial use in Indiana Township, **Allegheny County**. Permit terminated in the Regional Office on December 13, 2007.

AIR QUALITY

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

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

46-301-272GP: Moss Rehab—Einstein at Elkin Park Hospital (60 East Township Line Road, Elkins Park, PA 19027-2220) on December 11, 2007, to operate a small gas and No. 2 oil fired combustion units in Cheltenham Township, **Montgomery County**.

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

40-310-073GP3: Mericle Construction, Inc. (East Mountain Corporate Center, 100 Baltimore Drive, Wilkes-Barre, PA 18702) on December 13, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Jenkins Township, **Luzerne County**.

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

GP3-38-03054: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on December 11, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Jackson Township, **Lebanon County**.

GP9-38-03054: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on December 11, 2007, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Jackson Township, **Lebanon County**.

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

GP-62-168A: Lion Energy Company, LLC—Trisket Compressor Station (Yanna Road, Grand Valley, PA 16354) on December 12, 2007, for a Caterpillar Engine BAQ/GPA/GP-5 in Eldred Township, **Warren County**. This is a change of ownership, previously permitted under Great Lakes Energy Partners, LLC.

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.

46-0267: SmithKline Beecham Research County—d/b/a GlaxoSmithKline (1250 Collegeville Road, Collegeville, PA 19426-0989) on December 13, 2007, to operate eight 2,000-kW electric generators in Upper Providence Township, **Montgomery County**.

09-0199: Mars Fishcare North America, Inc. (50 East Hamilton Street, Chalfont, PA 18914) on December 13, 2007, to operate two fabric dust collectors, Chalfont Borough, **Bucks County**.

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

13-307-001: Weatherly Casting (300 Commerce Street, Weatherly, PA 18255) on December 11, 2007, for the new sand handling/reclamation system with baghouse at their facility in Weatherly Borough, **Carbon County**.

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

21-05031C: Community Refuse Service, Inc. (135 Vaughn Road, Shippensburg, PA 17257-9727) on December 11, 2007, to expand the existing landfill and the landfill gas collection system at their Cumberland County Landfill in Hopewell and North Newton Townships, **Cumberland County**.

67-03045B: ACCO Material Handling Solutions, Inc. (P. O. Box 792, York, PA 17405-0792) on December 11, 2007, to construct a spray paint booth with a dry panel filter for control of PM emissions at their hoist and crane component manufacturing facility in York Township, **York County**.

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

24-016E: Keystone Powdered Metal (251 State Street, St. Marys, PA 15857) on December 4, 2007, for a plan approval to install an electric induction furnace at their St. Marys Plant, in the City of St. Marys, **Elk County**.

25-029A: Erie Coke Corp. (Foot of East Avenue, Erie, PA 16512-6180) on December 7, 2007, to install a replacement absorber that is part of the coke gas desulfurization system in Erie City, **Erie County**.

42-147B: W. R. Case & Sons Cutlery County (Owens Way, Bradford, PA 16701) on December 7, 2007, to add a cartridge-type baghouse control device to existing sources in Bradford Township, **McKean County**.

43-142A: Salem Tube, Inc. (951 Fourth Street, Greenville, PA 16125) on December 12, 2007, to install a new vacuum degreasing line at their facility in Pymatuning Township, **Mercer County**. This is a Title V facility.

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

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

09-0007B: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on December 11, 2007, to operate a flare to back-up control device in Falls Township, **Bucks County**.

09-0024E: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on December 11, 2007, to operate a flare to back-up control device in Tullytown Borough, **Bucks County**.

09-0087E: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on December 13, 2007, to operate a silicon tetrofluoride in Falls Township, **Bucks County**.

09-0124E: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on December 14, 2007, to operate a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

23-0009C: Boeing County—Integrated Defense System Rotocraft (P. O. Box 16858, Philadelphia, PA 19142-0858) on December 11, 2007, to operate an aerospace paint booth in Ridley Township, **Delaware County**.

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

19-00006C: Del Monte Corp. (6670 Low Street, Bloomsburg, PA 17815) on December 14, 2007, to extend the deadline for the performance of PM, NOx and CO stack testing on two pet food dryers to March 15, 2008, and to extend the authorization to operate the respective dryers as well as associated material handling and storage equipment on a temporary basis until April 12, 2008, in South Centre Township, **Columbia County**.

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

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

22-05051: The Hershey Company (19 East Chocolate Avenue, P. O. Box 819, Hershey, PA 17033-0819) on December 11, 2007, to operate their chocolate candy-manufacturing facility in Derry Township, **Dauphin County**. This Title V operating permit has been administratively amended to incorporate plan approval 22-05051A. This is revision No. 1.

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

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

46-00147: Chemalloy County, Inc. (P. O. Box 350, Bryn Mawr, PA 19010-0350) on December 13, 2007, for renewal of a State-only, Natural Minor Operating Permit in Plymouth Township, **Montgomery County**. The facility operates a metallic alloys milling and grinding facility. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

46-00199: Alcom Printing Group, Inc. (140 Christopher Lane, Harleysville, PA 19438) on December 13, 2007, for a renewal Non-Title V Facility, State-only, Natural Minor Permit in Lower Salford Township, **Montgomery County**. Alcom Printing Group, Inc. is a commercial lithographic printing facility. 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.

06-03091: The Rose Corp. (P. O. Box 15208, Reading, PA 19612-5208) on December 11, 2007, to operate a steel fabricating shop in the City of Reading, **Berks County**. This is a renewal of a State-only operating permit.

06-03117: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606-3266) on December 11, 2007, to operate a custom milling facility controlled by various fabric collectors in Exeter Township, **Berks County**.

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

24-00079: Osram Sylvania Production, Inc. (Washington Street, St. Marys, PA 15857-3605) on December 12, 2007, re-issued the State-only Operating Permit to operate the facility's air contamination sources consisting of space heaters, cement mixer, reclaiming bagging, silica coating, SO₂ injection and miscellaneous emissions from dipping and coating for the assembling of incandescent electric light bulbs in the City of Saint Marys, **Elk County**.

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

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

23-00003: Conoco Phillips County (4101 Post Road, Trainer, PA 19061) on December 13, 2007, the Title V Operating Permit was amended to incorporate plan approvals 23-0003F, 23-0003G and 23-0003H. Administrative Amendment of Title V Operating Permit was issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450 in Trainer Borough, **Delaware County**.

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

06-05037: McConway & Torley, LLC (109 48th Street, Pittsburgh, PA 15201-2755) on December 4, 2007, to amend their steel foundry permit in Kutztown Borough, **Berks County**. This State-only operating permit has been administratively amended to incorporate plan approval 06-05037F. This is revision No. 2.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

54071301. Kimmel's Mining, Inc., (P. O. Box 1, Wiconisco, PA 17097), commencement, operation and restoration of an anthracite underground mine operation in Porter, Williams and Wiconisco Townships, **Schuylkill and Dauphin Counties** affecting 26.4 acres, receiving stream: none. Application received May 22, 2007. Permit issued December 10, 2007.

40840203T. Mammoth Anthracite, LLC, (P. O. Box Q, Milnesville, PA 18239), transfer of an existing anthracite coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 101.0 acres, receiving stream: none. Application received June 6, 2007. Transfer issued December 10, 2007.

Noncoal Permits Actions

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

Permit No. 31970301 and NPDES Permit No. PA0234583. U. S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of NPDES Permit, in Brady Township, **Huntingdon County**. Receiving streams: UNTs to Millcreek and UNT to Saddler Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received October 22, 2007. Permit issued December 11, 2007.

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

66070804. Robert R. Faux, (24 Orchard Hill Road, Tunkhannock, PA 18657), commencement, operation and restoration of a quarry operation in Northmoreland Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received July 3, 2007. Permit issued December 10, 2007.

58070851. Holgate Bros., (P. O. Box 1, Hop Bottom, PA 18824), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 23, 2007. Permit issued December 13, 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

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

14074023. L. S. Fiore, Inc., (5506 6th Avenue, Rear, Altoona, PA 16602), construction blasting for Centre County Emergency Training Facility located in Spring Township, **Centre County**. Permit issued December 11, 2007. Permit expires January 11, 2008.

14074024. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Elks View Townhouses, Willow Brook Estates, located in Harris Township, **Centre County**. Permit issued December 13, 2007. Permit expires March 30, 2008.

14074025. CDG Properties, (354 East College Avenue, Pleasant Gap, PA 16823), construction blasting for Skyview Meadow located in Benner Township, **Centre County**. Permit issued December 13, 2007. Permit expires April 16, 2008.

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

360741128. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Home Depot in West Earl Township, **Lancaster County** with an expiration date of December 8, 2008. Permit issued December 10, 2007.

64074113. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Explosive Services, Inc. in Clinton Township, **Wayne County** with an expiration date of December 31, 2008. Permit issued December 10, 2007.

67074153. Kesco, Inc., (127 Oneida Valley Road, Butler, PA 16001), construction blasting for Bruner Island PPL Cooling Tower in Manchester Township, **York County** with an expiration date of December 7, 2008. Permit issued December 10, 2007.

67074008. Explosives Experts, Inc., (P. O. Box 879, Sparks, MD 21152), construction blasting at Northfield Development in West Manheim Township, **York County** with an expiration date of June 30, 2008. Permit issued December 12, 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

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

E13-158. Delaware and Lehigh National Heritage Corridor, 275 Hugh Moore Park Road, Easton, PA 18042. Weissport Borough, **Carbon County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain approximately 400 feet of bank stabilization along the right bank of the Lehigh Canal (CWF) alternating between stone steps and stone retaining walls, having a maximum height of 5-feet. The work is part of the Delaware and Lehigh Canal Towpath Trail Restoration Project. The project is located northwest of the intersection of Canal and Bridge Streets (Lehigh, PA Quadrangle N: 14.7 inches; W: 10.5 inches). (Subbasin: 2B)

E39-466. Whitehall Township, 3219 MacArthur Road, Whitehall, PA 18052. Whitehall Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge across Coplay Creek (HQ-CWF), having an 80-foot span and a 7.4-foot underclearance. The project also involves the placement of fill in a de minimis area of EV wetlands

equal to 0.02 acre. The project is located on Chestnut Street (T-929) immediately east of its intersection with Church Street (SR-145) (Cementon, PA Quadrangle N: 8.88 inches; W: 3.44 inches). (Subbasin: 04G)

E39-466. Whitehall Township, 3219 MacArthur Road, Whitehall, PA 18052. Whitehall Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a prestressed concrete adjacent box beam bridge across Coplay Creek (HQ-CWF), having an 80-foot span and a 7.4-foot underclearance. The project also involves the placement of fill in a de minimis area of EV wetlands equal to 0.02 acre. The project is located on Chestnut Street (T-929) immediately east of its intersection with Church Street (SR-145) (Cementon, PA Quadrangle N: 8.88 inches; W: 3.44 inches).

SPECIAL NOTICES

Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) hereby announces the submission deadline for 2007, Host Municipality Inspector Program Reimbursement Applications as March 31, 2008. Reimbursements are available to municipalities under the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) (Act 101) and the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (Act 108). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

All reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the program. If your municipality does not receive, but requires, an application or if you have any questions about this program, please contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-9870 or visit the Department's website at www.depweb.state.pa.us (PA Keyword: "Host Municipality Inspector").

The deadline for submitting applications is 4:30 p.m. on March 31, 2008. Applications post marked after the deadline will not be considered.

BUREAU OF DEEP MINE SAFETY

APPROVAL OF REQUEST FOR VARIANCE

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (Bureau) has approved Rosebud Mining Company's request for a variance from the requirements of section 290(d) of the Pennsylvania Bituminous Coal Mine Act (53 P. S. §§ 701-101—701-706) at the Tracy Lynne Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at www.depweb.state.pa.us/deepminesafety/site/default.asp.

Summary of the Request: Rosebud Mining Company requests a variance to reduce the number of main entries in the 2nd Northwest Mains Section at the Tracy Lynne Mine.

The basis for the Bureau's approval is summarized as follows:

1. Tracy Lynne has developed portions of this same mine with less than five entries previously without any complications.
2. Longwall mines have successfully ventilated three entry systems for distances up to 12,000 feet. Longwall gate-road development generally encounters methane liberations far in excess of those shown at the Tracy Lynne Mine.
3. According to a September 2007, air sample collected by MSHA, the Tracy Lynne Mine produces 122,271 CFM of CH₄ per 24 hours.
4. A new Spendrup fan rated at 200 Hp and capable of 320,000 cfm will replace the current fan rated at 50 Hp.
5. Reducing the number of main entries from five to three reduces the amount of exposed roof.
6. A CO monitoring system will enhance escapability through the variance area by providing early warning.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in your enclosed plan and the following conditions.

1. All unused crosscuts through the variance area must have adequate ground to roof support placed on both entrances in line with the entry rib. Additional supplemental support will be installed throughout the area as required.
2. All roof falls that occur in the variance area must be completely cleaned and permanently supported before resumption of mining.
3. A CO monitoring system is recommended. The CO sensors should be placed in the primary intake escapeway and in the belt at the beginning, in the middle and at the end of the variance area.
4. The CO system shall provide visual and audible alarms. The audible alarms shall be transmitted over the mine communication system.

[Pa.B. Doc. No. 07-2407. Filed for public inspection December 28, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Philadelphia 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 standard contained in this publication: 2.1.3.4.6.1(2) (relating to NICU space requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from 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.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the 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. 07-2408. Filed for public inspection December 28, 2007, 9:00 a.m.]

Application of Delaware Valley Nephrology and Hypertension Associates, P. C. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Delaware Valley Nephrology and Hypertension Associates, P. C. 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: Table 3.1-2 (relating to vacuum outlets for PACU bays), 3.7-2.3.3 (relating to image viewer in OR), 3.7-2.4.2.1(1) (relating to phase II recovery), 3.7-2.5.1 (relating to restricted corridor control station), 3.7-2.5.7.4 (relating to stretcher storage), 3.7-2.6.2(2) (relating to one way traffic out of locker room) and 3.7-2.6.3 (relating to staff shower).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health

and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the 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. 07-2409. Filed for public inspection December 28, 2007, 9:00 a.m.]

Application of Hypertension Nephrology Associates, P. C., d/b/a Quality Vascular Access Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hypertension Nephrology Associates, P. C. 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: Table 3.1-2 (relating to vacuum outlets for PACU bays), 3.7-2.3.3 (relating to image viewer in OR), 3.7-2.4.2.1(1) (relating to phase II recovery), 3.7-2.5.1 (relating to restricted corridor control station), 3.7-2.5.7.4 (relating to stretcher storage), 3.7-2.6.2(2) (relating to one way traffic out of locker room) and 3.7-2.6.3 (relating to staff shower).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, 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 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the 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. 07-2410. Filed for public inspection December 28, 2007, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

Abington Surgical Center
Hazleton Ambulatory Surgical Center, LLC

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The 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. 07-2411. Filed for public inspection December 28, 2007, 9:00 a.m.]

Applications for Exception to 28 Pa. Code § 123.25(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards):

Abington Memorial Hospital
Moses Taylor Hospital

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary of Health

[Pa.B. Doc. No. 07-2412. Filed for public inspection December 28, 2007, 9:00 a.m.]

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, January 25, 2008, from 10 a.m. to 3 p.m. The meeting will be held in the Recital Room, Richards Hall, Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 772-2762. Persons who wish to attend this meeting, or a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Carolyn S. Cass at the previously listed number, or for alternative formats, such as audiotape, Braille or TDD contact V/TT at (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2413. Filed for public inspection December 28, 2007, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2008, through March 31, 2008, the maximum allowable prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.72
12 oz. Evaporated Milk	\$1.16
16 oz. Dry Milk	\$5.68
1 qt. Lactose Reduced Milk	\$2.16
1/2 gal. Kosher Milk	\$2.60
4 oz. Kosher Infant Juice	\$0.65
8 oz. Kosher Infant Cereal	\$1.74
1 doz. Grade A Eggs	\$2.20
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$7.54

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Kosher Cheese	\$7.92
1 lb. Dry Beans or Peas	\$1.72
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.97
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.91
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.99
4 oz. Gerber Infant Juice	\$0.65
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.16
16 oz. Alimentum Advance Powder Formula	\$26.22
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.53
13 oz. Isomil Advance Concentrate Formula	\$4.73
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Isomil Advance Powder Formula	\$14.37
12.9 oz. Isomil 2 Advance Powder Formula	\$13.17
12.9 oz. Isomil Go & Grow Soy	\$11.47
13 oz. Isomil with Iron Concentrate Formula	\$5.42
12.9 oz. Isomil with Iron Powder Formula	\$13.39
32 oz. Isomil DF Ready-to-Feed Formula	\$6.95
13 oz. Nutramigen Lipil Concentrate Formula	\$7.31
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.86
16 oz. Nutramigen Lipil Powder Formula	\$25.89
8 oz. Pediasure Ready-to-Feed Formula	\$1.85
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.89
13 oz. Similac Advance Concentrate Formula	\$4.29
32 oz. Similac Advance Ready-to-Feed Formula	\$6.12
12.9 oz. Similac Advance Powder Formula	\$13.34
12.9 oz. Similac 2 Advance Powder Formula	\$12.08
12.9 oz. Similac Go & Grow Milk	\$11.35
13 oz. Similac with Iron Concentrate Formula	\$4.34
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.52
12.9 oz. Similac with Iron Powder Formula	\$12.84
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.56
13 oz. Similac Sensitive Concentrate Formula	\$4.78
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$5.88
32 oz. Similac Sensitive Ready-to-Feed Formula	\$5.95
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$5.95
12.9 oz. Similac Lactose Free Advance Powder Formula	\$13.77
12.9 oz. Similac Sensitive Powder	\$14.46
12.8 oz. Similac Neosure Advance Powder Formula	\$15.32
32 oz. Similac Neosure Advance Powder Formula	\$7.22

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allow-

able foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2008, through March 31, 2008, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.44
1 doz. Grade A Eggs	\$2.04
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$6.44
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.43
1 oz. Adult WIC Cereal	\$0.28
8 oz. Gerber Infant Cereal	\$1.74
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.68
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.90
4 oz. Gerber Infant Juice	\$0.65
13 oz. Isomil Advance Concentrate Formula	\$4.73
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.83
12.9 oz. Isomil Advance Powder Formula	\$14.37
13 oz. Similac Advance Concentrate Formula	\$4.31
32 oz. Similac Advance Ready-to-Feed Formula	\$6.12
12.9 oz. Similac Advance Powder Formula	\$13.34

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2008, through March 31, 2008, the maximum allowable prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.72
12 oz. Evaporated Milk	\$1.30
16 oz. Dry Milk	\$6.51
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.60
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.85
1 doz. Grade A Eggs	\$2.27
1 lb. Fresh Carrots	\$1.15

<i>Description</i>	<i>Maximum Allowable Price</i>
14 to 16 oz. Canned Carrots	\$1.15
1 lb. Cheese	\$7.54
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.93
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.97
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.02
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.33
16 oz. Alimentum Advance Powder Formula	\$26.86
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.20
13 oz. Isomil Advance Concentrate Formula	\$5.04
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.84
12.9 oz. Isomil Advance Powder Formula	\$15.09
12.9 oz. Isomil 2 Advance Powder Formula	\$14.46
12.9 oz. Isomil Go & Grow Soy	\$12.60
13 oz. Isomil with Iron Concentrate Formula	\$5.70
12.9 oz. Isomil with Iron Powder Formula	\$14.33
32 oz. Isomil DF Ready-to-Feed Formula	\$7.13
13 oz. Nutramigen Lipil Concentrate Formula	\$7.64
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.32
16 oz. Nutramigen Lipil Powder Formula	\$27.40
8 oz. Pediasure Ready-to-Feed Formula	\$2.27
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.11
13 oz. Similac Advance Concentrate Formula	\$4.67
32 oz. Similac Advance Ready-to-Feed Formula	\$6.85
12.9 oz. Similac Advance Powder Formula	\$14.14
12.9 oz. Similac 2 Advance Powder Formula	\$13.09
12.9 oz. Similac Go & Grow Milk	\$ 12.07
13 oz. Similac with Iron Concentrate Formula	\$4.48
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.29
12.9 oz. Similac with Iron Powder Formula	\$13.54
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.90
13 oz. Similac Sensitive Concentrate Formula	\$5.12
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.34
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.62
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.62
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.35
12.9 oz. Similac Sensitive Powder	\$15.04
12.8 oz. Similac Neosure Advance Powder Formula	\$16.22
32 oz. Similac Neosure Advance Powder Formula	\$7.85

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC partici-

pants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2008, through March 31, 2008, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.14
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.11
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.44
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.85
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.78
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.67
13 oz. Isomil Advance Concentrate Formula	\$5.04
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.77
12.9 oz. Isomil Advance Powder Formula	\$15.09
13 oz. Similac Advance Concentrate Formula	\$4.67
32 oz. Similac Advance Ready-to-Feed Formula	\$6.85
12.9 oz. Similac Advance Powder Formula	\$14.14

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2008, through March 31, 2008, the maximum allowable prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.72
12 oz. Evaporated Milk	\$1.30
16 oz. Dry Milk	\$7.33
1 qt. Lactose Reduced Milk	\$2.30
1/2 gal. Kosher Milk	\$2.60
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$1.99

<i>Description</i>	<i>Maximum Allowable Price</i>
1 doz. Grade A Eggs	\$2.29
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$7.54
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.93
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$1.99
15 to 18 oz. Peanut Butter	\$2.97
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.02
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.49
16 oz. Alimentum Advance Powder Formula	\$27.50
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.20
13 oz. Isomil Advance Concentrate Formula	\$5.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.85
12.9 oz. Isomil Advance Powder Formula	\$15.80
12.9 oz. Isomil 2 Advance Powder Formula	\$15.74
12.9 oz. Isomil Go & Grow Soy	\$13.71
13 oz. Isomil with Iron Concentrate Formula	\$5.97
12.9 oz. Isomil with Iron Powder Formula	\$15.27
32 oz. Isomil DF Ready-to-Feed Formula	\$7.30
13 oz. Nutramigen Lipil Concentrate Formula	\$7.96
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.77
16 oz. Nutramigen Lipil Powder Formula	\$28.50
8 oz. Pediasure Ready-to-Feed Formula	\$2.68
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.42
13 oz. Similac Advance Concentrate Formula	\$5.07
32 oz. Similac Advance Ready-to-Feed Formula	\$7.68
12.9 oz. Similac Advance Powder Formula	\$14.93
12.9 oz. Similac 2 Advance Powder Formula	\$14.10
12.9 oz. Similac Go & Grow Milk	\$13.25
13 oz. Similac with Iron Concentrate Formula	\$5.19
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.27
12.9 oz. Similac with Iron Powder Formula	\$14.41
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.30
13 oz. Similac Sensitive Concentrate Formula	\$7.42
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$7.14
32 oz. Similac Sensitive Ready-to-Feed Formula	\$7.14
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$7.14
12.9 oz. Similac Lactose Free Advance Powder Formula	\$15.14
12.9 oz. Similac Sensitive Powder	\$15.14
12.8 oz. Similac Neosure Advance Powder Formula	\$17.68
32 oz. Similac Neosure Advance Powder Formula	\$8.47

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2008, through March 31, 2008, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.14
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.11
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.44
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.99
15 to 18 oz. Peanut Butter	\$2.56
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.78
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.97
4 oz. Gerber Infant Juice	\$0.71
13 oz. Isomil Advance Concentrate Formula	\$5.43
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.85
12.9 oz. Isomil Advance Powder Formula	\$15.80
13 oz. Similac Advance Concentrate Formula	\$5.07
32 oz. Similac Advance Ready-to-Feed Formula	\$7.68
12.9 oz. Similac Advance Powder Formula	\$14.93

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2008, through March 31, 2008, the maximum allowable prices the Department will pay Type 1 Stores in High Cost Counties for WIC Allowable Foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.72
12 oz. Evaporated Milk	\$1.24
16 oz. Dry Milk	\$5.90
1 qt. Lactose Reduced Milk	\$2.16

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. Kosher Milk	\$2.60
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.83
1 doz. Grade A Eggs	\$2.23
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$8.02
1 lb. Kosher Cheese	\$8.02
1 lb. Dry Beans or Peas	\$1.80
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$3.37
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.29
16 oz. Alimentum Advance Powder Formula	\$26.44
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.80
13 oz. Isomil Advance Concentrate Formula	\$4.94
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.93
12.9 oz. Isomil Advance Powder Formula	\$15.18
12.9 oz. Isomil 2 Advance Powder Formula	\$13.95
12.9 oz. Isomil Go & Grow Soy	\$12.15
13 oz. Isomil with Iron Concentrate Formula	\$5.82
12.9 oz. Isomil with Iron Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$7.26
13 oz. Nutramigen Lipil Concentrate Formula	\$7.35
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.97
16 oz. Nutramigen Lipil Powder Formula	\$26.64
8 oz. PediaSure Ready-to-Feed Formula	\$2.05
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.01
13 oz. Similac Advance Concentrate Formula	\$4.60
32 oz. Similac Advance Ready-to-Feed Formula	\$6.44
12.9 oz. Similac Advance Powder Formula	\$14.41
12.9 oz. Similac 2 Advance Powder Formula	\$12.41
12.9 oz. Similac Go & Grow Milk	\$11.66
13 oz. Similac with Iron Concentrate Formula	\$4.41
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.71
12.9 oz. Similac with Iron Powder Formula	\$13.88
13 oz. Similac Lactose Free Advance Concentrate Formula	\$4.69
13 oz. Similac Sensitive Concentrate Formula	\$4.91
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$6.30
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.58
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.58
12.9 oz. Similac Lactose Free Advance Powder Formula	\$14.33
12.9 oz. Similac Sensitive Powder	\$15.02

<i>Description</i>	<i>Maximum Allowable Price</i>
12.8 oz. Similac Neosure Advance Powder Formula	\$16.05
32 oz. Similac Neosure Advance Powder Formula	\$7.26

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2008, through March 31, 2008, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.04
16 oz. Dry Milk	\$5.68
1 doz. Grade A Eggs	\$2.23
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$6.44
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.53
1 oz. Adult WIC Cereal	\$0.29
8 oz. Gerber Infant Cereal	\$1.83
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.88
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.03
4 oz. Gerber Infant Juice	\$0.68
13 oz. Isomil Advance Concentrate Formula	\$4.94
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.93
12.9 oz. Isomil Advance Powder Formula	\$15.18
13 oz. Similac Advance Concentrate Formula	\$4.60
32 oz. Similac Advance Ready-to-Feed Formula	\$6.44
12.9 oz. Similac Advance Powder Formula	\$14.41

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective January 1, 2008, through March 31, 2008, the maximum allowable prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

Maximum Allowable Prices

Effective January 1, 2008, through March 31, 2008, the maximum allowable prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.72
12 oz. Evaporated Milk	\$1.33
16 oz. Dry Milk	\$7.33
1 qt. Lactose Reduced Milk	\$2.40
1/2 gal. Kosher Milk	\$3.14
4 oz. Kosher Infant Juice	\$0.76
8 oz. Kosher Infant Cereal	\$2.13
1 doz. Grade A Eggs	\$2.33
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$8.02
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.93
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.13
15 to 18 oz. Peanut Butter	\$3.37
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.18
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.15
4 oz. Gerber Infant Juice	\$0.76
32 oz. Alimentum Advance Ready-to-Feed Formula	\$10.29
16 oz. Alimentum Advance Powder Formula	\$29.03
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$16.99
13 oz. Isomil Advance Concentrate Formula	\$5.90
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.21
12.9 oz. Isomil Advance Powder Formula	\$17.03
12.9 oz. Isomil 2 Advance Powder Formula	\$16.62
12.9 oz. Isomil Go & Grow Soy	\$14.03
13 oz. Isomil with Iron Concentrate Formula	\$6.19
12.9 oz. Isomil with Iron Powder Formula	\$15.75
32 oz. Isomil DF Ready-to-Feed Formula	\$7.92
13 oz. Nutramigen Lipil Concentrate Formula	\$8.40
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$10.54
16 oz. Nutramigen Lipil Powder Formula	\$29.61
8 oz. PediaSure Ready-to-Feed Formula	\$2.68
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.42
13 oz. Similac Advance Concentrate Formula	\$5.45
32 oz. Similac Advance Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Advance Powder Formula	\$16.09
12.9 oz. Similac 2 Advance Powder Formula	\$15.39
12.9 oz. Similac Go & Grow Milk	\$14.48
13 oz. Similac with Iron Concentrate Formula	\$5.50
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.80
12.9 oz. Similac with Iron Powder Formula	\$15.71
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.91

<i>Description</i>	<i>Maximum Allowable Price</i>
13 oz. Similac Sensitive Concentrate Formula	\$5.91
32 oz. Similac Lactose Free Advance Ready-to-Feed Formula	\$8.14
32 oz. Similac Sensitive Ready-to-Feed Formula	\$8.14
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$8.14
12.9 oz. Similac Lactose Free Advance Powder Formula	\$16.59
12.9 oz. Similac Sensitive Powder	\$16.95
12.8 oz. Similac Neosure Advance Powder Formula	\$18.80
32 oz. Similac Neosure Advance Powder Formula	\$9.73

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2008, through March 31, 2008, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.45
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.88
12 oz. Evaporated Milk	\$1.14
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.33
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.46
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.60
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.13
15 to 18 oz. Peanut Butter	\$2.89
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.90
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.07
4 oz. Gerber Infant Juice	\$0.76
13 oz. Isomil Advance Concentrate Formula	\$5.90
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.21
12.9 oz. Isomil Advance Powder Formula	\$17.03
13 oz. Similac Advance Concentrate Formula	\$5.45
32 oz. Similac Advance Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Advance Powder Formula	\$16.09
12.9 oz. Similac 2 Advance Powder Formula	\$15.39
12.9 oz. Similac Go & Grow Milk	\$14.48
13 oz. Similac with Iron Concentrate Formula	\$5.50
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.80
12.9 oz. Similac with Iron Powder Formula	\$15.71
13 oz. Similac Lactose Free Advance Concentrate Formula	\$5.91

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor,

Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-2414. Filed for public inspection December 28, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Inpatient Hospital Services

Purpose of Notice

The purpose of this notice is to provide final notice of the Department of Public Welfare's (Department) intent to revise its payment method for inpatient hospital services effective on or after January 1, 2008. These revisions will affect acute care general hospitals, private psychiatric hospitals, psychiatric units of general hospitals, rehabilitation hospitals and rehabilitation units of general hospitals.

The Department and representatives of the hospital industry have met extensively to negotiate the terms of a Hospital Rate Agreement. Based on these negotiations, the Department proposes to change its payment methodology for inpatient services in the following manner.

Base Payment Rates

Effective January 1, 2008, the Department will increase each hospital's or hospital unit's base payment rate for inpatient services provided on a fee-for-service basis by 2%.

Inpatient Disproportionate Share; Outpatient Disproportionate Share; and Direct Medical Education Payments

Effective January 1, 2008, the Department intends to increase Inpatient Disproportionate Share payments by 2%, with no change in the current methodology for determining eligibility for those payments. For Fiscal Year (FY) 2007-2008, the aggregate amount of Inpatient Disproportionate Share payments is to be limited to \$78.203 million in total funds.

Effective January 1, 2008, the Department intends to increase Outpatient Disproportionate Share payments by 2%, with no change in the current methodology for determining eligibility for those payments. For FY 2007-2008, the aggregate amount of Outpatient Disproportionate Share payments is to be limited to \$64.39 million in total funds.

Effective January 1, 2008, the Department intends to increase Medical Education payments by 2%, with no change in the current methodology for determining eligibility for those payments. For FY 2007-2008, the aggregate amount of Medical Education payments is to be limited to \$83.249 million in total funds.

Fiscal Impact

The fiscal impact of the increase in the base payment rates is estimated at \$5.778 million (\$2.775 million in State funds) for FY 2007-2008 and \$18.011 million (\$8.605 million in State funds) for FY 2008-2009. The fiscal impact of the increases to the pass-through payments is estimated at \$1.429 million (\$0.656 million in

State funds) in FY 2007-2008 and \$6.861 million (\$3.127 in State funds) for FY 2008-2009.

Public Comment

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

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-537. (1) General Fund;

<i>Estimate for:</i>	<i>MA-Inpatient</i>	<i>MA-Outpatient</i>
(2) Implementing Year 2007-08 is	\$ 3,285,000	\$146,000
(3) 1st Succeeding Year 2008-09 is	\$11,002,000	\$730,000
2nd Succeeding Year 2009-10 is	\$11,002,000	\$730,000
3rd Succeeding Year 2010-11 is	\$11,002,000	\$730,000
4th Succeeding Year 2011-12 is	\$11,002,000	\$730,000
5th Succeeding Year 2012-13 is	\$11,002,000	\$730,000
	<i>MA-Inpatient</i>	<i>MA-Outpatient</i>
(4) 2006-07 Program—	\$513,020,000	\$671,472,000
2005-06 Program—	\$474,693,000	\$945,950,000
2004-05 Program—	\$531,785,000	\$842,991,000

(7) Medical Assistance (MA)—Inpatient; and Medical Assistance (MA)—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-2415. Filed for public inspection December 28, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Department of Revenue (Department) is required to publish notice of the annual inflation adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution).

Section 1403(c) of 4 Pa.C.S. requires the Department to utilize the most recent consumer price index effective immediately prior to the date the adjustment is due to take effect. This adjustment will be published by the United States Department of Labor, Bureau of Labor

Statistics in January 2008. Thereafter, the Department will publish an additional notice of the annual inflation adjustment.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-2416. Filed for public inspection December 28, 2007, 9:00 a.m.]

Interest Rate Notice

Under the provisions of sections 806 and 806.1 of the Fiscal Code (72 P. S. §§ 806 and 806.1), the Secretary of Revenue announces that, for the year commencing January 1, 2008, all underpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 7% per annum. All overpayments of the tax imposed under Article III of the Tax Reform Code of 1971 (72 P. S. §§ 7301—7361), which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 7% per annum. All other overpayments of tax which became due and payable to the Commonwealth on and after January 1, 1982, shall bear interest at the rate of 5% per annum. These rates will remain constant until December 31, 2008. These rates will be codified under 61 Pa. Code § 4.2(a) (relating to rate of interest).

These rates have been established based upon the rate established by the Secretary of the Treasury of the United States under the provisions of section 6621(a)(2) of the Internal Revenue Code to be effective January 1, 2008.

Although the Tax Reform Act of 1986 amended the Internal Revenue Code section 6621, by requiring that the Secretary of the Treasury of the United States establish quarterly rates of interest to become effective for Federal purposes on the first month of each calendar quarter, these amendments do not affect Commonwealth law. The Fiscal Code requires that the interest rate be established effective January 1 of each calendar year without regard to any change in the Federal interest rate during the calendar year.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-2417. Filed for public inspection December 28, 2007, 9:00 a.m.]

Pennsylvania Cash Celebration Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cash Celebration.

2. *Price:* The price of a Pennsylvania Cash Celebration instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Cash Celebration instant lottery game ticket will contain a "CASH NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "CASH NUMBERS" areas are: 1 (ONE), 2 (TWO), 3 (THREE), 4

(FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), \$\$\$ symbol (TRPLS) and a Cash symbol (CASH).

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$24,000 (TWYFORTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$9, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$500, \$1,000 and \$24,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Cash Celebration instant lottery game.

7. Determination of Prize Winners.

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$24,000 (TWYFORTHO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$100 (ONE HUN) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$300 (THR HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" is a \$\$\$ (TRPL\$) play symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the \$\$\$ (TRPL\$) play symbol, on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$30\$ (THIRTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$10⁰⁰ (TEN DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" is a \$\$\$ (TRPL\$) play symbol and a prize symbol of \$30\$ (THIRTY) appears in the "prize" area to the right of the \$\$\$ (TRPL\$) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$30\$ (THIRTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" is a \$\$\$ (TRPL\$) play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area to the right of the \$\$\$ (TRPL\$) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$3⁰⁰ (THR DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$30.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$2⁰⁰ (TWO DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$15\$ (FIFTN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" is a \$\$\$ (TRPL\$) play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area to the right of the \$\$\$ (TRPL\$) play symbol, on a single ticket, shall be entitled to a prize of \$15.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$1⁰⁰ (ONE DOL) appears in five of the "prize" areas and a prize symbol of \$2⁰⁰ (TWO DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$15.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cash symbol (CASH) and a prize symbol of \$1⁰⁰ (ONE DOL) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$9⁰⁰ (NIN DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$9.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" is a \$\$\$ (TRPL\$) play symbol and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "prize" area to the right of the \$\$\$ (TRPL\$) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" is a \$\$\$ (TRPL\$) play symbol and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "prize" area to the right of the \$\$\$ (TRPL\$) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the "CASH NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols match either of the

"CASH NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Cash Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,640,000 Tickets</i>
\$1 × 2	\$2	20	432,000
\$2	\$2	18.75	460,800
\$1 × 3	\$3	75	115,200
\$1 w/SS\$	\$3	30	288,000
\$3	\$3	75	115,200
\$1 × 5	\$5	150	57,600
(\$1 w/SS\$) + (\$1 × 2)	\$5	65.22	132,480
\$5	\$5	150	57,600
\$1 × 9	\$9	750	11,520
\$3 × 3	\$9	750	11,520
\$3 w/SS\$	\$9	375	23,040
\$9	\$9	750	11,520
\$1 × 10	\$10	1,500	5,760
\$1 × 10 w/CASH	\$10	375	23,040
(\$3 w/SS\$) + \$1	\$10	750	11,520
\$5 × 2	\$10	1,500	5,760
\$10	\$10	750	11,520
(\$1 × 5) + (\$2 × 5) w/CASH	\$15	1,500	5,760
\$3 × 5	\$15	1,500	5,760
\$5 w/SS\$	\$15	1,500	5,760
\$5 × 3	\$15	1,500	5,760
\$15	\$15	1,500	5,760
\$2 × 10	\$20	1,500	5,760
\$2 × 10 w/CASH	\$20	1,500	5,760
(\$5 w/SS\$) + \$5	\$20	1,500	5,760
\$10 × 2	\$20	1,500	5,760
\$20	\$20	1,500	5,760
\$3 × 10	\$30	3,000	2,880
\$3 × 10 w/CASH	\$30	857.14	10,080
\$10 × 3	\$30	4,000	2,160
\$10 w/SS\$	\$30	2,000	4,320
\$15 × 2	\$30	4,000	2,160
\$30	\$30	2,000	4,320
\$5 × 10	\$50	4,000	2,160
\$5 × 10 w/CASH	\$50	1,714	5,040
\$10 × 5	\$50	4,000	2,160
(\$10 w/SS\$) + (\$10 × 2)	\$50	3,000	2,880
\$50	\$50	4,000	2,160
\$10 × 10	\$100	6,000	1,440
\$10 × 10 w/CASH	\$100	6,000	1,440
\$10 + (\$30 w/SS\$)	\$100	6,000	1,440
\$50 × 2	\$100	6,000	1,440
\$100	\$100	6,000	1,440
\$30 × 10	\$300	24,000	360
\$30 × 10 w/CASH	\$300	24,000	360
\$50 × 6	\$300	24,000	360
\$100 w/SS\$	\$300	24,000	360
\$300	\$300	24,000	360
\$50 × 10	\$500	30,000	288
\$50 × 10 w/CASH	\$500	17,143	504
(\$100 w/SS\$) + (\$100 × 2)	\$500	30,000	288
\$500	\$500	30,000	288
\$100 × 10	\$1,000	60,000	144
\$100 × 10 w/CASH	\$1,000	24,000	360
\$1,000	\$1,000	60,000	144
\$24,000	\$24,000	720,000	12

SS\$ (TRPL\$) Symbol = Win triple the prize shown to the right of it automatically.
CASH (CASH) Symbol = Win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Celebration instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Celebration instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cash Celebration instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Celebration or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-2418. Filed for public inspection December 28, 2007, 9:00 a.m.]

Pennsylvania Million Dollar Diamond Jubilee Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million Dollar Diamond Jubilee.

2. *Price:* The price of a Pennsylvania Million Dollar Diamond Jubilee instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Million Dollar Diamond Jubilee instant lottery game ticket will contain one play area featuring a "DIAMOND NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "DIAMOND NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3

(THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), 10X symbol (10TIMES) and a Double Diamond symbol (DBLS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,400,000 tickets will be printed for the Pennsylvania Million Dollar Diamond Jubilee instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$1,000 (ONE THO) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Diamond symbol (DBLS), and a prize symbol of \$500 (FIV HUN) appears under the Double Diamond symbol (DBLS), on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN)

appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Diamond symbol (DBLS), and a prize symbol of \$100 (ONE HUN) appears under the Double Diamond symbol (DBLS), on a single ticket, shall be entitled to a prize of \$200.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Diamond symbol (DBLS), and a prize symbol of \$50\$ (FIFTY) appears under the Double Diamond symbol (DBLS), on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Diamond symbol (DBLS), and a prize symbol of \$25\$ (TWY FIV) appears under the Double Diamond symbol (DBLS), on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Diamond symbol (DBLS), and a prize symbol of \$20\$ (TWENTY) appears under the Double Diamond symbol (DBLS), on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Diamond symbol (DBLS), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Double Diamond symbol (DBLS), on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "DIAMOND NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Diamond Numbers, Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,400,000 Tickets</i>
\$10 × 2	20	270,000
\$10 w/DOUBLE DIAMOND	15	360,000
\$20	15	360,000
\$10 × 4	60	90,000
\$20 × 2	60	90,000
\$20 w/DOUBLE DIAMOND	60	90,000
\$40	60	90,000
\$10 × 5	150	36,000
\$25 × 2	150	36,000
\$25 w/DOUBLE DIAMOND	100	54,000
\$50	100	54,000
\$10 × 10	150	36,000
\$10 w/10X	100	54,000
\$50 w/DOUBLE DIAMOND	150	36,000

When Any Of Your Numbers
Match Any Of The Diamond
Numbers, Win With Prize(s)
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 5,400,000 Tickets
\$100	\$100	100	54,000
(\$20 × 10) + (\$50 × 4) + \$100	\$500	4,000	1,350
\$50 × 10	\$500	4,000	1,350
\$100 × 5	\$500	4,800	1,125
(\$100 w/DOUBLE DIAMOND) + (\$100 × 3)	\$500	4,000	1,350
\$50 w/10X	\$500	4,000	1,350
\$500	\$500	4,000	1,350
\$50 × 20	\$1,000	6,000	900
\$100 × 10	\$1,000	8,000	675
\$200 × 5	\$1,000	8,000	675
\$100 w/10X	\$1,000	6,000	900
\$500 × 2	\$1,000	8,000	675
\$500 w/DOUBLE DIAMOND	\$1,000	8,000	675
\$1,000	\$1,000	6,000	900
\$1,000 × 10	\$10,000	120,000	45
\$1,000 w/10X	\$10,000	60,000	90
\$10,000	\$10,000	60,000	90
\$100,000	\$100,000	540,000	10
\$1,000,000	\$1,000,000	1,080,000	5

DOUBLE DIAMOND (DBL\$) = Win double the prize shown under it.
10X (10TIMES) = Win 10 times the prize under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Million Dollar Diamond Jubilee instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Million Dollar Diamond Jubilee, prize money from winning Pennsylvania Million Dollar Diamond Jubilee instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Million Dollar Diamond Jubilee instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million Dollar Diamond Jubilee or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-2419. Filed for public inspection December 28, 2007. 9:00 a.m.]

Pennsylvania Triple Cash Line Bingo Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple Cash Line Bingo.

2. *Price:* The price of a Pennsylvania Triple Cash Line Bingo instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania Triple Cash Line Bingo instant lottery game ticket will contain six play areas designated as "Card 1," "Card 2," "Card 3," "Card 4," "Card 5" and "Card 6." The 76 play symbols located in the six play areas are: The numbers 1 through 75 and a "FREE" symbol. The "FREE" symbol is a free space.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 spaces on a 3 by 10 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$10, \$30, \$60, \$90, \$150, \$300, \$1,000, \$3,000, \$30,000 and \$60,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Triple Cash Line Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE"

space and through to each of the four corner spaces on "Card 6," shall be entitled to a prize of \$60,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces on "Card 5," shall be entitled to a prize of \$30,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces on "Card 4," shall be entitled to a prize of \$3,000.

(d) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces on "Card 3," shall be entitled to a prize of \$1,000.

(e) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 6," shall be entitled to a prize of \$1,000.

(f) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces on "Card 2," shall be entitled to a prize of \$300.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 5," shall be entitled to a prize of \$300.

(h) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces on "Card 1," shall be entitled to a prize of \$150.

(i) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 3" or "Card 4," shall be entitled to a prize of \$150.

(j) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 5" or "Card 6," shall be entitled to a prize of \$90.

(k) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2," shall be entitled to a prize of \$60.

(l) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 3" or "Card 4," shall be entitled to a prize of \$60.

(m) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$30.

(n) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2," shall be entitled to a prize of \$30.

(o) Holders of tickets matching the "Caller's Card" play symbols to the five numbers appearing either in a green five-space horizontal line, if a green horizontal line is present, or to the five numbers appearing in a green five-space vertical line, if a green vertical line is present, on "Card 5" or "Card 6," shall be entitled to a prize of \$30.

(p) Holders of tickets matching the "Caller's Card" play symbols to the five numbers appearing either in a green five-space horizontal line, if a green horizontal line is present, or to the five numbers appearing in a green five-space vertical line, if a green vertical line is present, on "Card 4," shall be entitled to a prize of \$18.

(q) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(r) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 5" or "Card 6," shall be entitled to a prize of \$10.

(s) Holders of tickets matching the "Caller's Card" play symbols to the five numbers appearing either in a green five-space horizontal line, if a green horizontal line is present, or to the five numbers appearing in a green five-space vertical line, if a green vertical line is present, on "Card 1" or "Card 2" or "Card 3," shall be entitled to a prize of \$9.

(t) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 4," shall be entitled to a prize of \$6.

(u) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3," shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
LINE CARD 1	\$3	22.22	432,000
LINE CARD 2	\$3	22.22	432,000
LINE CARD 3	\$3	22.22	432,000
(LINE CARD 2) + (LINE CARD 3)	\$6	25	384,000
LINE CARD 4	\$6	25	384,000
GREEN LINE CARD 1	\$9	200	48,000
GREEN LINE CARD 2	\$9	200	48,000
GREEN LINE CARD 3	\$9	200	48,000
4 CORNERS CARD 1	\$10	250	38,400
LINE CARD 5	\$10	250	38,400
LINE CARD 6	\$10	250	38,400
GREEN LINE CARD 4	\$18	100	96,000

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 9,600,000 Tickets</i>
DIAMOND CARD 1	\$30	1,000	9,600
4 CORNERS CARD 2	\$30	1,000	9,600
GREEN LINE CARD 5	\$30	1,000	9,600
GREEN LINE CARD 6	\$30	1,000	9,600
4 CORNERS CARD 3	\$60	3,636	2,640
4 CORNERS CARD 4	\$60	3,636	2,640
(DIAMOND CARD 1) + (4 CORNERS CARD 2)	\$60	3,636	2,640
(4 CORNERS CARD 2) + (GREEN LINE CARD 5)	\$60	3,429	2,800
(DIAMOND CARD 1) + (GREEN LINE CARD 6)	\$60	3,636	2,640
DIAMOND CARD 2	\$60	3,636	2,640
4 CORNERS CARD 5	\$90	3,429	2,800
4 CORNERS CARD 6	\$90	3,429	2,800
(4 CORNERS CARD 2) + (4 CORNERS CARD 4)	\$90	3,429	2,800
(DIAMOND CARD 1) + (4 CORNERS CARD 3)	\$90	3,429	2,800
(DIAMOND CARD 1) + (4 CORNERS CARD 4)	\$90	3,429	2,800
(4 CORNERS CARD 2) + (GREEN LINE CARD 5) + (GREEN LINE CARD 6)	\$90	1,846	5,200
(4 CORNERS CARD 1) + (4 CORNERS CARD 2) + (GREEN LINE CARD 5) + (GREEN LINE CARD 6)	\$100	4,286	2,240
"X" CARD 1	\$150	40,000	240
DIAMOND CARD 3	\$150	40,000	240
DIAMOND CARD 4	\$150	40,000	240
(4 CORNERS CARD 3) + (4 CORNERS CARD 5)	\$150	40,000	240
"X" CARD 2	\$300	60,000	160
("X" CARD 1) + (DIAMOND CARD 3)	\$300	60,000	160
(DIAMOND CARD 3) + (DIAMOND CARD 4)	\$300	60,000	160
DIAMOND CARD 5	\$300	60,000	160
"X" CARD 3	\$1,000	40,000	240
DIAMOND CARD 6	\$1,000	40,000	240
"X" CARD 4	\$3,000	40,000	240
"X" CARD 5	\$30,000	1,920,000	5
"X" CARD 6	\$60,000	1,920,000	5

GREEN LINE = Highlighted green line triples the prize won for that line on that card.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple Cash Line Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Cash Line Bingo, prize money from winning Pennsylvania Triple Cash Line Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the

announced close of the Pennsylvania Triple Cash Line Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Triple Cash Line Bingo or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-2420. Filed for public inspection December 28, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4 (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Rober Sekola, VP Liberty Property Limited Partnership, of 500 Chesterfield Parkway, Malvern, PA, seeking to lease highway right-of-way located at North Side of Devon Park Drive, Ramp F, SR 202, Upper Merion Township, Montgomery, 200 yds. West of Warner Road, 33,697.90 sq. ft. + adjacent to SR 0202, Ramp F, section 403 for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Lester Toaso, District Executive, Engineering District 6-0, PENNDOT, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, Attention: Amin Jackson, R/W.

Questions regarding this application or the proposed use may be directed to Amin Jackson, R/W, Real Estate Specialist, 7000 Geerdes Boulevard, King of Prussia, PA 19406-1525, (610) 205-6514.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-2421. Filed for public inspection December 28, 2007, 9:00 a.m.]

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(2) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, Kansas 66214.

(7) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut/P. O. Box 947, Chanute, Kansas, 66720.

(8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(11) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(12) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, Illinois 62522.

(13) Stalker Dual, Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(14) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(15) Stalker Dual DSR. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(16) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(17) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(18) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, Kentucky 42303.

(19) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F, Avenue, Suite 200, Plano, Texas 75074.

(20) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, Pennsylvania 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, Pennsylvania 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, Minnesota 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Pennsylvania 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, Pennsylvania 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, Virginia 23230.

(5) V-SPEC—Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, Pennsylvania 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, Kansas 66215.

The Department, under 75 Pa.C.S. § 3368(d) has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

Thomas Associates R & E Inc., 65 s Mountain Boulevard, Mountain Top, Luzerne County, PA 18707 (Appointed: 03/28/83, Station R7).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206 (Appointed: 07/14/99, Station R10).

YIS Inc., 1049 North Hartley Street, York, York County, PA 17402 (Appointed: 01/14/75, Station R3).

YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404 (Appointed 8/20/04 Station number R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Auto Technology-Vocational Technical School Laboratory, 540 North Harrison Road, Pleasant Gap, Centre County, PA 16823 (Appointed: 02/10/69, Station S22).

Bob's Speedometer Service, Incorporated, 1920 West Marshall Street, Norristown, Montgomery County, PA 19403 (Appointed: 11/15/77, Station S79).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

James M. Coulston, Incorporated, 2915 Swede Road, Norristown, Montgomery County, PA 19401 (Appointed: 02/11/75, Station S49).

Dave's Service Center, 3617 Nicholas Street, Easton, Northampton County, PA 18045 (Appointed: 10/29/76, Station S33).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

Gabe's Speedometer Service, 2635 West Passyunk Avenue, Philadelphia, Philadelphia County, PA 19145 (Appointed: 06/03/97, Station S85).

Humenicks Auto Electric, 646 East Diamond Avenue, Hazleton, Luzerne County, PA 18201 (Appointed: 11/13/67, Station S74).

Izer Garage, 4616 Buchanan Trail East, Zullinger, Franklin County, PA 17272 (Appointed: 02/23/53, Station S106).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mack Enterprises of Reading, 4226 Pottsville Pike, Reading, Berks County, PA 19605 (Appointed: 05/15/79, Station S1).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Melody Lakes Tire & Auto Care, Incorporated, 1113 North West End Boulevard, Quakertown, Bucks County, PA 18951 (Appointed: 09/15/71, Station S38).

North Boro Speedometer Service, 547 California Avenue, Pittsburgh, Allegheny County, PA 15202 (Appointed: 11/02/78, Station S69).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Stewart's Speedometer & Auto Parts, 112 South Third Street, Youngwood, Westmoreland County, PA 15601 (Appointed: 03/20/80, Station S58).

Thoman Auto Electric, Incorporated, 227 Valley Street, Lewistown, Mifflin County, PA 17044 (Appointed: 10/03/78, Station S104).

Thomas Auto Electric, 109 North 9th Street, Stroudsburg, Monroe County, PA 18360 (Appointed: 07/24/89, Station S105).

Y.I.S./Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404 (Appointed 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 03/26/85, Station EL14).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 12/01/78, Station EL2).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21).

Mahramus Specialty Auto Service, 285 Muse Bishop Road, Cannonsburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Beerbower Incorporated, 1546 East Pleasant Valley Boulevard, Altoona, Blair County, PA 16602 (Appointed: 09/02/77, Station W14).

George L. Cogley, 1222 Liberty Avenue, Natrona Heights, Allegheny County, PA 15065 (Appointed: 09/27/77, Station W9).

Department of General Services Metrology, Room B-124, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Green Jewelers, Route 819, Armbrust, Westmoreland County, PA 15616 (Appointed: 06/23/78, Station W41).

Hostetter's Jewelers, 2 Hill Street, Shrewsbury, York County, PA 17361 (Appointed: 11/18/77, Station W30).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Leitzel's Jewelry Store, 296 Center Street, Millersburg, Dauphin County, PA 19061 (Appointed: 07/28/77, Station W7).

Mountz Jewelers, 153 North Hanover Street, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

R & R Timing, 529 Freeport Road, New Kensington, Westmoreland County, PA 15068 (Appointed 6/16/04 Station W10).

Oscar Roth Jewelers, 659 Memorial Highway, Dallas, Luzerne County, PA 18612 (Appointed: 09/22/78, Station W47).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 04/22/91, Station W63).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station W64).

Wolfs Jewelry, 314 Market Street, Lewisburg, Union County, PA 17837 (Appointed: 10/06/77, Station W22).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Speed Enforcement, Incorporated, R. D. 1, Box 32, Randolph Road, Great Bend, Susquehanna County, PA 18821—Also authorized to use mobile units (Appointed: 02/27/85, Station EM13).

Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, Susquehanna County, PA 18822—Also authorized to use mobile units (Appointed: 10/02/80, Station EM2).

Mahramus Specialty Auto Service, 285 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EM21).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or (717) 783-5842.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-2422. Filed for public inspection December 28, 2007, 9:00 a.m.]

Finding Bradford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning to remove a single span truss bridge over Sugar Creek in North Towanda Township, Bradford County.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117 as published in the August 28, 1987, *Federal Register*.

The subject bridge is eligible for listing on the National Register of Historic places, and is, therefore, a Section 2002/Section 4(f) resource. Impact to this resource 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 such effects.

BRIAN G. THOMPSON, P. E.,
Acting Director, Bureau of Design

[Pa.B. Doc. No. 07-2423. Filed for public inspection December 28, 2007, 9:00 a.m.]

Finding Venango 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 (FHWA) and the Department of Transportation (Department) are planning an enhancement project within the Oil City Historic District, Venango County. The enhancements will include decorative street lighting, traffic signalization upgrades, decorative sidewalks, handicap accessibility provisions, storm drainage improvements, benches, trash receptacles, street trees, landscape plantings and traffic calming measures.

The FHWA has determined that this enhancement project will have a "Net Benefit" to the historic district. Therefore, a "Nationwide/Programmatic section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit)" checklist has been prepared and approved. It also serves as the section 2002 Evaluation to evaluate the potential impacts to section 4(f)/section 2002 resources caused by the subject enhancement project.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Categorical Exclusion Evaluation (CEE), and the Nationwide/Programmatic section 4(f)/section 2002 Evaluation (Net Benefit) checklist.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code 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 such effects.

BRIAN G. THOMPSON, P. E.,
Acting Director, Bureau of Design

[Pa.B. Doc. No. 07-2424. Filed for public inspection December 28, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our website at www.irrc.state.pa.us for updates.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-406	Environmental Quality Board Notification of Proximity to Airports	12/13/07	1/31/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-2425. Filed for public inspection December 28, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Insurance Services Office, Inc.; Private Passenger Automobile Loss Cost Revision; Rate Filing

On December 14, 2007, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for private passenger automobile insurance.

The advisory organization requests an overall 0.9% increase in loss cost effective September 1, 2008.

Unless formal administrative action is taken prior to February 12, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available for public inspection, by appointment, during normal working hours at the Department's office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@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. 07-2426. Filed for public inspection December 28, 2007, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:
York County, Warehouse Space #6704, York

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board (Board) with approximately 8,000 to 10,000 net useable square feet of new or existing warehouse space within a 2 mile radius of the junction of Route 30 and Interstate 83, York.

Note: Staubach Retail represents the Board in real estate transaction management and brokerage services. Lease transactions are subject to a 4% brokerage fee based on lease value.

Proposals due: January 18, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Room 216, NWOB, Forster and Capital Streets, Harrisburg, PA 17112
Contact: Joseph Hannon, (717) 787-3016

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 07-2427. Filed for public inspection December 28, 2007, 9:00 a.m.]