

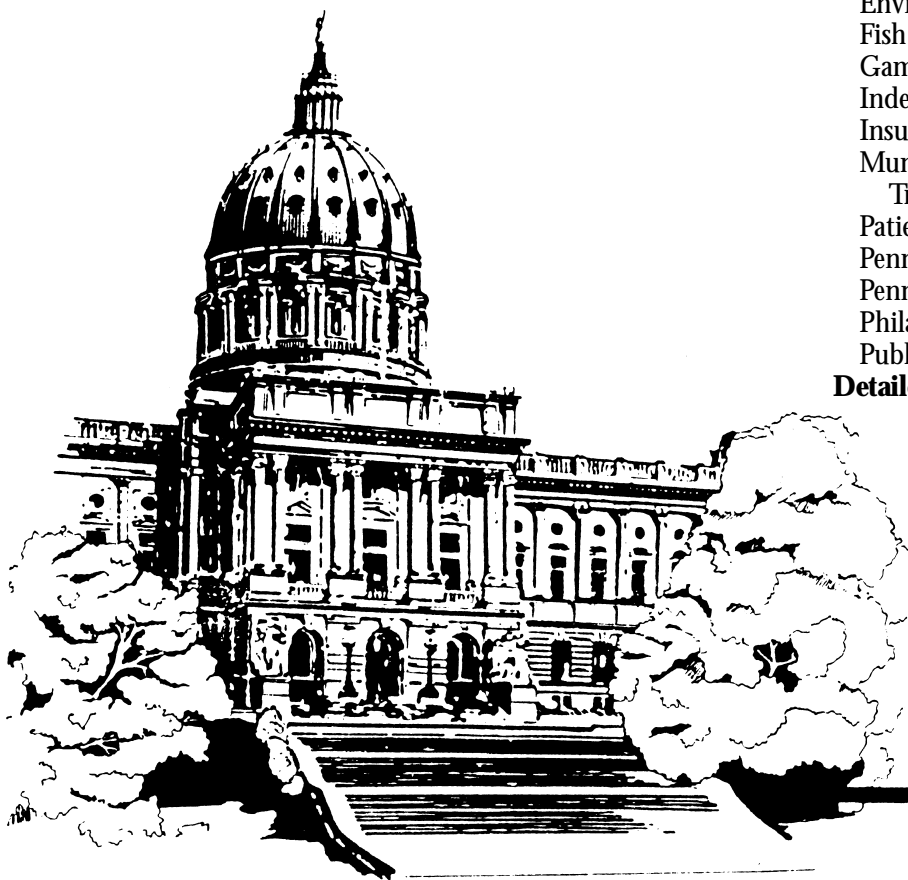
PENNSYLVANIA BULLETIN

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No. 400, March 2008

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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THE GENERAL ASSEMBLY

Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2008 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>
2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 006 through 011					
006	Mar 17	HB0363	PN0427	60 days	Veterans Bridge—designation
007	Mar 17	HB1131	PN3178	60 days	Second Class Township Code—establishment of fire and emergency medical services
008	Mar 17	HB1133	PN3179	60 days	Borough Code—specific powers relating to emergency services
009	Mar 17	HB1134	PN3180	60 days	First Class Township Code—specific powers relating to emergency services
010	Mar 17	HB1691	PN2225	Immediately	United States Army Corps of Engineers—held harmless from certain damages arising from certain construction projects
011	Mar 17	SB0917	PN1106	Immediately	Conveyance—Commonwealth property in Cambria Township, Cambria County

* 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, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, 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. 08-554. Filed for public inspection March 28, 2008, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 213]

Notice of Proposed Public Access Policy Concerning Official Case Records of the Magisterial District Courts

The Administrative Office of Pennsylvania Courts is planning to recommend that the Supreme Court of Pennsylvania adopt this proposed public access policy concerning official case records of the magisterial district courts. At my direction, a working group comprised of magisterial district judges, district court administrators, and Administrative Office of Pennsylvania Courts/Supreme Court staff crafted this proposed policy that is being published for public comment. The proposed policy covers official case record information that would be accessible by the public, how requests for access are to be handled, applicable fees, and other pertinent recommendations.

In particular, the working group recommends eliminating the inclusion of social security numbers and financial account numbers in publicly filed documents with the magisterial district courts. Cases of the magisterial district courts are initiated via forms designed by the Administrative Office of Pennsylvania Courts. It is the recommendation of the working group that the fields for social security numbers and financial account numbers should be removed entirely from those forms. If sound reasons exist for collection of this information by the courts, then alternatively the working group recommends either the truncation of these numbers to the last four digits on the forms, or adding a "public inspection copy" page to the forms that would not display these numbers. In recognition however that sometimes such information is integral to a case, the working group recommends that litigants or their attorneys be required to place this sensitive information on a separate confidential form filed with the court that would be inaccessible to the public. For more information, please review § 213.97 of the proposed policy and accompanying commentary.

Balancing the public's right of access to official records with an individual's privacy interests is an important public policy issue. This proposed policy is one more step in the Unified Judicial System's continual effort to achieve that balance.

The Explanatory Report highlights the working group's considerations in formulating this proposed policy. I request that interested persons submit suggestions, comments, or objections concerning this proposal to the working group through

Andrea B. Tuominen

Assistant Court Administrator of Pennsylvania
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102

PublicAccessComments@pacourts.us

no later than May 28, 2008.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

CHAPTER 213. ACCESS TO POLICY CONCERNING OFFICIAL CASE RECORDS OF THE MAGISTERIAL DISTRICT COURTS

Subchapter D. PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA: OFFICIAL CASE RECORDS OF THE MAGISTERIAL DISTRICT COURTS

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213.91.	Definitions.
213.92.	Statement of General Policy.
213.93.	Requesting Access to Official Case Records of the Magisterial District Courts.
213.94.	Responding to Requests for Access to Official Case Records of the Magisterial District Courts.
213.95.	Fees.
213.96.	Official Case Records of the Magisterial District Courts Not Accessible by the Public.
213.97.	Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

§ 213.91. Definitions.

(a) "Access" means that the public may inspect and photocopy the official case records of the magisterial district courts, except as provided by law or as set forth in this policy.

(b) "Official case records of the magisterial district courts" means the records filed with the court and maintained in the paper case files pursuant to specific legal authority.

(c) "Public" means any person, business, non-profit entity, organization or association.

§ 213.92. Statement of General Policy.

(a) It is the policy of the Unified Judicial System to facilitate access by the public to the official case records of the magisterial district courts consistent with all relevant legal authority.

(b) This policy shall govern the access by the public to the official case records of the magisterial district courts.

(c) Security, possession, custody and control of the official case records of the magisterial district courts are generally the responsibility of the Magisterial District Judge or his/her designated staff.

(d) Facilitating access by the public shall not substantially impede the orderly conduct of magisterial district court business.

§ 213.93. Requesting Access to Official Case Records of the Magisterial District Courts.

(a) All requests for access by the public to the official case records of the magisterial district courts shall be made in writing to the court on a form prescribed by the Administrative Office of Pennsylvania Courts.

(b) A request shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.

(c) If the requestor does not submit a completed form, access may be delayed until the form is completed or

until a time when court staff is available to monitor such access to ensure the integrity of the case records.

(d) A requestor, whether acting on his/her own behalf or as another's agent, may request access to a maximum of 10 different case records during any given business day from a magisterial district court.

§ 213.94. Responding to Requests for Access to Official Case Records of the Magisterial District Courts.

(a) As promptly as practicable but in no case longer than 5 business days after receipt of a request for access to the official case records of the magisterial district court, the court shall respond in one of the following manners:

- (1) fulfill the request;
- (2) notify the requestor in writing that the information requested is available upon payment of applicable fees and specify those fees;
- (3) notify the requestor in writing that the request cannot be fulfilled because the requestor has not complied with the provisions of this policy and specify the areas of non-compliance;
- (4) notify the requestor in writing that the information cannot be provided and specify the reasons why; or
- (5) notify the requestor in writing that the request has been received and the expected date the information will be available. If the information will not be available within 30 business days, the court shall notify the district court administrator and the requestor simultaneously.

(b) If a court denies a request for access, a requestor may seek review of that determination within 10 business days. The request for review shall be submitted in writing to the president judge of the judicial district or president judge's designee. The president judge or designee shall make a determination and forward it in writing to the requestor. This remedy need not be exhausted before other relief is sought.

§ 213.95. Fees.

(a) Reasonable fees may be imposed for providing the public with access to the official case records of the magisterial district courts pursuant to this policy.

(b) The president judge of each judicial district shall establish a fee schedule by local rule pursuant to Pa.R.J.A. No. 103. The fee schedule shall be publicly posted.

§ 213.96. Official Case Records of the Magisterial District Courts Not Accessible by the Public.

(a) The following items or information residing in the official case records of the magisterial district courts are not accessible to the public:

- (1) Forms filed pursuant to § 213.97 of this policy;
- (2) Information sealed pursuant to an order by a common pleas or appellate court;
- (3) Information to which access is restricted by federal law, state law, or state court rule; and
- (4) Notes, drafts, and work product of the magisterial district court.

(b) With the approval of the Chief Justice of Pennsylvania, the Court Administrator of Pennsylvania may determine that additional information in the official case records of the magisterial district courts is not accessible by the public because it presents a risk to personal

security, personal privacy, or the fair, impartial and orderly administration of justice.

§ 213.97. Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

(a) Unless otherwise required by law or requested by the court, parties and their attorneys are directed to refrain from including, in all documents filed with the court, including exhibits attached thereto, any of the following information:

- (1) social security numbers; and
- (2) financial institution account numbers, credit card numbers, PINS or passwords to secure accounts.

(b) The parties and their attorneys are solely responsible for complying with the provisions in subsection A. The court staff will not review any document for compliance with subsection A.

(c) If a party is required by law or requested by the court to include any of the information set forth in subsection A, the information shall be filed on a separate form prescribed by the Administrative Office of Pennsylvania Courts. This form shall not be accessible to the public.

EXPLANATORY REPORT

Public Access Policy of the Unified Judicial System of Pennsylvania: Official Case Records of the Magisterial District Courts

INTRODUCTION

Article V, Section 10(c) of the Pennsylvania Constitution vests the Supreme Court with the authority to prescribe practices and procedures for public access to the records of the Unified Judicial System (UJS) including magisterial district courts. Guided by constitutional and common law principles,¹ the policies governing access to UJS records begin with the presumption of openness.

This presumption in the Judiciary is long-standing, both in policy and practice. In 1994, the Supreme Court established standards and protocols for public access to court records, beginning with the policy on access to magisterial district judge, formerly district justice, records, whether stored electronically or in hard copy. With the advancements in the Court's automation efforts, the *Electronic Case Record Public Access Policy of the Unified Judicial System of Pennsylvania* ("Electronic Records Policy") was adopted by the Court effective January 1, 2007. This policy covers access to the case record information maintained in the UJS' three automated statewide case management systems—the Pennsylvania Appellate Court Management System (PACMS), the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Judge System (MDJS). Specifically, the Electronic Records Policy addresses what electronic case record information is available to the public; how requests for access are handled; applicable fees and other related issues. In addition to the electronic record policy, the Supreme Court also promulgated Rule of Judicial Administration 509, effective July 1, 2007, that sets forth procedures for access to the financial records of the Unified Judicial System.

The promulgation of the aforementioned policies and rules affirms that the endeavor to ensure that UJS records are publicly accessible has been methodical and

¹ The constitutional provisions that speak to accessibility of court records can be found in the Fifth and Sixth Amendments of the United States Constitution and Article I §§ 7, 9, and 11 of the Pennsylvania Constitution.

focused. The next logical step in such work was a review of the standards governing access to magisterial district court paper records that are maintained in the case files.

In the spring of 2007, the Court Administrator of Pennsylvania convened a working group to formulate a statewide public access policy for official case records of magisterial district courts. The working group was comprised of magisterial district judges, district court administrators, representatives for the clerks of court and prothonotaries, counsel from the Supreme Court's rules committees, and Administrative Office of Pennsylvania Courts (AOPC) staff. Its mission was to precisely define what official case records of the magisterial district courts are accessible and how requests should be facilitated in light of current UJS access policies, statutory provisions governing access to records (including proposed changes),² and other jurisdictions' access rules and policies related to limited jurisdiction courts. The working group was asked to specifically address release of sensitive information, such as social security numbers.

Court records, including those maintained in the magisterial district courts, often contain sensitive and private information, particularly related to litigants' personal identifiers (such as, social security numbers). Any objective to uniformly protect that information residing in existing and future court records would necessarily involve careful scrutiny of each case record and redaction of pertinent information in accord with applicable policy provisions prior to permitting access by the public.

As is noted in the commentary to § 213.97, the working group considered this approach, but ultimately rejected it for the following reasons. Depending on individual court resources, this approach could cause delays in fulfilling public access requests to official case records of the magisterial district courts, result in the inadvertent release of non-public information, and/or impede the business of the court. Hence, redaction and retroactive application of this policy is not viewed as a viable solution.

The procedures set forth in this proposed policy are intended to further the UJS' open records policy, protect an individual's privacy and personal security, assure uniform response by UJS court staff, and eliminate any artificial barriers that may delay or complicate access by the public. The working group recommends that this proposal should be applied prospectively.

§ 213.91. Definitions.

(a) "Access" means that the public may inspect and photocopy the official case records of the magisterial district courts, except as provided by law or as set forth in this policy.

(b) "Official case records of the magisterial district courts" means the records filed with the court and maintained in the paper case files pursuant to specific legal authority.

(c) "Public" means any person, business, non-profit entity, organization or association.

COMMENTARY

This policy is not intended to govern access to the official case records of the magisterial district courts by system and related personnel, as defined in 42 Pa.C.S. § 102; or by any federal, state, or local governmental agency, employees or officials of such an agency if acting in their official capacity.

² See, e.g., PA. STAT. ANN. tit. 65, §§ 66.1—66.9 (West 2006) as well as amendments to the same set forth Act 3—2008 (SB 1, PN 1763).

§ 213.92. Statement of General Policy.

(a) It is the policy of the Unified Judicial System to facilitate access by the public to the official case records of the magisterial district courts consistent with all relevant legal authority.

(b) This policy shall govern the access by the public to the official case records of the magisterial district courts.

(c) Security, possession, custody and control of the official case records of the magisterial district courts are generally the responsibility of the Magisterial District Judge or his/her designated staff.

(d) Facilitating access by the public shall not substantially impede the orderly conduct of magisterial district court business.

COMMENTARY

Subsection A recognizes that public access to the official case records of the magisterial district courts is grounded in constitutional and common law principles. The Pennsylvania Supreme Court summarized the interests protected in providing public access as:

"generally, to assure the public that justice is done even-handedly and fairly; to discourage perjury and the misconduct of participants; to prevent decisions based on secret bias or partiality; to prevent individuals from feeling that the law should be taken into the hands of private citizens; to satisfy the natural desire to see justice done; to provide for community catharsis; to promote public confidence in government and assurance that the system of judicial remedy does in fact work; to promote the stability of government by allowing access to its workings, thus assuring citizens that government and the courts are worthy of their continued loyalty and support; to promote an understanding of our system of government and courts." Commonwealth v. Fenstermaker, 530 A.2d 414, 417 (1987).

Subsection B provides consistency and predictability across courts and furthers equal access to the courts and official case records of the magisterial district courts. The intent of this provision is to preclude the adoption of different policies or local rules by judicial districts and/or courts that may be inconsistent with Unified Judicial System policy.

Subsection C acknowledges the responsibility of the magisterial district judges and their staff to maintain the integrity of the official case records. See also Rule 17 of the Rules Governing Standards of Conduct of Magisterial District Judges relating to supervision of magisterial district courts by president judges.

Subsection D recognizes that magisterial district courts require some flexibility in implementing the provisions of this policy, given the differences in resources and caseloads among the over 500 magisterial district courts. For example, a magisterial district court may set aside a designated time each week in which the public may inspect and copy official case records, or magisterial district court staff may make an extra copy of each notice of court proceeding produced that could be available to the public for review.

Requests for case record information that cannot be satisfied without substantially impeding the orderly conduct of court business in a magisterial district court may be referred to the AOPC, provided that the requestor is not requesting access to the official case records of the magisterial district court but is merely interested in

obtaining electronic case record information that is maintained in the MDJS.³ Because the AOPC does not have access to the official case records of the magisterial district courts, any requests to inspect or copy the paper records should be handled by the appropriate magisterial district court. However, if the requestor is willing to accept access to the electronic case record information⁴ in lieu of the official case records, the request can be handled by AOPC. Access to information maintained in the MDJS is governed by the Electronic Record Policy, which along with pertinent request forms can be found at <http://www.aopc.org/index/PublicAccessPolicy>.

§ 213.93. Requesting Access to Official Case Records of the Magisterial District Courts.

(a) All requests for access by the public to the official case records of the magisterial district courts shall be made in writing to the court on a form prescribed by the Administrative Office of Pennsylvania Courts.

(b) A request shall identify or describe the records sought with specificity to enable the court staff to ascertain which records are being requested. A request need not include any explanation of the requestor's reason for requesting or intended use of the records.

(c) If the requestor does not submit a completed form, access may be delayed until the form is completed or until a time when court staff is available to monitor such access to ensure the integrity of the case records.

(d) A requestor, whether acting on his/her own behalf or as another's agent, may request access to a maximum of 10 different case records during any given business day from a magisterial district court.

COMMENTARY

All requests for access, whether for copies or inspection, shall be made in writing on a request form prescribed by AOPC. The form should be designed to include the requestor's name, address, phone number, etc., as contact information will be helpful to court personnel should they have questions about the request upon receipt. Moreover, the requestor must provide sufficient distinguishing information about their request for the court to determine with certainty the parties and/or the case(s) involved. As provided in Subsection C, if the requestor is unable or unwilling to complete the form, access may be delayed until a court staff member is available to sit with the requestor and monitor the use of the file to ensure integrity of the same. Similar procedures are in place in courts of Delaware and New Jersey.⁵

³ See Section II.A.3. of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Magisterial District Court Records* which provides in part that "[r]equests for docket or case index information that cannot be satisfied without substantially impeding the orderly conduct of office business may be referred to the AOPC."

⁴ It is important to note that the electronic case record information maintained in the MDJS is a subset of the information that is maintained in the official case files at the magisterial district courts. That is, all the information contained in the official case records on file with the courts is not captured by the MDJS.

⁵ Delaware Directive #80-021 (5th Supplement) "Policy Directive 80-021: Public Access to Judicial Records—Protection of Witness Information—Procedure for Sealing Files," pp. 9-10 provides in part the following information: "How much identification or information should the court require of those who request information? . . . Although not required, it is helpful to have persons complete the 'Application for Access to Court Records' and provide that to the court by facsimile or in person. The information on the completed form is helpful in case there is a subsequent question concerning the information released. . . . A person requesting information does not need to provide identification in order to receive the information. However, the person must provide sufficient distinguishing information about their request for the court to determine with certainty the defendant and/or the case involved. . . ."

New Jersey Directive #15-05 "Judiciary Open Records: Policies and Procedures for Access to Case-Related Court Records—Staff Guidelines," p. 2 provides in part: "While the form asks for the requestor's name, address, and other information, records requested must still be provided even if the requestor does not provide that personal information. . . . Where a requestor seeks to inspect a file, that is, to have physical custody of the file for some period, there is a legitimate concern to ensure that the file is not tampered with. In such instances, the requestor should be asked to provide some form of personal identification. If the requestor is unable or unwilling to do so,

The proposed policy establishes 10 records as the maximum number of official case records of the magisterial district courts or files that a single requestor could request per business day for a number of reasons. See Subsection D. First and foremost, the staff of the magisterial district courts must attend to the business of the court—caseload management. Furthermore, a daily limit on the volume of requests helps to ensure that the courts are open to all people, and not just a few individual requestors with sufficient resources to divert the courts' resources, perhaps to the detriment of other requestors. This provision strikes an appropriate balance between accommodating reasonable requests for official case records of the magisterial district courts in bulk while not impinging upon the court's ability to conduct its business.

Of course, requestors who are not interested in actually accessing the official case records of the magisterial district courts may make their request to the AOPC, since the AOPC maintains the MDJS, which contains an electronic subset of the magisterial district courts' official case records. The MDJS does not capture copies or images of case records; it is essentially a database of court record information entered by the magisterial district courts. Access to information maintained in the MDJS is governed by the Electronic Records Policy, posted at <http://www.aopc.org/index/PublicAccessPolicy>. Section 3.10 of the Electronic Records Policy permits bulk requests. Thus, a requestor who wishes access to information captured in the official case records of the magisterial district courts that exceeds the limitation set forth above could receive case information recorded in the MDJS from the AOPC, as permitted under the Electronic Records Policy.

A court may wish to implement a practice whereby persons who regularly request information from the court do not need to complete a request form for each request, but may complete one form noting what information is generally requested.

§ 213.94. Responding to Requests for Access to Official Case Records of the Magisterial District Courts.

(a) As promptly as practicable but in no case longer than 5 business days after receipt of a request for access to the official case records of the magisterial district court, the court shall respond in one of the following manners:

(1) fulfill the request;

(2) notify the requestor in writing that the information requested is available upon payment of applicable fees and specify those fees;

(3) notify the requestor in writing that the request cannot be fulfilled because the requestor has not complied with the provisions of this policy and specify the areas of non-compliance;

(4) notify the requestor in writing that the information cannot be provided and specify the reasons why; or

(5) notify the requestor in writing that the request has been received and the expected date the information will be available. If the information will not be available within 30 business days, the court shall notify the district court administrator and the requestor simultaneously.

(b) If a court denies a request for access, a requestor may seek review of that determination within 10 business

production of the file may be delayed until a court staff member is available to sit with the requestor and monitor the use of the file. . . ."

days. The request for review shall be submitted in writing to the president judge of the judicial district or president judge's designee. The president judge or designee shall make a determination and forward it in writing to the requestor. This remedy need not be exhausted before other relief is sought.

COMMENTARY

Implementing the provisions of this policy should not unduly burden or impinge upon the business of the courts. The question addressed by this section is not whether there is to be access, but rather *how and when access should be afforded*.

There are two competing interests that must be addressed in this section. First, any requirements imposed upon courts regarding how and when they should respond to these requests must not interfere with the courts' ability to conduct their day-to-day operations, especially in light of the limited resources with which many courts have to function. Second, all requests should be handled by courts in a predictable, consistent, and timely manner statewide. This section strikes the appropriate balance between these two competing interests.

Subsection A(3) provides that if a requestor has failed to comply with this policy, then written notification to the requestor should set forth the specific areas of non-compliance. For example, a requestor may have failed to pay the appropriate fees associated with the request. Section 213.95 of this policy permits the establishment of reasonable fees for access.

Subsection A(4) requires that any written notification to the requestor stating that the information requested cannot be provided shall set forth the reason(s) for this determination. For example, the requested information may be restricted from access pursuant to legal authority (e.g., statute, court rule, etc.).

Under subsection A(5), the court shall specifically state in its written notification to the requestor the expected date that the information will be available. If the information will not be available within 30 business days, the court shall provide written notification to the requestor and the district court administrator at the same time. Possible reasons a court may need the additional period of time include:

- the request, particularly if for official case records of the magisterial district court in bulk, involves such voluminous amounts of information that the court may not be able to fulfill the same within the initial 5 business day period without substantially impeding the orderly conduct of the court;
- records in closed cases may be located at an off-site facility;
- records may be in use by a magisterial district judge or court staff; or
- the court is not able to determine if this policy permits the release of the requested information within the initial 5 business day period. Therefore, the court may require an additional period of time to conduct an administrative review of the request to make this determination.

§ 213.95. Fees.

(a) Reasonable fees may be imposed for providing the public with access to the official case records of the magisterial district courts pursuant to this policy.

(b) The president judge of each judicial district shall establish a fee schedule by local rule pursuant to Pa.R.J.A. No. 103. The fee schedule shall be publicly posted.

COMMENTARY

The objective of courts in responding to public access requests is not to make a profit; rather it is to foster the values of open court records without unduly burdening court resources. Put simply, fees should not be financial barriers to accessing case record information. Fees assessed by courts in satisfying public access requests must be reasonable, fair and affordable.

A public access request may be for information that is not readily available and requires staff intervention to fulfill the same. The staff time and other costs incurred by magisterial district courts in fulfilling a request should be passed on to the requestor. Clearly, absent the request, the court would not incur these costs.

The charging of fees in responding to public access requests is not novel. The *Public Access Policy of the Unified Judicial System of Pennsylvania: Magisterial District Court Records* provides that "[f]ee[s] for photocopying shall not exceed \$.50 per page." Moreover, the Right To Know Law ("RTKL") provides that fees may be charged by agencies in fulfilling RTKL requests. The fees must be reasonable and based on the prevailing fees for comparable services provided by local business entities, except for postage fees which must be the actual cost of postage.⁶ Further, it appears that many court systems charge a fee in responding to public access requests, including Arizona,⁷ Delaware,⁸ Florida,⁹ Idaho,¹⁰ Maryland,¹¹ Minnesota,¹² New Jersey,¹³ Utah,¹⁴ and Vermont.¹⁵

⁶ See 65 Pa.C.S. § 66.7. It is important to note that Act 3 of 2008 has substantially amended the RTKL, with the majority of the provisions taking effect on January 1, 2009. Section 1307 of Act 3 retained the fee provisions referenced above.

⁷ Arizona Rule 123 Public Access to the Judicial Records of the State of Arizona. Subsection (f)(3) provides different levels of fees for requestors for non-commercial purposes and commercial purposes. For non-commercial requestors "[i]f no fee is prescribed by statute, the custodian shall collect a per page fee based upon the reasonable cost of reproduction." See Rule 123(f)(3)(A). For commercial requestors, "the custodian shall collect a fee for the cost of: (i) obtaining the original or copies of the records and all redaction costs; and (ii) the time, equipment and staff used in producing such reproduction." See Rule 123(f)(3)(B)(i) and (ii).

⁸ Directive 80-021 (5th Supplement) "Policy Directive 80-021: Public Access to Judicial Records," p.5. "The person requesting the information shall bear the cost of complying with the request for information as determined by the court where the records are located." Copies set at \$.25 per page; Civil and Criminal/Traffic transcripts set at \$10.00 and \$7.00, respectively.

⁹ See FLA. J. ADMIN. R. 2.420(f)(3) and FLA. STAT. ANN. § 119.07 which appear to permit the charging for cost of duplication, labor and administrative overhead.

¹⁰ IDAHO ADMIN. R. 32(J)(6). "The cost to make a paper copy of any record filed in a case with the clerk of the district court shall be as specified in I.C. § 31-3201. The cost for any copying of any record shall be the actual cost as designated by the order of the Administrative District Judge."

¹¹ Maryland Rule of Procedure 16-1002(d)(1)-(4) provides that "Reasonable fees means a fee that bears a reasonable relationship to the actual or estimated costs incurred or likely to be incurred in providing the requested access. Unless otherwise expressly permitted by these Rules, a custodian may not charge a fee for providing access to a court record that can be made available for inspection, in paper form or by electronic access, with the expenditure of less than two hours of effort by the custodian or other judicial employee. A custodian may charge a reasonable fee if two hours or more of effort is required to provide the requested access. The custodian may charge a reasonable fee for making or supervising the making of a copy or printout of a court record."

¹² MN ST ACCESS TO REC RULE 8(6) (WEST 2006). "When copies are requested, the custodian may charge the copy fee established by statute but, unless permitted by statute, the custodian shall not require a person to pay a fee to inspect a record. When a request involves any person's receipt of copies of publicly accessible information that has commercial value and is an entire formula, pattern, compilation, program, device, method, technique, process, data base, or system developed with a significant expenditure of public funds by the judicial branch, the custodian may charge a reasonable fee for the information in addition to costs of making, certifying, and compiling the copies."

¹³ Directive #15-05 "Judiciary Open Records: Policies and Procedures for Access to Case-Related Court Records—Staff Guidelines", p. 2. "The fees that the Judiciary is permitted to charge for copying costs are set by statute; those fees should always be collected, even if the requestor is seeking a copy of just a one page record."

¹⁴ UTAH J. ADMIN. R. 4-202.08 establishes a uniform fee schedule for requests for records, information, and services.

¹⁵ 1 VT. STAT. ANN. § 316(b)-(d) and (f) provide that if any cost is assessed it is based upon the actual cost of copying, mailing, transmitting, or providing the document.

Subsection B requires the president judge of each judicial district to establish a fee schedule by local rule which would necessitate providing a copy of the same to the AOPC. *See* Pa.R.J.A. 103 regarding the procedure for adoption, filing and publishing a local rule.

While fees may vary depending upon the request and particular resources of a court, it is envisioned that access fees will be uniform, to every extent possible, across the judicial districts.

The president judge may wish to implement a policy that requires pre-payment for requests wherein the fees are expected to be in excess of \$100. Such a policy would be consistent with the RTKL¹⁶ as well as Pa.R.J.A. No. 509(d)(2).

§ 213.96. Official Case Records of the Magisterial District Courts Not Accessible by the Public.

(a) The following items or information residing in the official case records of the magisterial district courts are not accessible to the public:

- (1) Forms filed pursuant to § 213.97 of this policy;
- (2) Information sealed pursuant to an order by a common pleas or appellate court;
- (3) Information to which access is restricted by federal law, state law, or state court rule; and
- (4) Notes, drafts, and work product of the magisterial district court.

(b) With the approval of the Chief Justice of Pennsylvania, the Court Administrator of Pennsylvania may determine that additional information in the official case records of the magisterial district courts is not accessible by the public because it presents a risk to personal security, personal privacy, or the fair, impartial and orderly administration of justice.

COMMENTARY

Examples of information that are not accessible to the public pursuant to Subsection A include:

- (a) Identities of child victims of sexual or physical abuse (*See* 42 Pa.C.S. § 5988).
- (b) Executed search warrants and affidavits that are sealed (*See* Pa.R.Crim.P. 211 and *PG Publishing Company v. Commonwealth*, 614 A.2d 1106 (Pa. 1992)).
- (c) Executed arrest warrants and affidavits that are sealed (*See Commonwealth v. Fenstermaker*, 530 A.2d 414 (Pa. 1987)).
- (d) Documents that are not filed or required to be filed with the magisterial district court—e.g. investigative records under the control of law enforcement and prosecutor, are not public judicial documents to which access may be permitted. *Commonwealth v. Espola*, 9 Pa.D&C 4th 12 (Pa. Com. Pl. 1990)

Subsection B acknowledges that it is difficult to anticipate every possible occurrence that might impact upon public access, whether related to technology, administration, security or privacy, after implementation of this policy. Moreover, resolution of issues that may have statewide impact need to be accomplished in a timely and coordinated fashion.

By way of example, law enforcement and court personnel raised security concerns with the AOPC almost two years ago concerning the electronic release of MDJS criminal court data prior to the execution of active arrest

warrants that jeopardized the safety of police officers and potentially impeded the administration of justice. The Court Administrator reviewed the specific concerns and quickly took action to remedy the situation by instituting a 30-day hold on release of the electronic data. While this example did not involve access to paper court records, it illustrates that in a judicial system as vast as Pennsylvania's it is important that such measures can be taken in an effective manner without delay. This provision is also contained in Section 3.00(m) of the Electronic Records Policy.

It is important to note that other state court systems' policies and rules have similarly provided for the need to promptly address unanticipated privacy and security concerns. *See Massachusetts' Policy Statement by the Justices of the Supreme Judicial Court Concerning Publications of Court Case Information on the Web* (May 2003), p. 3. Moreover, the RTKL provides that the definition of "public records" does not include "a record the disclosure of which . . . would be reasonably likely to result in a substantial and demonstrable risk of physical harm or the personal security of an individual."¹⁷

§ 213.97. Confidential Information in Pleadings or Other Papers Filed with Magisterial District Courts.

(a) Unless otherwise required by law or requested by the court, parties and their attorneys are directed to refrain from including, in all documents filed with the court, including exhibits attached thereto, any of the following information:

- (1) social security numbers; and
- (2) financial institution account numbers, credit card numbers, PINS or passwords to secure accounts.

(b) The parties and their attorneys are solely responsible for complying with the provisions in subsection A. The court staff will not review any document for compliance with subsection A.

(c) If a party is required by law or requested by the court to include any of the information set forth in subsection A, the information shall be filed on a separate form prescribed by the Administrative Office of Pennsylvania Courts. This form shall not be accessible to the public.

COMMENTARY

The rise in the occurrence of the crime of identity theft and the availability of sensitive information in the official case records of the magisterial district court records has prompted significant concerns and questions. Should sensitive information be recorded in documents filed with the court? Should sensitive information be accessible to the public? Is this information necessary for the courts to function effectively?

As court records are increasingly made available online, the judiciary should be proactive in the review of its forms and procedures to eliminate, to the extent feasible, the inclusion of sensitive information—specifically, social security numbers and financial account numbers—in publicly filed court documents.¹⁸ However, removal of this information from the official case records of the magisterial district courts is no simple task. Various resolutions to this issue were considered ranging from prohibiting

¹⁷ Act 3 of 2008, Section 708(b)(1)(ii).

¹⁸ *See, e.g.*, Lehigh County Rule of Civil Procedure 205.2(a)(12) and Bucks County Civil Division Administrative Order No. 6, Paragraph 10 (prohibiting inclusion of social security numbers in documents to be filed with the court). Also, the 2008 Traffic Citation form for Philadelphia Traffic Court has been amended to remove the social security number field.

¹⁶ *See* 65 P.S. § 66.7(h) and in Act 3 of 2008 the same provision is found in Section 1307(h).

litigants from recording this information on documents filed with the courts to requiring court staff to redact this information from court documents before providing access.

Most of the forms that are found within the official case records of the magisterial district courts are statewide forms that are generated from the MDJS. There are 149 forms generated by the MDJS for use by litigants, the courts, and other governmental entities in Pennsylvania (including PennDOT, State Police, Department of Welfare, Department of Health, Pennsylvania Commission on Crime and Delinquency). Approximately 18 MDJS forms and/or citations include fields for the entry of full social security numbers, including the Non-Traffic Citation, Criminal Complaint and those related to the suspension and/or revocation of a defendant's driver's license. In the civil, criminal and landlord-tenant context, the forms may also provide "narrative" sections where the affiant/litigant may include sensitive information, such as social security numbers.

While § 213.97 focuses on the exclusion of specified sensitive information by a party when filing documents with the court, particularly in the narrative sections described above, *it is recommended that fields for social security and financial account numbers on MDJS forms be removed entirely*, especially if that information is extraneous to the court's adjudication of the case or if collection of the information is not otherwise required by law. Quite simply, if the information is not collected in the first place, concerns regarding personal privacy and security can be avoided.

Alternative solutions to full removal of these sensitive identifiers exist, aside from the procedures outlined in § 213.97, assuming that the collection of this information by the courts is necessary to conducting its business or required by law. Under those circumstances, it may be advisable to simply require the truncation of social security and financial account numbers to the last four digits on the forms. Truncating the numbers would require the revision of the forms to only provide space for four digits. Another option may be to add a "public inspection copy" to the forms. For example, the non-traffic citation is a multi-page form. An additional sheet could be added to the citation form to "black out" the display of the defendant's social security number. This page along with the court's usual copy would be filed with the court. Upon receipt of a request for access, court staff would provide only the "public inspection copy" to the requestor.

In addition to the approaches listed above, it is recommended that § 213.97 be adopted. Section 213.97 provides that if the full social security number or financial account information is required, parties or their attorneys should file this information on a separate form. This form shall not be accessible to the public.

This approach of using a separate form is not unique. Arizona,¹⁹ California,²⁰ Kansas,²¹ Minnesota,²² and

¹⁹ Rule 43(g) of the Rules of Family Law Procedure restricting the inclusion social security numbers, bank account numbers, credit card numbers and other financial account information.

²⁰ Rule 1.20 of the California Rules of Court amended to permit the inclusion of only the last four digits of social security and financial account numbers, effective January 1, 2008, in documents filed with the courts. A form entitled Reference List of Identifiers (form MC-120) was adopted to carry out the purposes of Rule 1.20.

²¹ Kansas Rules Relating to District Courts Rule 123 (Rule Requiring Use of Cover Sheets and Privacy Policy Regarding Use of Personal Identifiers in Pleading). The Rule provides that in divorce, child custody, child support or maintenance cases, a party must enter certain information only on the cover sheet which is not accessible to the public. Specifically, a party's or party's child's SSN and date of birth must be entered on the cover sheet only. Moreover, the Rule provides that unless required by law, attorneys and parties shall not include SSNs in pleadings filed with the court (if must be included use last four digits), dates of birth (if must be included use year of birth), and financial account numbers (if must be included use last four digits).

Washington²³ already use a similar procedure/form. In addition, in response to the Judicial Conference Policy on Privacy and Electronic Access to Case Files and E-Government Act of 2002, federal courts have adopted local rules to protect sensitive information in court records. For example, the United States District Court for the Middle District of Pennsylvania issued standing order 04-5 "In Re: Notice of Electronic Availability of Case File Information" which provides in part that

"You should not include sensitive information in any civil case document filed with the Court unless such inclusion is necessary and relevant to the case. You shall not include sensitive information in any *criminal* case document filed with the Court . . . The following personal data identifiers must be partially redacted from the document in a civil or criminal case (except a Social Security case), whether it is filed traditionally or electronically: Social Security numbers to the last four digits; financial account numbers to the last four digits. . . ."²⁴

Parties and their attorneys are responsible for removing all social security numbers and financial information from the documents before the documents are filed with the court. Subsection B specifically provides that courts shall not review each pleading or other paper for compliance with this section. Although courts may incur some additional administrative responsibilities in handling the forms under subsection C, it is not believed the burden of processing the same will be substantial. The burden is appropriately placed on the parties and their attorneys, rather than court staff, to eliminate the identifiers.

In developing the list of identifiers in Subsection A that must be excluded, consideration was also given to including operator license numbers, dates of birth, and names of minor children. While some other jurisdictions have included such identifiers, it was concluded that the proposed policy should require the exclusion of only two identifiers, because the benefits of continuing to include such additional information in court documents in terms of adjudication and administration outweigh any additional privacy protections gained.

The restriction on access to social security numbers has been the focus of recently adopted legislation by the Pennsylvania General Assembly. Act 60 of 2006 prohibits *inter alia* the public posting or display of an individual's social security number. See 74 P.S. § 201. In addition, Act 3 of 2008 which rewrote the RTKL exempts social security numbers, financial information and personal identification numbers from access requirements.

It is noteworthy to mention that consideration was given to requiring court staff to redact social security numbers and financial account numbers from court records before permitting access. If such a policy was enacted, each document that is contained in the court's paper file would have to be carefully scrutinized and possibly redacted pursuant to the policy provision before it could be released to the public. Depending on individual court resources, such a policy may cause delays in fulfilling public access requests to official case records of the magisterial district courts, result in the inadvertent release of non-public information, or impede the business

²² Minnesota General Rules of Practice for the District Courts, Rule 11.02, restricting the inclusion of the following identifiers: social security numbers, employer identification numbers, and financial account numbers of a party or person.

²³ WASH. CT. GR. 22 (2006). Please note that this rule only applies to family law and guardianship court records.

²⁴ The United States District Court for the Eastern District of Pennsylvania has similar provisions in Local Civil Rule 5.1.3 and Local Criminal Rule 53.2. And the United States District Court for the Western District of Pennsylvania has a similar provision in Local Civil Rule 5.1.1.

of the court. For these reasons, redaction is not viewed as a viable solution for removal of the specified sensitive identifiers.

The implementation of this policy should be prospective (i.e., only applicable to official case records of the magisterial district courts that are filed on or after the date of implementation). It is strongly recommended that the provisions of § 213.97 be cross-referenced in the applicable Rules of Civil Procedure Governing the Actions and Procedures Before Magisterial District Judges as well as the Rules of Criminal Procedure, so that litigants and counsel are put on notice regarding these new filing requirements.

[Pa.B. Doc. No. 08-555. Filed for public inspection March 28, 2008, 9:00 a.m.]

Title 207—JUDICIAL CONDUCT

PART II. CONDUCT STANDARDS [207 PA. CODE CH. 33]

Amendment of Canon 7 B(1)(c) of the Code of Judicial Conduct; No. 317 Judicial Administration Doc. No. 1

Order

Per Curiam:

And Now, this 17th day of March, 2008, Canon 7 B(1)(c) of the Code of Judicial Conduct is amended to read as follows.

To the extent that prior distribution and publication of this amendment would otherwise be required, it has been determined that immediate promulgation of the amendment is required in the interest of justice and efficient administration.

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

Annex A

TITLE 207. JUDICIAL CONDUCT PART II. CONDUCT STANDARDS CHAPTER 33. CODE OF JUDICIAL CONDUCT Subchapter A. CANONS

* * * * *

Canon 7. Judges should refrain from political activity inappropriate to their judicial office.

* * * * *

B. Campaign conduct.

(1) Candidates, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

* * * * *

(c) should 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.

* * * * *

[Pa.B. Doc. No. 08-556. Filed for public inspection March 28, 2008, 9:00 a.m.]

PART II. CONDUCT STANDARDS [207 PA. CODE CH. 61]

Amendment to Rule 7 of the Rules Governing the Conduct of Members of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

And Now, this 18th day of March, 2008, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted amendments to Rule 7 of the Rules Governing the Conduct of Members of the Court of Judicial Discipline, as more specifically hereinafter set forth, *It Is Hereby Ordered:*

That Rule 7 shall become effective immediately.

WILLIAM H. LAMB,
President Judge

Annex A

TITLE 207. JUDICIAL CONDUCT PART II. CONDUCT STANDARDS

CHAPTER 61. RULES GOVERNING THE CONDUCT OF MEMBERS OF THE COURT OF JUDICIAL DISCIPLINE

Rule 7. Political Activity.

* * * * *

C. Non-judicial members of the Court shall not hold office in any political party or political organization during the member's term of service.

(1) Non-judicial members should not act in any capacity in any political organization of a candidate for judicial office or judicial appointment.

(2) Non-judicial members should not publicly endorse a candidate for judicial office or judicial appointment and should not solicit or contribute funds for a candidate for judicial office.

[Pa.B. Doc. No. 08-557. Filed for public inspection March 28, 2008, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 17]

Proposed Amendment to Rule 1736

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 1736. The amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is in bold while deleted material is bracketed.

All communications in reference to the proposed amendment should be sent no later than April 28, 2008 to:

Dean R. Phillips, Chief Counsel
D. Alicia Hickok, Deputy Counsel
Scot Withers, Deputy Counsel
Appellate Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055
or Fax to
717-795-2116
or E-Mail to
appellaterules@pacourts.us

*By the Appellate Court
Procedural Rules Committee*

HONORABLE JANE CUTLER GREENSPAN,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 17. EFFECT OF APPEALS; SUPERSEDEAS AND STAYS

STAY OR INJUNCTION IN CIVIL MATTERS

Rule 1736. Exemption from Security.

(a) *General rule.*—No security shall be required of:

* * * * *

(b) *Supersedeas automatic.*—Unless otherwise ordered pursuant to this chapter the taking of an appeal by any party specified in Subdivision (a) of this rule shall operate as a *supersedeas* in favor of such party, **which *supersedeas* shall continue through any proceedings in the United States Supreme Court.**

Official Note: This rule is self-executing, and a party entitled to its benefits is not required to bring the exemption to the attention of the court under Rule 1732 (application for stay or injunction pending appeal). However, the appellee may apply under Rule 1732 for elimination or other modification of the automatic *supersedeas* or under Rule 1737 (objections to security) for an order requiring security as a condition to the continuance of the stay, or for relief under any other applicable provision of this chapter.

The 1987 amendment eliminates the automatic *supersedeas* for political subdivisions on appeals from the common pleas court where that court has affirmed an arbitration award in a grievance or similar personnel matter.

Explanatory Comment—2008

The definition of “Appeal” in Pa.R.A.P. 102 does not reference proceedings in the United States Supreme Court. Rule 102 further defines “Determination” as “Action or inaction by a government unit which action or inaction is subject to judicial review by a court under Section 9 of Article V of the Constitution of Pennsylvania or otherwise.” While the word “otherwise” could be read broadly to include the United States Supreme Court, the more specific reference to the Pennsylvania Constitution as limiting the scope of the term suggests that the

Federal Courts are not part of the definition when “court” is used in the Rules. In light of this ambiguity, the Rule has been amended to make clear that the automatic *supersedeas* in subsection (b) continues through any proceedings in the United States Supreme Court.

[Pa.B. Doc. No. 08-558. Filed for public inspection March 28, 2008, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 21]

Proposed Amendment to Rule 2116

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 2116. The amendments are being submitted to the bench and bar for comments and suggestions prior to their submission to the Supreme Court.

Proposed new material is in bold while deleted material is bracketed.

All communications in reference to the proposed amendment should be sent no later than April 28, 2008 to:

Dean R. Phillips, Chief Counsel
D. Alicia Hickok, Deputy Counsel
Scot Withers, Deputy Counsel
Appellate Court Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, PA 17055

or Fax to
717-795-2116

or E-Mail to
appellaterules@pacourts.us

An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court
Procedural Rules Committee*

HONORABLE JANE CUTLER GREENSPAN,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2116. Statement of Questions Involved.

(a) *General rule.*—The statement of the questions involved must [state the question or questions in the briefest and most general terms, without names, dates, amounts or particulate of any kind] set forth concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. The statement shall be no more than two pages and will be deemed to include every subsidiary question fairly comprised therein. [It

should not ordinarily exceed 15 lines, must never exceed one page, and must always be on a separate page, without any other matter appearing thereon. This rule is to be considered in the highest degree mandatory, admitting of no exception; ordinarily no point] Mno question will be considered [which] unless it is [not] set forth in the statement of questions involved or is fairly suggested thereby. [Whenever possible each] Each question [must] shall be followed [immediately] by an answer stating simply whether [it was affirmed, negated, qualified or not answered by the court or government unit below] the court or government unit agreed, disagreed, did not answer, or did not address the question. If a qualified answer was given to the question, appellant shall indicate [, most briefly] the nature of the qualification, or if the question was not answered or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below .

* * * * *

Note: The 2008 amendments are intended to reinforce the importance placed upon a party's statement of a limited number of concise questions that enable the Court to understand the nature of the legal issue, and in a general way what points it will be called on to decide. Thus, a party should incorporate the pertinent terms and circumstances of the case, but without details such as names, dates, amounts or particulars that are irrelevant to the resolution of the issues presented to the Court.

Previously, some practitioners violated Pa.R.A.P. 124 to avoid the 15-line and one page restrictions of Pa.R.A.P. 2116 by adjusting fonts, spacing, and margins. Appellate courts may find issues to be waived when they are not set forth in compliance with the Rules of Appellate Procedure. The increase from one to two pages should provide ample space for most parties to articulate their questions in an informative yet concise manner. A party requiring more than two pages for a statement of questions should file an application under Pa.R.A.P. 123 asking for extra pages, explaining why additional pages are needed, and attaching the proposed questions to the application. *See* Pa.R.A.P. 105.

The current language of the Rule is consistent with the standard set forth in Pa.R.A.P. 1115(a)(3) for questions presented for review in a Petition for Allowance of Appeal to the Supreme Court.

Explanatory Comment

The Appellate Procedural Rules Committee is publishing for comment proposed revisions to Pa.R.A.P. 2116. Although other rules, such as Pa.R.A.P. 2118, also have page limits, the Committee did not perceive an impetus to change those rules at this time. Recent opinions reveal a frustration with Pa.R.A.P. 2116 by both the bench and the bar.

For example, in *Commonwealth v. duPont*, 860 A.2d 525, 530 (Pa. Super. 2004), appellant filed a Statement of Questions that was in "italicized type of smaller size, with narrower line spacing and margins than the rest of the brief" to comply with the single-page requirement.

At the same time, although there are several opinions in which the Superior Court alludes to the fact that Pa.R.A.P. 2116 is "in the highest degree mandatory," panels of the court have been inconsistent in response to violations. In cases such as *In re S. A.*, 925 A.2d 838, 841 n.6 (Pa. Super. 2007), the Superior Court has refused to address issues that carried over to the second page; *see also Commonwealth v. Jaroweki*, 923 A.2d 425, 427-28 (Pa. Super. 2007); *Commonwealth v. Andrulewicz*, 911 A.2d 162, 165 n.7 (Pa. Super. 2006).

On the other hand, in cases such as *Universal Underwriters Ins. Co. v. A. Richard Kacin, Inc.*, 916 A.2d 686, 689 n.6 (Pa. Super. 2007), the Superior Court recited the violation but did not impose consequences upon the appellant for violating the rule; *see also Burgoyne v. Pinecrest Cmty. Ass'n*, 924 A.2d 675, 679 n.2 (Pa. Super. 2007); *Commonwealth v. Bell*, 901 A.2d 1033, 1034 (Pa. Super. 2006) (where Statement of Questions Involved was omitted entirely). In a few instances—where there were violations of multiple rules—the court refused review altogether. *See, e.g., Karn v. Quick & Reilly*, 912 A.2d 329, 336-37 (Pa. Super. 2006), *allowance of appeal denied*, 931 A.2d 659 (Pa. 2007); *Branch Banking & Trust v. Gesiorski*, 904 A.2d 939, 942 (Pa. Super. 2006).

It appears, therefore, that the standard of the rule as enforced may better be viewed as whether the appellant's conduct has impeded meaningful appellate review. Accordingly, the Committee proposes revising Pa.R.A.P. 2116 to remove "in the highest degree mandatory" and to substitute "two pages" for "15 lines . . . never exceed[ing] one page."

This Recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court for adoption. Proposed new material is in bold, while bold bracketed material is deleted.

[Pa.B. Doc. No. 08-559. Filed for public inspection March 28, 2008, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1920]

Amendment of Rule 1910.21 Governing Support Order; Enforcement; Withholding of Income; Proposed Recommendation 94

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

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

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, May 16, 2008 directed to:

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

By the Domestic Relations Procedural Rules Committee
 NANCY P. WALLITSCH, ESQUIRE,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.21. Support Order. Enforcement. Withholding of Income.

* * * * *

(c) *Order for Withholding.* * * *

* * * * *

(f) *Income Withholding When the Obligor Defaults on Support Order.*

(1) When an obligor is subject to an order for income withholding and payment is made by the employer within 15 days from the date upon which the obligor's obligation would be considered overdue (i.e. the date upon which delinquent support is equal to one month's support obligation), the payment shall be considered timely and any past due support shall not be converted to overdue support or subject to automated enforcement mechanisms.

(2) When nonpayment of the support order by the obligor causes overdue support to accrue, the court may increase the order for income withholding until the overdue support is paid in full. The court may also direct the employer to withhold any periodic or lump sum distributions of income which may be payable to the obligor in addition to regular income until further order of court.

* * * * *

Explanatory Comment—2000

1. Rule 1910.21 continues to implement the requirements of mandatory income withholding under 23 Pa.C.S. § 4348(b) in all support cases except those in which there is no overdue support and either the parties agree to an alternative arrangement or the court finds good cause for not requiring such withholding. Consistent with Act 1997-58, advance notice to the obligor is no longer required before the court may issue an order for income withholding. Notice is now provided concurrently with issuance of the order to the obligor's employer under subdivision (e).

2. This rule continues to apply to the withholding of "income," not merely wages. Income is broadly defined in 23 Pa.C.S. § 4302 as including "compensation for services, including, but not limited to, wages, salaries, bonuses, fees, compensation in kind, commissions and similar items; income derived from business; gains derived from dealings in

property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; all forms of retirement; pensions; income from discharge of indebtedness; distributive share of partnership gross income; income with respect of a decedent; income from an interest in an estate or trust; military retirement benefits; railroad employment retirement benefits; social security benefits; temporary and permanent disability benefits; worker's compensation; unemployment compensation; other entitlements to money or lump sum awards, without regard to source, including lottery winnings, income tax refunds, insurance compensation or settlements; awards or verdicts; and any form of payment due to and collectible by an individual regardless of source."

The Consumer Credit Protection Act, 15 U.S.C. § 1673, sets forth the limitations on monetary withholding. It is important to note, however, that these federal limitations apply only to an obligor's wages or earnings, as those terms are defined in the Consumer Credit Protection Act, and do not apply to any additional forms of income set forth in 23 Pa.C.S. § 4302.

3. The term "employer" is broadly defined in 23 Pa.C.S. § 4302 as including an individual, partnership, association, corporation, trust, federal agency, commonwealth agency or political subdivision paying or obligated to pay income.

4. Subdivision (c) requires all orders for income withholding to include a provision directing the employer to withhold any income which may be payable to the obligor at the end of the employment relationship. This provision contemplates forms of income payable to obligor "in lieu of" regular income as a direct result of the end of the employment relationship—e.g., lump-sum commutations of workers' compensation benefits, severance pay, golden parachutes, or any form of income payable in lieu of the regular stream of income which had been used during the course of employment to secure the monthly support obligation.

5. Subdivision (f) differs in scope and purpose from subdivision (c). Subdivision (f) applies only in cases involving overdue support, and permits the court to increase the rate of income withholding until the overdue support is paid in full. It also allows the court to order the employer to withhold all forms of income which may be owing and payable to the obligor "in addition to" regular income—e.g., bonuses, proceeds from the exercise of stock options or any other kinds of income which are periodically payable during the course of employment.

6. Subdivision (g) incorporates former Rule 1910.22(e) relating to income withholding for multiple support obligations. The provision is amended only to establish the priority of collecting child support before spousal support in cases where the maximum amount of income which can be withheld under the Consumer Credit Protection Act is not sufficient to cover all of the obligor's support obligations in full. In those cases, the income must be allocated first to meet all of the obligor's child support obligations before it may be used to satisfy any of the obligor's spousal support obligations. The portion of the obligation which cannot be

satisfied through income withholding will have to be collected through other available means of enforcement.

Explanatory Comment—2008

New subdivision 1910.21(f)(1) is intended to address circumstances in which an employer timely withholds income from an obligor pursuant to an income withholding order, but a delay occurs in receipt of the funds by the State Collection and Disbursement Unit. In those cases, it would be inappropriate to consider the obligor's payment as untimely and convert past due support to overdue support because an obligor subject to an income withholding order has no control over the timing of the transmission of the funds from the employer. This new rule addresses solely timing issues by providing a 15-day grace period. It does not apply to obligors who are not subject to an order for income withholding.

[Pa.B. Doc. No. 08-560. Filed for public inspection March 28, 2008, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BLAIR COUNTY

Repeal and Adoption of Local Rules; No. 2008 GN
1148

Order

And Now, this 22nd day of February, 2008, it is hereby Ordered and Decreed that the following Blair County Local Rules are amended as follows:

1. B.C.L.R. 76, 205.2(b), 206.4(c), 208.3(a), 208.3(b), 210.1, 211, 216, 229, 275, 310, 320, 325, 330, 350, 360, 365, 375, 1028(c), 1034(a), 1035.2(a), 1301, 1302(A), 1303, 1304, 1305, 1308, and 1400 as implemented between February 28, 1998 and May 23, 2005, are repealed;

2. B.C.L.R. 76, 205.2(b), 206.4(c), 208.3(a), 208.3(b), 216, 365, 1028(c), 1034(a), 1035.2(a), 1301, 1303, 1304, and 1308 are amended as reflected in the following rules;

3. New B.C.L.R. 208.2(c), 229, 230.2, 300, 301, 302, 303, and 1301-1 are adopted as reflected in the following rules;

4. Pursuant to Pa.R.Civ.P. 239(c) and 239.8(b)—(d) (as amended June 30, 2004), the following Local Rules shall be disseminated and published as follows:

a. Seven certified copies of the Local Rules shall be filed with the Administrative Office of the Pennsylvania Courts;

b. Two certified copies of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One certified copy of the Local Rules and a computer diskette containing the text of the Local Rules in MS-DOS, ASCII, Microsoft Word, or WordPerfect format and labeled with the court's name and address and computer

file name shall be filed with the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of the Pennsylvania Courts (AOPC) for publication on the AOPC web site;

d. The Local Rules shall be kept continuously available for public inspection and copying in the Office of the Clerk of Judicial Records, Civil Division, and upon request and payment of reasonable costs of reproduction and/or mailing the Clerk of Judicial Records shall furnish to any person a copy of the requested Local Rule(s);

e. A computer diskette containing the text of the attached Local Rules in either MS-DOS, ACSII, Microsoft Word or WordPerfect format and labeled with the court's name and address and computer file name shall be distributed to the Blair County Bar Association;

f. The attached repeals, amendments, and new adoptions to Local Rules 76, 210.1, 211, 216, 216.1, 229.1, 230.2, 275, 300, 302, 303, 310, 320, 325, 330, 350, 360, 365, 375, 1301, 1301-1, 1302 (A), 1303, 1304, 1305, 1308, and 1400 shall be effective thirty (30) days after the date of their publication in the *Pennsylvania Bulletin* as per Pa.R.Civ.P. 239(d); and

g. The following repeals, amendments, and new adoptions to Local Rules 205.2(b), 206.4(c), 208.2(c), 208.3(a), 208.3(b), 1028(c), 1034(a), 1035.2(a) shall become effective upon publication on the web site of the Administrative Office of the Pennsylvania Courts pursuant to Pa.R.Civ.P. 239.8(d).

By the Court

JOLENE GRUBB KOPRIVA,
President Judge

RULE 76 Definitions

Blair County Bar Association Mediation Program—An alternative dispute resolution tool which utilizes the time and skills of several experienced members of the Blair County Bar who act as neutral mediators. This program provides the parties with an opportunity to expand and develop areas of agreement which can resolve their dispute at considerable savings of financial and human resources to everyone involved. Submission of cases to the Blair County Bar Association Mediation Program is voluntary, unless ordered otherwise.

Blair County Local Rules—These rules apply to any civil matter of business coming before this Court, unless designated otherwise. They shall be cited as B.C.L.R.

Notice of Argument/Hearing—An Order of Court setting a date, time and location for hearing on a petition or motion requiring a decision of Court. See B.C.L.R. 301.

Pretrial Conference—A conference among counsel, the Court and such other persons as directed to be present or permitted to attend by the judge. The purpose shall be to discuss the posture of the case, including settlement, in an effort to prepare the case for trial. A formal narrative is required for this conference. See Pa.R.Civ.P. 212.2—212.3.

Settlement Conference/Judicial Mediation—A meeting among counsel, litigants, the Court and other such persons as directed by the judge to be present in person for the purpose of resolving the action. This meeting shall be attended in person unless excused by the judge. All persons with settlement authority shall be required to attend unless specifically excused by the Court.

Status Conference—A conference among counsel and a court representative to take place early in the litigation or at any other point the Court deems necessary to move the case toward resolution. No pretrial narratives are necessary. Counsel should be prepared to discuss the present status of the lawsuit, appropriate time limits for discovery, and the possible use of alternative dispute resolution. The Court may set discovery deadlines at this time and may schedule a formal pretrial. See B.C.L.R. 300.

Summary Jury Trial—A form of alternative dispute resolution to be scheduled upon request of the parties and/or at the discretion of the Court. The purpose of the summary jury trial is to provide an expedited proceeding which promotes settlement. The attendance of the parties with authority to settle, including insurance adjuster, is mandatory. See B.C.L.R. 302.

RULE 205.2(b) Cover Page

(1) For the initial pleading in any civil action, the pleading shall be accompanied by a completed Court of Common Pleas of Blair County Civil Cover Sheet to be attached to the first page of the pleading. The Court of Common Pleas of Blair County Civil Cover Sheet, as set forth below, shall be available to the parties at the Office of the Prothonotary of Blair County.

(2) All other pleadings and entries of appearance filed in any matter shall be accompanied by an identification cover page which should be attached to the first page of pleading and which will be structured to indicate:

- (a) Full case caption;
- (b) Realm of the court to which the matter is to be sent, i.e. civil, criminal, family, orphans, juvenile, or miscellaneous;
- (c) Title of the pleading or indication of entry of appearance;
- (d) Name of the assigned or presiding judge, if applicable;
- (e) Civil court code number, if applicable, as assigned on the Court of Common Pleas of Blair County Civil Cover Sheet in the initial pleading;
- (f) Indication whether the matter is a subject for arbitration (“ARB”);
- (g) Indication of the party for whom the pleading is filed. If there is no attorney involved, the name, address, and telephone number of the party or parties is required;
- (h) Name, Supreme Court identification number, law firm name, if applicable, address, and telephone number of filing attorney as well as the names of counsel and law firms representing other parties with indication of the party represented;
- (i) Identification Cover Pages shall include the caption for the case, the type of court, the title of the pleading, the name of the presiding judge, an identification of the moving or pleading party and their attorney, and an identification of the opposing party and their attorney. Other than the information contained in the caption, the cover page should be justified to the right side of the page in substantially the following form:

Court of Common Pleas of Blair County
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
PLAINTIFF'S NAME		DEFENDANT'S NAME
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS	TOTAL NUMBER OF DEFENDANTS	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Petition Action <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Other Jurisdiction
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000 or less <input type="checkbox"/> More than \$50,000 <input type="checkbox"/> Not Applicable		JURY TRIAL DEMANDED? ARBITRATION CASE (\$0 - \$50,000) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

NATURE OF THE CASE: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE. If you are making more than one type of claim, check the one that involves the largest amount of damages or the one you consider most important.

WRIT/MISCELLANEOUS

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- Complaint Miscellaneous 101
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- Petition for Name Change 105

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- Credit Card/Consumer Credit 306
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- Assault/Battery 202
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- Board of Assessment Appeal 501
- Zoning/and Use Appeal 502

RELATED PENDING CASES (List by Case Caption and Case Number – Indicate Whether the Related Cases Have Been Consolidated)

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: (or Pro Se Litigant)
 Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT)		SUPREME COURT IDENTIFICATION NO.	ADDRESS
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS	
SIGNATURE			DATE

RULE 206.4(c) Rule To Show Cause

(1) We hereby adopt Pa.R.Civ.P. 206.5 as local procedure for rules to show cause.

(2) A petitioner seeking the issuance of a rule to show cause shall attach to the petition a proposed order in the form prescribed in subdivision (6) and give notice to all other parties of the intention to request the court to issue the rule.

(3) If the petition is within the scope of Rule 206.1(a), is properly pleaded, and states prima facie grounds for relief, the court shall enter an order issuing a rule to show cause and may grant a stay of proceedings.

(4) Argument/hearing shall be scheduled in front of the judge to whom the case is assigned for a date certain after the deadline for filing the answer. It is within the discretion of the presiding judge to determine whether the matter can be decided on briefs alone.

(5) Briefs addressing whether a rule to show cause should issue shall be filed according to the briefing schedule ordered by the presiding judge at the conclusion of the evidentiary hearing. If the Court declines to hold an evidentiary hearing, the Court shall provide a briefing schedule in the order issuing the rule.

(6) The form of order required by subdivision (2) shall be substantially in the following form:

(CAPTION)

ORDER

AND NOW, this ____ day of _____, _____, upon consideration of the foregoing petition, it is hereby ordered that

(1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

(2) the respondent shall file an answer to the petition within twenty (20) days of this date;

(3) the petition shall be decided under Pa.R.Civ.P. No. 206.7.

(4) an evidentiary hearing on disputed issues of material fact shall be held on the ____ day of _____, ____ in Courtroom ____ of the Blair County Courthouse.

(5) notice of entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

_____ J.

RULE 208.2(c) Content of Motions

Any motion or petition based upon a statute or rule of court shall cite the specific statute or rule which authorizes the requested relief. See Pa.R.Civ.P. 239.3(a).

RULE 208.3(a) Presentation of Motions and Petitions

(1) All motions and petitions requesting an Order of Court shall be filed with the Prothonotary's Office, which shall forward the motion or petition to the Court Administrator's Office for further processing.

(a) **Exceptions:** The following motions or petitions shall be filed directly with the Court Administrator's Office, which will forward them to the appropriate judge:

(i) Motions for Continuance, except with respect to juvenile and domestic matters. B.L.C.R. 216.1.

(ii) Petitions for Court approval of stipulations or agreements.

(iii) Notice of Argument/Hearing, or agreed upon Order, may be presented to the Court Administrator's designee immediately prior to the beginning of Motions Court. The Court Administrator's designee will then assign a date and time and will submit the Notice of Argument/Hearing or Order for the judge to execute said Order without counsel being present. B.C.L.R. 301.

(b) Counsel shall always prepare and submit with any motion or petition a proposed order granting the requested relief.

(c) The movant and respondent shall serve copies of their respective filings upon the opposing party at the time such filings are promptly time-stamped with the Prothonotary's Office in order to afford opposing party immediate notice of the filing. After receiving a date for hearing, the movant shall inform the opposing party of the date and time of the hearing. The movant shall likewise serve the opposing party with a copy of signed orders for scheduling hearings. (Failure to do so may result in dismissal and/or sanctions.)

(2) The Court shall initially consider a motion without written responses or briefs. For a motion governed by this subdivision, the Court may not enter an order that grants relief to the moving party unless the motion is presented as uncontested or the parties to the proceeding are given an opportunity for argument.

(a) This rule does not prevent the Court from denying the moving party's request for relief without the opportunity for an argument where the motion is procedurally defective, untimely filed, or fails to set forth adequate grounds for relief.

(b) Parties may choose to submit responses and briefs at the time of presentation, provided that copies have been served on every other party. However, parties are not required to file responses and briefs in these instances.

(c) When filing a motion, the procedure as set forth in B.C.L.R. 206.4(c) is likewise applicable under this section.

RULE 208.3(b) Alternative Procedures for the Presentation of Motions

(1) It is the preference of the Court to decide specified motions on briefs. Counsel may request oral argument in situations where a brief is insufficient to properly set forth the argument. The request for oral argument must be made in writing within ten (10) days of filing the motion, and submitted to Court Administration, with a statement setting forth the reasons for the necessity of oral argument. Court Administration shall refer the matter to the assigned judge.

(a) It shall be at the discretion of that judge whether argument will be scheduled.

(b) The Court may sua sponte schedule oral argument as it deems necessary.

(c) If the request for oral argument is approved, the moving party shall file a brief within twenty (20) days.

(d) All response briefs must be filed no later than twenty (20) days of receipt of the moving party's brief. Reply briefs shall then be filed within ten (10) days of receipt of the moving party's brief.

(e) Service shall be made in conformity with Pa.R.Civ.P. 440.

(f) If response briefs are not timely filed the Court may dispose of the motion without such response brief and/or a monetary sanction may be imposed by the Court.

(g) All requests for extension of the twenty (20) days to file responsive briefs shall be submitted in writing to Court Administration and will be referred to the assigned judge.

(h) If a motion is settled or withdrawn prior to disposition, the moving party shall so inform Court Administration in writing.

RULE 216 Continuances

(a) The Court disfavors continuances due to the difficulty in promptly rescheduling matters. All applications for continuance shall be made by written motion. The motion shall specify the factual basis for the request of the proposed continuance. The request for continuance shall be filed with the Court Administration and will be forwarded to the assigned judge.

(b) Any request must specify the position of the opposing party/parties. Failure to specify the position of the opposing party/parties results in automatic denial of the request.

(c) Requests for continuances shall be filed at least ten (10) days in advance of the hearing date. Where the continuance is not timely filed, the reasons for the delay shall be specifically set forth in the motion. Faxed continuances will only be accepted in emergency situations.

(d) Any continuance request shall contain certification that the client has been notified and does not oppose the request.

(e) Court Administration shall notify the requesting party of the Court's decision on the motion and it shall be the requesting party's obligation to notify all parties of record.

(f) Continuance pro formas shall be prescribed by the Court and obtained from Court Administration.

(g) Continuances for Domestic Relations, Juvenile Probation and custody proceedings shall be filed with the respective departments.

RULE 229 Discontinuances

(a) Any discontinuance of an action shall be in accordance with Pa.R.Civ.P. 229. A discontinuance may also be entered by a written direction (praecipe) to the Prothonotary if it is signed by the plaintiff's attorney or by a pro se plaintiff and the same shall be accepted by the Prothonotary if all costs due the Prothonotary have been paid.

(b) Counsel shall provide a copy of the discontinuance to the Court Administration simultaneous with providing the original to the Prothonotary. Any written direction to the Prothonotary complying with this rule may be sent to the Prothonotary by mail and shall be accepted for filing.

(c) Failure of plaintiff's counsel or a pro se plaintiff to file a discontinuance upon settlement or withdrawal of such action may result in a fine of up to one hundred dollars (\$100) within the discretion of the Court and/or a hearing will be set for the attorney or pro se plaintiff to explain the reasons for their failure to discontinue the action. Client(s) must attend such hearing with counsel.

RULE 230.2 Termination of Inactive Cases

We hereby adopt Pa.R.Civ.P. 230.2 and Pa.R. of Judicial Administration 1901.

RULE 300 Status Conferences

(a) In any complex case or other action which the Court deems applicable, a status conference may be scheduled by the Court for purposes of discussing the following, including, but not limited to:

- (1) The facts of the case;
- (2) The status of discovery and what discovery is anticipated in the case;
- (3) Any novel legal questions which are or may be at issue in the case;
- (4) The status of the settlement demand and any responsive offers; and
- (5) Setting and/or modifying of discovery deadlines. The Court reserves the right to establish discovery deadline dates prior to a status conference pursuant to 42 Pa.C.S.A. § 323.

(b) Status conferences shall be scheduled upon request of the parties or at the discretion of the Court.

(c) Subsequent to the status conference, the court may issue any Order deemed necessary providing counsel with dates and times for any future proceedings that may be required.

(d) No written narratives need be filed for status conferences.

RULE 301 Notice of Hearing/Argument

(a) A motion or petition, requesting an Order of Court, with the exception of cases falling within B.C.L.R. 206.4(c), shall include a Notice of Hearing/Argument, (substantially in the format in subsection (5)), the granting of which shall be discretionary with the Court, and a Proposed Order granting the requested relief citing the specific statute or rule which authorizes the requested relief.

(1) All such motions/petitions shall be filed in the Prothonotary's Office, who will forward same to Court Administration.

(2) If a hearing or argument is requested, a date, time and location will be assigned by Court Administration.

(3) Once a Notice of Hearing/Argument or Order has been signed by the Court, Court Administration shall mail a copy to the moving party.

(4) It shall be the responsibility of the moving party to notify all other parties of record of the date, time, and location of the hearing/argument.

(5) The format of the Notice of Argument/Hearing shall be as follows:

(CAPTION)

NOTICE OF HEARING/ARGUMENT

AND NOW, this ____ day of _____, 20____, a hearing/argument is set for the ____ day of _____, 20____, at ____ a.m./p.m. in Courtroom No. ____ in the Blair County Courthouse, Hollidaysburg, Pennsylvania.

BY THE COURT:

_____ J.

Estimated length of time requested for hearing/argument: _____

RULE 302 Blair County Summary Jury Trial Rules

(a) *Preliminary Considerations.* The following shall be considered, but shall not be controlling, in determining if civil cases are appropriate for a summary jury trial:

(1) *Time Necessary for Regular Trial, Damages and Issues Involved.* The Court will determine if the regular trial time would be one or several days, including time for jury selection and closings and charge. The Court will also consider the amount of damages and whether complex legal issues are involved.

(2) *Consent of Attorneys.* The Court will attempt to obtain the consent of the attorneys to conduct a summary jury trial, but the Court shall have the authority to direct a summary jury trial as an extension of the settlement conference.

(3) *Offer and Demand.* The Court will consider the existing offer and demand, if any, in assessing the suitability of a case for jury trial.

(4) *Credibility.* The Court will determine whether the major issues of the case will be resolved on the basis of credibility.

(b) *Summary Jury Trials.* The following procedures shall apply to all summary jury trials:

(1) *Attendance of Parties.* Individual parties shall attend the summary jury trial. Additionally, an officer or other responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the summary jury trial.

(2) *Non-Binding Effect.* Summary jury trials are for settlement purposes only and are non-binding. Nothing done by counsel with reference to the summary jury trial shall be binding on counsel or the parties or shall constitute a waiver. However, a summary jury trial may be made binding or damages can be floored and capped with a high/low by agreement of counsel and parties.

(3) *Special Verdict Questions.* The cases will be submitted to the summary jury trial by way of special verdict questions. Each counsel shall submit a statement of proposed special verdict questions for use at the summary jury trial prior to the selection of the jury. Special verdict questions for the summary jury trial need not be the same as those for the formal jury trial. In the Court's discretion, the jury may be requested to determine the amount of damages in any given case regardless of whether a defendant is found to be liable or not liable. The Court will determine the verdict slip format to be used and rule on disputed special verdict questions.

(4) *Selection of Juries.* Summary juries shall consist of eight (8) jurors. Counsel shall not be present at jury selection except by leave of Court. The Court will select summary juries using the standard summary jury trial voir dire questions contained under Section 3 of this rule. Should counsel wish the Court to ask additional voir dire questions, they should submit proposed voir dire for the Court's use no later than ten (10) days prior to the jury selection date.

(5) *Narrative Statements.* In the discretion of the Court, counsel may be required to file narrative statements which will be read to the jury at the start of the summary jury trial. Such narrative statements shall consist of a brief (1-2 pages) description of each party's position on the facts and the law. The purpose of reading the narrative statements is to provide the jury with a short overview of each party's case prior to presentation by counsel.

(6) *Presentation of the Case by Counsel.* Each side shall be entitled to one (1) hour for presentation of its case unless counsel presents a compelling reason at a pre-trial or status conference why more time for each side should be allowed. Presentation of the case by counsel will involve a combination of argument, summarization of the evidence which would be presented at the standard trial and a statement of the applicable law, but only to the extent it is needed to be known by the jury in answering the special verdict questions. Counsel may argue the reasonable inferences that may be drawn from the discovery. Counsel may choose to present live testimony. In such cases, no more than two (2) witnesses for each side may be called for full direct examination and cross examination. Time spent by counsel in direct examination and cross examination of witnesses counts against their respective one (1) hour allotted times. Counsel may quote from depositions and may use exhibits and video tapes. Counsel should not refer to evidence which would not be admissible at trial. The plaintiff shall proceed first and shall have a short rebuttal (10-15 minutes as determined by the Court).

(7) *Points for Charge & Pre-trial Motions.* The Court will charge the jury on the applicable law to the extent it is appropriate and necessary for the jury in answering the special verdict questions. The attorneys shall each submit proposed points for charge to the Court no later than ten (10) days prior to the selection of the summary jury. The Court shall rule on any disputes regarding points for charge and/or proposed verdict slips. Any pre-trial motions shall be submitted to the Court no later than ten (10) days prior to the summary jury trial date.

(8) *Jury Verdict.* The jury will be asked to determine a verdict if seven (7) out of eight (8) or six (6) out of eight (8) of them, within the discretion of the Court, agree to it.

(9) *Length of Deliberations.* If the jury does not reach a verdict within a reasonable time, the Court will consider polling the jurors individually.

(10) *Oral Questions to the Summary Jury.* After the verdict, counsel and the Court may address questions in open court to the jury. No one is required to answer. Participation by jurors is strictly voluntary.

(11) *Settlement Conference.* Within sixty (60) days of the non-binding summary jury trial, the Court will schedule a settlement conference at which an amicable resolution of the action will be attempted. Parties, representatives of corporate parties, and claims adjusters with authority to settle the case are required to personally attend the settlement conference.

(12) *Regular Trial Date Unaffected.* Submission of a case to the summary jury trial process will in no way affect the scheduling of that case for standard trial.

(13) *Existing Offer and Demand.* Should counsel agree to conduct a summary jury trial, the existing offer and demand shall remain unaltered through the summary jury trial until the settlement conference.

(14) *Non-release of Summary Verdict to Media.* The summary trial is an extension of the settlement conference, and as such, the verdict shall not be released to the media.

(b) *Standard Summary Jury Trial Voir Dire Questions.* The Court will select your jury. In addition to the written juror questionnaire completed by each juror, the Court will give the following voir dire:

(1) The Court will determine the juror's availability for the specific date and time of the summary jury trial. If

the case starts in the morning, the Court will determine prospective jurors availability all day. If it begins in the afternoon, the Court will determine their availability through the dinner hour into the early evening.

(2) The Court will ask if any of the prospective jurors for any health reason are unable to perform their task as jurors, which would require them to sit for a period of as long as one (1) hour without a recess, e.g., any hearing difficulties, recent surgeries, nervous conditions.

(3) The Court will give the parties a brief factual summary of the case to determine if any of the jurors have knowledge of the allegations in the case.

(4) The Court will specifically identify the plaintiff and defendant by name and address to further determine if any of the prospective jurors know them.

(5) The Court will determine if any of the prospective jurors have had any social or business dealings, past or present, with either of the attorneys or their law firms.

(6) If there are any particular witnesses who are significant to the case, lay or medical, the Court will identify them to the jury and determine the prospective jurors knowledge or contact with them.

(7) The Court will explore whether any of the prospective jurors have had a similar injury to that claimed by the plaintiff or if a close friend or family member has had such an injury so it can be determined whether there might be some bias regarding the injury itself.

(8) When any of the parties is other than an individual, the Court will emphasize and explore the prospective juror's ability to give a corporation, for example, the same fair consideration to which any other party is entitled.

(9) The prospective jurors will be asked whether they have any fixed opinions which would prevent them from awarding money damages in cases where fault is determined to exist and an actual injury has resulted from the defendant.

(10) The prospective jurors will be asked whether they have any fixed opinion that would prevent them from deciding that a defendant is not liable if the evidence shows either that the defendant was not at fault or that the defendant's fault caused no actual injury to the plaintiff.

(11) The prospective jurors will be asked whether any of them have been involved either as a plaintiff or a defendant in the particular type of case before the court or whether a family member or close personal friend has been involved in a case such that it would have any bearing on their ability to sit fairly and impartially (e.g., medical malpractice, slip and fall, automobile collision).

(12) The prospective jurors will be asked if there is any other reason not stated by the Court why they would be unable to sit fairly and impartially in this particular matter.

(13) If counsel desire any additional voir dire, it should be submitted to the Court at least ten (10) days prior to jury selection. We note that any positive responses will result in the prospective juror being stricken. We make no concerted attempt to rehabilitate summary trial jurors since we have so many from which to pick. In terms of an equal mix of ages, gender, and other background information, we try to assure a diverse selection.

RULE 303 Motions For Decision

Any motion not specified in B.C.L.R. 1028(c), 1034(a), or 1035.2(a) shall be governed by a twenty (20) day briefing schedule unless otherwise specified by the Court. See B.C.L.R. 208.3(B).

RULE 365 Pa.R.Civ.P. 212.1—212.3 Pretrial Procedure

(a) Pretrial conferences shall be scheduled at the direction of the trial judge.

(b) The pretrial judge shall generally be the trial judge.

(c) Notice of the pretrial conference shall be contained within an *order* issued by the trial judge. Notice shall be provided in most cases at least thirty (30) days in advance of the pretrial.

(d) Narratives shall be required for the first pretrial and shall be filed ten (10) days prior to the date of the conference.

(e) The narrative shall contain the following:

(1) A brief summary of the facts;

(2) All items of economic damages which the Plaintiff intends to prove, including medical bills, property damages bills and loss of earnings;

(3) The names and addresses of all persons who may be called as witnesses, classifying them as liability and/or damage witnesses;

(4) Copies of all reports of any expert who treated, examined, or was consulted in connection with the injuries complained of, and who may be called as an expert witness.

(5) Copies of all reports of any expert whose opinion will be offered in evidence at the time of trial. Such reports shall include the findings and conclusions of the expert;

(6) Any special legal or evidentiary issues;

(7) The estimated length of trial;

(8) Any scheduling problems;

(9) The settlement demand and any responsive offers; and

(10) A list of anticipated exhibits to be used at the time of trial.

(f) At least one week prior to the pretrial conference, all parties shall confer and consult with each other as often as may be necessary for the following purposes:

(1) To explore in every respect the possibility of settlement; including exchange of good faith demand and offer, and

(2) To consider the factual and legal issues involved.

(g) Supplements to a written pretrial memorandum may be filed by any party after their original pretrial memorandum has been filed. However, no supplemental pretrial memorandum may be filed later than thirty (30) days prior to the scheduled jury selection. Should any party need additional time for preparation, or discovery as a result of a supplemental pretrial memorandum being filed, a petition must be promptly filed with the Court seeking such an extension of time prior to the scheduled trial date.

(h) Any narrative and/or supplement not timely filed may result in a fine and a copy of the sanctioning order shall be sent to the litigants by the Court.

(i) Counsel attending the pretrial conference must have complete authority to stipulate regarding items of evidence and admissions, and must have full settlement authority. Counsel shall have the client and those with settlement authority available either in person or by phone for consultations regarding settlement.

(j) At the pretrial conference, counsel shall be prepared to discuss fully with the Court the possibility of settlement of the case. At the conclusion of the conference, the judge shall make an order reciting the actions taken at the conference, including the agreements made by the parties as to any of the matters considered, the issues of trial and the admissions of fact obtained at the conference. The pretrial conference Order shall include a date for the filing of any pretrial motions and supporting briefs, voir dire questions, and a scheduled date for argument if appropriate.

(k) Motions for Summary Judgment, consolidation, bifurcation and severance must be made at least thirty (30) days before the date of the pretrial conference. Such motions generally require a decision before meaningful progress can be made in preparing a case for trial or negotiating a resolution to the lawsuit. It is the preference of the Court to resolve these matters prior to the pretrial conference if possible.

RULE 1028(c) Preliminary Objections

(1) Preliminary Objections must be filed with the Prothonotary, who will forward them to the assigned judge.

(2) The moving party must file a supporting brief with the Prothonotary, no later than twenty (20) days after filing the Preliminary Objections.

(3) All response briefs shall be filed no later than twenty (20) days of receipt of the moving party's brief.

(4) Service shall be made in conformity with Pa.R.Civ.P. 440.

(5) All requests for extension of the twenty (20) day period to file responsive briefs shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.

(6) If a brief in support of preliminary objections is not filed within the twenty (20) days after the preliminary objections have been filed, they shall be dismissed by Order of Court.

RULE 1034(a) Judgment on the Pleadings

(1) Motions for Judgment on the Pleadings, accompanied by a supporting brief, shall be filed with the Prothonotary and forwarded to the assigned judge.

(2) Response briefs shall be filed no later than twenty (20) days after receipt of the moving party's brief.

(3) Service shall be made in conformity with Pa.R.Civ.P. 440.

(4) All requests for extension of the twenty (20) day period to file a responsive brief shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.

(5) If a Motion for Judgment on the Pleadings is filed without a supporting brief, the motion will be dismissed by Order of Court.

(6) An Order for Argument shall be attached to the motion.

(7) If argument is granted, the date, time, and location of the argument is determined by Court Administration and the Order signed by the judge.

RULE 1035.2(a) Motions for Summary Judgment

(1) Motions for Summary Judgment, accompanied by a supporting brief, shall be filed with the Prothonotary, who will forward the motion and brief to the assigned judge.

(2) Response briefs shall be filed no later than thirty (30) days after receipt of the moving party's brief.

(3) Service shall be made in conformity with Pa.R.Civ.P. 440.

(4) All requests for extension of the thirty (30) day period to file a responsive brief shall be submitted in writing to Court Administration, and it will be referred to the assigned judge for consideration.

(5) If a motion for summary judgment is filed without a supporting brief, the motion will be dismissed by Order of Court.

(6) An Order for Argument shall be attached to the motion.

(7) If argument is granted, the date, time, and location of the argument is determined by Court Administration and an Order signed by the judge.

(8) Once the Order for Argument is signed by the judge, Court Administration shall mail a copy to the moving party.

(9) It shall be the responsibility of the moving party to notify all other parties of record of the date, time, and location of the argument.

RULE 1301 Arbitration

(a) Cases for Submission:

(1) *By Court Administration*—Court Administration, through Civil Case Management, will schedule all Civil Cases which are at issue wherein the amount in controversy (exclusive of interest and costs) shall be fifty thousand dollars (\$50,000.00) or less, per the pleadings. This includes all appeals from a civil judgment of magisterial district judges, except those involving title to real estate or actions in equity. The above cases identified shall be submitted to, heard and decided by a Board of Arbitrators, consisting of three (3) members of the Blair County Bar to be selected as hereinafter provided.

(2) *By the Parties*—Cases, regardless of amount or subject in controversy, may be referred to a Board of Arbitrators by *Agreement of Reference* signed by all parties or their counsel, and may contain stipulations with respect to facts submitted or agreed upon or defense in such cases, the Agreement of Reference shall take the place of the pleadings in the case and shall be filed of record.

(3) *By the Court*—Cases may be referred to arbitration where the Court is satisfied that the matter involves fifty thousand dollars (\$50,000.00) or less, in accordance with Pa.R.Civ.P. 1301.

RULE 1301-1 Arbitrators

Arbitrators will be selected from a Court-approved list after consultation with the Blair County Bar Association. No attorneys from the same law firm or office will serve on the same panel. One attorney will serve as the Case Manager, as designated by the court.

(a) Three (3) attorneys will serve on each panel. There will be weekly panels selected each year. Panels will meet weekly in the designated location. The Case Manager will be responsible for:

(1) Assuring readiness for arbitration-discovery completion, outstanding motions status.

(2) Reviewing estimated trial time.

(3) Discussing and encouraging resolution through pro bono mediation or other forms of alternative dispute resolution prior to hearing.

(b) Following receipt of assigned case list, the Case Manager will contact the attorneys and/or parties in each case within ten (10) days after receiving the assignment.

(c) The Case Manager shall obtain files and award forms from Court Administration who files the awards with the Prothonotary.

(d) The Case Manager will swear in the panel and take the oath.

(e) Substitutions for panel members will be processed by Court Administration, who will secure a Court Order naming any substitute panel member.

RULE 1303 Arbitration Process

(a) *Administrative Fee*—Arbitration, under B.C.L.R. 1301(a)(1) and (3), shall require the Plaintiff to pay to the Prothonotary an Administrative Fee of one hundred fifty dollars (\$150) within thirty (30) days of the date of the Court's Order designating the matter to be scheduled for arbitration. The Plaintiff or the Plaintiff's attorney of record shall notify in writing the assigned Judge and Court Administration, or its designee, of such payment. The arbitration hearing shall be scheduled by Court Administration only upon Plaintiff's payment of the Administrative Fee.

(b) *Notice*—Pursuant to Pa.R.Civ.P. 1303, Court Administration, or its designee, shall give to the parties or their attorneys of record and the assigned judge at least thirty (30) days notice in writing of the date, time and place of the arbitration hearing.

(1) The written notice required under subsection (b) of this provision shall include the following statement:

“THIS MATTER WILL BE HEARD BY A BOARD OF ARBITRATORS AT THE TIME, DATE AND PLACE SPECIFIED BUT, IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.”

(2) A party is “present” if the party or an attorney who has entered an appearance on behalf of the party attends the hearing.

(c) *Preparation*—When the board of arbitrators is convened for the hearing, if one or more of the parties is not ready, the case shall proceed and the arbitrators shall make an award unless the Court:

(1) orders a continuance, or;

(2) hears the matter if the notice of arbitration contains the statement required by subsection (b)(1) of this provision and all parties present consent.

(d) *Continuance Request*—A party moving for a continuance shall notify in writing all parties, the assigned Judge and Court Administration, or its designee, of the continuance request.

(1) The Administrative Fee, under subsection (a) of this provision, shall include the costs of the initial scheduling.

(2) At the Court's discretion, each party may be granted one (1) continuance without imposition of any additional fee.

(3) A party requesting an additional continuance shall pay to the Prothonotary a Continuance Fee of fifty dollars (\$50.00) at the time of the continuance request. The moving party shall notify in writing the assigned Judge and Court Administration, or its designee, of such payment.

(4) A party requesting any continuance within seventy-two (72) hours of the scheduled arbitration time shall pay to the Prothonotary the Arbitration Costs at the time of the continuance request. Such Arbitration Costs shall be set at fifty dollars (\$50.00) for the Case Manager of the arbitration panel, and forty dollars (\$40.00) for each additional Arbitrator of the arbitration panel. Such payment shall not impact the applicability of any other Arbitration costs.

(5) If a continuance request is granted, Court Administration, or its designee, shall give to the parties, or the attorneys of record, and the assigned Judge notice in writing of the new date, time and place of the arbitration hearing. Such notice shall meet the requirements set forth under subsection (b) of this provision. The arbitration hearing shall be rescheduled by Court Administration only upon the moving party's payment of any applicable Continuance Fees or Arbitration Costs.

(e) *Arbitration Costs*—Arbitration Costs shall follow the verdict, and shall be paid to the Prothonotary by the unsuccessful party within thirty (30) days of the Arbitration Award, or if an Appeal of the Arbitration Award is filed, then within thirty (30) days of the final judgment.

(1) For each Civil Case eligible for arbitration under B.C.L.R. 1301(a)(1) and (3), Arbitration Costs shall be set at one hundred fifty dollars (\$150.00) for the Case Manager of the arbitration panel, and one hundred twenty-five dollars (\$125.00) for each additional Arbitrator of the arbitration panel.

(2) For each Civil Case in which the arbitration hearing lasts four and a half (4 1/2) hours or more, Arbitration Costs shall be set at two hundred twenty-five dollars (\$225.00) for the Case Manager of the arbitration panel, and two hundred dollars (\$200.00) for each additional Arbitrator of the arbitration panel.

(f) *Settlements*—Counsel shall work diligently to assure settlements will be reached prior to the arbitration hearing.

(1) If a settlement occurs prior to the scheduled arbitration hearing, the parties shall notify in writing the assigned Judge and Court Administration, or its designee, of the settlement no later than seventy-two (72) hours prior to the scheduled arbitration hearing.

(2) If a Settlement occurs within seventy-two (72) hours of the scheduled arbitration hearing, or if the parties fail to timely notify the assigned Judge and Court Administration, or its designee, under subsection (f)(1) of this provision, the parties shall pay the Arbitration Costs.

A. The Arbitration Costs shall be set at fifty dollars (\$50.00) for the Case Manager of the arbitration panel, and forty dollars (\$40.00) for each additional Arbitrator of the arbitration panel.

B. Such Arbitration Costs are to be paid to the Prothonotary by the parties, with fifty per cent (50%) contribution from the plaintiff(s), jointly and severally, and fifty

per cent (50%) contribution from the defendant(s), jointly and severally, unless otherwise agreed upon by the parties.

C. Such payment shall be made within ten (10) days of the scheduled arbitration hearing.

(g) *Arbitration Appeal Fee*—A party appealing an Arbitration Award, under B.C.L.R. 1308, shall pay to the Prothonotary an Arbitration Appeal Fee of one hundred dollars (\$100.00) at the time of filing the appeal. An appeal from the Arbitration Award does not, in any way, relieve any party of any duty to pay any applicable Administrative Fees or Continuance Fees.

(h) *Willful Absence*—A party who willfully fails to appear at any appropriately scheduled arbitration hearing under B.C.L.R. 1301(a)(1) and (3) may be held in Contempt of Court. Such finding and any appropriate sanction shall be in the discretion of the assigned judge.

(i) *Order of Court*—Any applicable Administrative Fees, Continuance Fees, Arbitration Costs, or other payment obligations designated under this provision shall be enforced by Order of Court.

RULE 1304 Conduct of Arbitration Hearings

(a) The Board of Arbitrators shall conduct the hearing in accordance with Pa.R.Civ.P. 1304 and 1305.

(b) Generally every document submitted pursuant to Pa.R.Civ.P. 1305(b) shall state the name and present address of the individual or entity who provided the information contained in the document.

(c) The Arbitration Case Manager does not have the duty or power to grant any continuance. Continuances are filed through Court Administration and may only be granted by the Court.

RULE 1308 Arbitration Appeals

Appeal. Arbitrator's Compensation. Notice

(a) Appeals from an award of a Board of Arbitrators shall be in conformity with Pa.R.Civ.P. 1308.

(b) The Blair County Court of Common Pleas will establish the amount of compensation for arbitrators by Court Order. The members of the panel shall not be entitled to receive their fees until after filing the award with Court Administration.

(c) Attorneys of record or parties who have no attorney shall be notified of the award of the Board of Arbitrators by the Prothonotary, in conformity with Pa.R.Civ.P. 1307.

(d) In all other respects not clarified or established herein, the Pennsylvania Rules of Civil Procedure for Compulsory Arbitration (Rule 1301 et seq.) shall be applicable.

[Pa.B. Doc. No. 08-561. Filed for public inspection March 28, 2008, 9:00 a.m.]

BUTLER COUNTY

Local Rules of Court; MSD No. 08-40073

Administrative Order of Court

And now, this 12th day of March, 2008 in order to comply with the Pennsylvania Rule of Civil Procedure, 239, it is hereby ordered and decreed that the following Butler County Local Rules of Procedure are herewith adopted. It is further ordered that all prior Local Rules of

Procedure that have been adopted and/or revised by this Court at various times and docketed to several different docket numbers are herewith rescinded.

This Order of Court shall be effective immediately after publication of the Rules in the *Pennsylvania Bulletin*.

The Butler County District Court Administrator is ordered and directed to:

1. File seven certified copies of this Administrative Order, including the newly adopted rules, with the Administrative Office of the Pennsylvania Courts.

2. File two certified copies and one diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one certified copy with the Pennsylvania Civil Procedural Rules Committee.

4. Electronically submit to the Administrative Office of the Pennsylvania Courts a copy of the attached local rules for publication on the AOPC web site.

5. Forward one copy for publication in the *Butler County Legal Journal*.

6. Forward one copy to the Butler County Law Library.

7. Keep continuously available for public inspection copies of the Order of Court and Local Rules in the office of the Prothonotary of Butler County.

By the Court

THOMAS J. DOERR,
President Judge

Rule L51 Title of Rules. Purpose.

These Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They shall be cited as "Butler County L.R.C.P."

Rule L76 Definitions.

Unless the context clearly indicates otherwise, the words and phrases used herein shall bear the same meaning as they bear in the Pennsylvania Rules of Civil Procedure.

Rule L101 Principles of Interpretation.

In the construction of any of these rules, the principles of interpretation set forth in the Pennsylvania Rules of Civil Procedure shall be used.

Rule L205.2 (b) Cover Sheet.

Every pleading and other legal papers of two (2) or more pages shall have a cover sheet in substantially the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA CIVIL ACTION

PLAINTIFF

Case No.

vs.

DEFENDANT

Type of Document: _____

If this is a Complaint, designate whether the case is subject to Compulsory Arbitration (jurisdictional amount \$35,000) or not.

_____ amount in controversy does not exceed \$35,000

_____ amount in controversy exceeds \$35,000

_____ issues in case are not subject to Compulsory Arbitration

Filed on behalf of _____ (Plaintiff / Defendant)
 Counsel of record for this party _____ (Name of attorney primarily responsible)
 Supreme Court I.D. No. _____
 _____ (Firm Name, if any)
 _____ (Address)
 _____ (Phone)
 _____ (Fax Number)
 _____ (E-Mail Address)

Rule L205.4 Electronic Filing.

(Reserved for future implementation.)

Rule L206.1(a)(2) Petitions.

“Petition” in Butler County shall include, in addition to matters defined in Pa.R.C.P. 206.1(a), a petition to open a confessed judgment. Each petition filed with the Court shall contain a proposed order for the Court’s consideration. Said proposed order shall follow the provision of Pa.R.C.P. 206.5, with alternative provisions in paragraph (d)(4) and (5), so that the Court may determine whether to proceed with depositions or an evidentiary hearing on disputed issues of material fact.

Rule L206.4(c) Rule to Show Cause.

Upon the filing of a Petition with the Prothonotary, the Petition shall be forwarded by the Prothonotary to the assigned judge. The issuance of a Rule to show cause on a petition shall be discretionary with the Court as provided by Pa.R.C.P. 206.5.

Rule L208.2(d) Uncontested Motions.

Any motion, as defined by Pa.R.C.P. 208.1, bearing the written consent of the opposing party, or the opposing party’s attorney of record, may be submitted to the assigned judge without formal notice of presentation, in a manner set forth in Butler County L.R.C.P. L208.3(a).

Rule L208.3(a) Motions Procedure—Motions Court.

(1) *Motion Court Session.* There shall be a session of the Court for presentation of motions, appropriate requests and applications, one day per week with each civil court judge. The days and times of Motion Court for each respective judge are posted with the Court’s calendar. The Court’s motion calendar is posted on the local web site, www.co.butler.pa.us.

(a) If no judicial assignment has been made in a civil case, moving counsel or party shall obtain a judge assignment for the case from the Office of the Prothonotary. Thereafter, civil motions shall be presented to the assigned judge during that judge’s Motion Court session.

(2) *Filing.* Uncontested motions and contested motions may be filed in the office of the Prothonotary or in Motions Court. Upon filing with the Prothonotary, the Prothonotary shall place appropriate stamps and notations on each motion, make an appropriate docket entry and promptly forward the motion to the Court Administrator for presentation to a judge for the entry of an appropriate order. Except for emergency motions, motions will be considered by the judge assigned to the case during that judge’s weekly Motions Court session. Motions presented during Motions Court shall be reflected in the court record and shall be logged in the Court Administration log book. The Motion shall thereafter be docketed by the Prothonotary upon its receipt from the Judge or Court Administration.

(3) *Emergencies.* In the case of a true emergency, a motion, appropriate request or application shall be presented to the Court Administrator who will immediately

refer the matter to a judge for consideration. If a moving party claims that an emergency exists, the nature of the emergency, and the reasons why any required notice could not be given, must be set forth in the motion, request or application being filed.

(4) *Uncontested Motions.* Uncontested motions are defined as those:

(a) Where all parties or their counsel of record have consented to the motion and order. Counsel may certify that all parties or their counsel have consented or attach written consent; or

(b) Where the proposed order seeks only a rule to show cause with a return hearing or argument date and no such other further relief; or

(c) Where the proposed order seeks only the appointment of a master, mediator or hearing officer and no such other further relief.

(5) *Required pre-filing notice.* Before any motion is filed, the moving party shall serve a copy of the motion, request or application and any proposed order, and a statement of the date and time of the intended presentation, to counsel of record and any unrepresented party at least five days in advance of the presentation. Service may be accomplished personally, by first class mail, or by facsimile transmission. Service shall be made pursuant to Pa.R.C.P. 440.

(6) Cover Sheet. A cover sheet, that may from time to time be adopted by Administrative Order shall be attached to each contested and uncontested motion and every copy of the same that is filed or served.

**In the Court of Common Pleas of Butler County
Commonwealth of Pennsylvania**

_____	}	_____ Civil Division
Versus		_____ No
_____		_____

I. Notice

You are hereby notified that the attached matter will be:

Filed on _____ 20 ____ .

Presented to Assigned Judge _____ on _____ at 9:00 am

II. Certificate of Notice/Service

I gave reasonable prior notice of filing and a copy of this document to _____ at _____ on _____ 20 ____ by:

Personal Service Fax Mail

Other (explain) _____

III. Information for Court Administrator

Is this an original filing in this case? No Yes

Judge Assignment:

Thomas Doerr (courtroom 1) Michael Yeager (courtroom 3) Marilyn Horan (courtroom 4)

Other _____

Adverse party position?

Opposes **CONSENTS** **UNOPPOSED** Unknown

I certify all the above statements are true and correct.

Date _____ 20 _____
Signature _____

Counsel for: _____

(a) Any motion, request or application that is filed without the required certification of notice and service on the cover page may not be substantively acted upon by the court.

(8) *Verification.* A motion that sets forth facts not of record shall be properly verified.

(9) *Suggested Order.* Every motion, request and application shall have attached thereto a suggested order concerning the relief that is requested by the moving party.

Rule L212.1 Civil Actions to be Tried by Jury and by Non-Jury. Notice of Earliest Trial Date. Time for Completing Discovery and Filing Pre-Trial Statement.

(a) In all civil actions which indicate a jury trial demand or which seek a non-jury trial disposition, the Court Administrator shall schedule said cases for a Status Conference before the assigned judge. Status Conferences shall not be scheduled sooner than ninety (90) days following the filing of the complaint. At the Status Conference, counsel for the parties or pro se parties are required to appear. The Status Conference shall be conducted by the Court and shall focus upon determining a schedule for completion of pleadings, progress of discovery and anticipated date for filing a praecipe for trial or arbitration.

(1) Status Conferences may also be ordered upon written motion of a party, setting forth reasons in support of the request for status conference. The Court may enter appropriate orders at the conclusion of the Status Conference.

(b) *Summary Trials.* Upon request of all parties, the Court may consider scheduling a case for a summary trial pursuant to procedures agreed upon by the parties and the Court

(c) *Scheduling.* Jury and Non-Jury Trials in civil actions shall be scheduled in accordance with each civil court judge's calendar as published by the court and available on the Butler County web site, www.co.butler.pa.us.

(1) Following the filing of the praecipe for trial with the Prothonotary, the Prothonotary shall forward the praecipe to the Court Administrator for scheduling of the case for pre-trial conference and trial. Unless the court's calendar is otherwise scheduled, a case shall be scheduled for pre-trial conference within sixty (60) days of the filing of the praecipe for trial. The trial term during which the case shall be scheduled shall occur within ninety (90) to one hundred and twenty (120) days from the filing of the praecipe. These times may be subject to variance to accommodate the court's calendar and scheduling availability.

(a) Cases will generally be scheduled on each trial list in chronological order according to the date of praecipe for trial or arbitration appeal, while giving preference to cases described in Pa.R.C.P. 214. The Court Administrator shall publish a copy of the trial list on the Butler County

web site, www.co.butler.pa.us, and furnish a copy to the Prothonotary, who in turn shall forward the trial list to each attorney of record and non-represented parties for cases scheduled on the trial list.

(2) Non-Jury Trials may be scheduled in a back-up category during jury trial weeks and during non-jury trial sessions of the Court as noted on the trial calendar.

(d) A pre-trial statement shall be filed by all plaintiffs within thirty (30) days after the praecipe for trial is filed. Pre-trial statements on behalf of all defendants and additional defendants shall be filed no later than five (5) days prior to the scheduled pre-trial conference date.

(e) In the event there is an appeal of a compulsory arbitration decision, the appeal date shall be regarded as a praecipe for trial for purposes of implementation of scheduling and timing for filing of pre-trial statements as set forth hereinabove.

(f) *Butler County Mediation Program.* Upon request of all parties, an agreement to submit a case to mediation may be filed to access the Butler County Mediation Program.

(1) The mediators shall be practicing attorneys from the Butler County Bar admitted at least ten (10) years with practice emphasis in civil litigation. The mediators will be selected by the assigned judge from a list maintained by the Prothonotary.

(2) Each party to a case submitted for mediation will pay a mediation fee as established by administrative order of court. The mediation fee will be utilized to compensate the mediator.

(3) The inclusion of cases in the Mediation Program of Butler County will be voluntary. The attendance of trial counsel and parties at the mediation conference shall be mandatory. A representative of any party's insurance company which may be involved in the case shall be available by telephone during the course of the mediation. If any party fails to appear, the mediation conference will not be held and the non-appearing party shall, within thirty (30) days, pay to the other party that party's attorney's fees and expenses in preparing for and attending the mediation conference, if said fees are assessed and recommended by the mediator.

(4) The parties to any civil case may voluntarily agree to submit a case for mediation through the Butler County Mediation Program by filing an agreement to submit and by paying the mediation fees. The form for said application is set as follows:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

_____ : CIVIL DIVISION
: :
Plaintiff :
vs. : No. _____
: :
_____ :
Defendant :

AGREEMENT TO SUBMIT CASE TO BUTLER COUNTY MEDIATION PROGRAM

We agree to submit the above case to mediation under the Mediation of Butler regulations and herewith tender the Mediation Fee as established by administrative order of court for the program.

ORDER OF COURT

Plaintiff		Defendant
_____	Signature _____	_____
_____	Printed Name _____	_____
_____	Attorney for _____	_____

Additional Parties

_____	Signature _____	_____
_____	Printed Name _____	_____
_____	Attorney for _____	_____

Assignment of Proposed Mediators

The following members of the Butler County Bar are offered for selection as proposed mediators to hear testimony, make a report, and render an award. As per Local Rule L212.1(f)(5), each party shall strike one of the hereinafter proposed mediators. This completed form shall then be returned to the Prothonotary within twenty (20) days of the date of assignment of the proposed mediators.

_____	_____
_____	_____
_____	_____

Prothonotary

Date of Assignment

(5) The Court and Prothonotary will prepare a list of three (3) proposed mediator names, which shall be transmitted to the parties. The plaintiff and defendant shall each strike one name. The remaining named proposed mediator shall be appointed to serve as the mediator. In the case of additional parties, one additional proposed mediator shall be added to the list for each additional party who shall likewise strike one proposed mediator's name. The listing of mediators with strikes shall be returned to the Prothonotary within thirty (30) days from the date when the list of proposed mediators was served on the parties.

(6) Upon the Prothonotary's receipt of the returned proposed mediator assignment form from the parties, the Prothonotary shall docket the same and forward a copy thereof to Court Administration. The Court will then appoint the remaining proposed mediator to serve as mediator for the case. The Court Administrator shall schedule the mediation conference to be held within sixty days of the assignment of the case to a mediator. The conference may not be continued unless by Order of Court.

(a) Scheduling order format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

_____	:	CIVIL DIVISION
	:	
	:	
Plaintiff	:	
	:	
vs.	:	No. _____
	:	
	:	
	:	
Defendant	:	

AND NOW, this _____ day of _____, 2007, the Court hereby appoints _____ mediator. The mediation conference is hereby scheduled for _____ at _____ o'clock _____ M. at _____. The conference may not be continued unless by Order of Court. The mediator shall file his or her report within twenty (20) days from the date of the mediation conference in accordance with Butler County L.R.C.P. L212.1(f)(9)

BY THE COURT,

J.

(7) Cases which proceed to voluntary mediation, but do not get resolved, may apply for and be given preference on the trial list pursuant to Pa.R.C.P. 214(b).

(8) *Mediation Statement.* If no pre-trial statement as per the Pa.R.C.P. 212.2 has been filed as of ten (10) days prior to the mediation conference, then, at least ten (10) days prior to the mediation conference, each party shall file a mediation statement which must include the following:

- (a) party's succinct statement of position regarding liability and damages
- (b) significant legal issues involved, with citation of legal authority
- (c) medical reports
- (d) expert reports
- (e) itemized list of damages
- (f) last settlement posture and rationale

In the event a pre-trial statement has been previously filed, said pre-trial statement shall serve to provide the information required for a mediation statement. In the event any prior pre-trial statement requires updating or additional information to provide all categories for a mediation statement, said supplementation to the pre-trial statement shall be filed at least (10) days prior to the mediation conference.

If a party fails to timely file the mediation conference statement, the mediation conference may not be held and party who fails to timely file the required statement may be required to pay the attorneys fees and expenses of those parties who have timely filed their statements.

(9) *Mediation Conference Report.* Within twenty (20) days from the date of mediation conference, the mediator shall file with the Prothonotary a sealed mediation conference report which shall set forth the following:

- (a) Plaintiff's final settlement demand
- (b) Defendant's final settlement offer
- (c) Mediator's assessment of liability
- (d) Mediator's assessment of damages
- (e) Mediator's opinion regarding potential range of verdict and settlement

All parties will be provided with a copy of the mediator's conference report by the mediator. Upon receipt and docketing of the report, the Prothonotary shall forward the file, including the sealed report, to the assigned Judge. If the case has not been settled, upon motion of either party or on the Court's own motion, a status conference may be scheduled before the Court.

(10) Mediation communications and mediation documents shall be subject to the limitations on scope of Discovery and Deposition as per Pa.R.C.P. 4011(d) and 42 Pa.C.S.A. § 5949.

Rule L212.3 Pre-Trial Procedures.

(a) *Pre-Trial Settlement Conferences.* In addition to matters set forth in Pa.R.C.P. 212.3 for consideration at a pre-trial conference, the Court will consider, and attempt to resolve all motions in limine filed up to that time. It is encouraged that all known or anticipated pre-trial motions in limine be presented prior to or at the pre-trial conference.

(1) Each party, corporation and insurance carrier of a party who has an actual interest in the case, or can have an effect on the settlement of the case, shall be personally present at the pre-trial settlement conference. Said party or representative must be authorized to speak for such party, corporation or insurance carrier with respect to the trial and settlement of the case. The Court may, upon appropriate requests of counsel, for good cause, permit a party or representative to appear by telephone rather than in person.

(2) Attorneys present at the pre-trial conference must have complete authority to enter into stipulations concerning liability and other trial related and evidentiary issues.

(3) Settlement negotiations may be considered at the pre-trial conference.

(4) At least five (5) days prior to the pre-trial settlement conference all plaintiffs shall have made a bonafied written demand and proposal for settlement to all opposing counsel and non-represented parties. By the time of the pre-trial settlement conference, each defendant or additional defendant shall respond in writing to such written demand.

(b) *Civil Trial Status Reports.* Counsel for the parties shall file a civil trial status report in the form set forth herein. Said status report shall be filed no later than noon on the Wednesday preceding jury selection. The civil trial status form may be filed in person, or by facsimile transmission to the Office of Court Administration at (724) 284-5185.

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

_____	:	
_____	:	
_____	:	(case number)
Plaintiff	:	
	:	
vs.	:	
	:	
_____	:	
_____	:	
_____	:	
Defendant	:	

CIVIL CASE STATUS REPORT

Plaintiff's Counsel Name: _____ Phone No. _____
 Fax No. _____
 Defendant's Counsel Name: _____ Phone No. _____
 Fax No. _____
 Number on Trial List: _____

Status of settlement negotiations: _____

Anticipated length of trial: _____

Motions, evidentiary rulings necessary prior to trial or scheduling issues-(identify issues generally): _____

Date: _____

(1) Following the filing of civil trial status report forms by counsel or unrepresented parties, the Court will publish the schedule for jury selection by posting the list on the Butler County web site, www.co.butler.pa.us, and by fax transmission to counsel and any unrepresented parties. The jury selection list shall also be available in the Office of Court Administration and the Office of the Prothonotary. Jury selection dates are established pursuant to the court's calendar which is published on the Butler County web site.

Rule L216(c) Grounds for Continuance.

(1) The date for filing of civil trial status reports, as set forth in Butler County L.R.C.P. L212.3(b) shall constitute the date for call of the trial list for purposes of any applications for continuance pursuant to Pa.R.C.P. 216 (c).

(2) If the basis for a continuance is a required appearance of an attorney or party in a court of another County, the policy of this Court is to grant such a continuance only if the other matter was scheduled prior to the Butler County matter being scheduled. Any motion for a continuance on these grounds must include a true and correct copy of the scheduling order entered by the other court. This Court may communicate with the other court in order to resolve any conflicts to the benefit and satisfaction of both courts.

Rule L220.1 Voir Dire.

(a) Any proposed Voir Dire questions shall be submitted to the Court in advance of jury selection as directed by the Court in it's pre-trial conference order. Unless otherwise directed, proposed Voir Dire questions are required to be submitted no later than one (1) week prior to jury selection.

(b) At the time of jury selection, counsel shall submit to the Court proposed jury instructions for cases to be tried by a jury.

Rule L223 Conduct of Trial. Generally.

(a) At the time of commencement of a non-jury trial, counsel for all parties shall present to the Court proposed findings of fact and conclusions of law.

(b) Oversized exhibits must be submitted to the court reporter in 8" x 10" form to be included with the transcript.

Rule L230.2 Termination of Inactive Cases.

(a) On April 1 of each year, the Prothonotary shall begin to prepare a list of all cases in which there has been no activity of record for two (2) years as of said April 1st date. The Prothonotary shall then initiate the process of terminating inactive cases in the manner provided for in Pa.R.C.P. 230.2.

(b) On the date for termination of inactive cases, as identified in L230.2(a) above, the Prothonotary shall deliver to the assigned judge the listing of cases wherein a statement of intention to proceed was filed on behalf of the party and also a list of cases administratively terminated upon the failure of any party to file a statement of intention to proceed in accordance with Pa.R.C.P.230.2(f). For those cases wherein a statement of intention to proceed has been filed, a status conference may be scheduled for that case before the assigned judge.

Rule L430 Service Pursuant to Special Order of Court. Publication.

(a) *Designated publication.* Whenever service by publication is authorized by law or rule/order of court and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one (1) time in a newspaper of general circulation in Butler County, and one (1) time in the *Butler County Legal Journal*. Affidavit of publications shall be filed with the Office of the Prothonotary.

(b) *The Butler County Legal Journal.* The *Butler County Legal Journal*, owned and operated by the Butler County Bar Association, is hereby designated the official legal publication of Butler County.

Rule L1018.1 Notice to Defend. Form.

(a) The organization to be named in the Notice to Defend to find out where legal help may be obtained:

Office of Prothonotary, Butler County
1st Floor Courthouse
124 West Diamond Street
P. O. Box 1208
Butler, PA 16003
(724) 284-5214

Butler County Bar Association
201 Main Street
Butler, PA 16001
(724) 841-0130

Rule L1028(c) Preliminary Objections.

(1) Preliminary objections shall be filed with the Prothonotary. A brief in support of preliminary objections shall be filed at the same time as the filing of the preliminary objections. Briefs for the non-moving parties shall be filed and served no later one (1) week prior to the scheduled submission/argument date.

(2) If an amended pleading is filed in response to the preliminary objections, the amending party shall contemporaneously file a motion to cancel any submission/argument date scheduled to address the preliminary objections.

(3) Upon the filing of preliminary objections, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their preliminary objections. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L1034(a) Motion for Judgment on the Pleadings.

(1) A motion for judgment on the pleadings shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for judgment on the pleadings is filed. Briefs for the non-moving parties shall be filed and served one (1) week prior to the scheduled submission or argument date.

(2) Upon the filing of motion for judgment on the pleadings, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for judgment on the pleadings. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L1035.2(a) Motion for Summary Judgment.

(1) A motion for summary judgment shall be filed with the Prothonotary. A brief in support of the motion shall be filed at the same time as the motion for summary judgment is filed. Briefs for the non-moving parties shall be filed and served no later than one (1) week prior to the scheduled submission or argument date.

(2) Upon the filing of motion for summary judgment, oral argument or submission without oral argument will be scheduled by the court. Any party may submit a request for argument on their motion for summary judgment. Upon receipt of a request for argument, a time for argument will be assigned for the scheduled submission date.

Rule L1301 Arbitration.

(a) These rules apply to all civil actions or issues that shall be submitted to compulsory arbitration pursuant to § 7361 of the Judicial Code, 42 Pa.C.S.A. § 7361, and Pa.R.C.P. No. 1301, et. seq.

(b) A board of arbitrators, consisting of three (3) members of the bar actively engaged in the practice of law primarily in Butler County and selected as hereinafter provided, shall decide the following matters:

(1) All civil actions, as defined by Pa.R.C.P. No. 1001(b)(1), for money damages where the amount at issue is within the statutory arbitration limits, as provided by law and/or order of Court. See 42 Pa.C.S.A. § 7361. The court has established the arbitration limits for Butler County for compulsory arbitration at Thirty-Five Thousand (\$35,000.00) Dollars. The amount at issue shall be determined from the pleadings, by agreement of the parties, or by the Court;

(2) All civil actions, where no appearance has been entered and the plaintiff desires to have damages assessed in an amount not to exceed the arbitration limits;

(3) All appeals from a civil judgment of the magisterial district court, except judgments for possession of real property;

(4) By agreement of reference signed by the parties or their counsel. Such agreement shall define the issues and contain such stipulation as to facts, admissions, waivers of defenses, or proofs as are agreed upon. The parties may agree to extend the Arbitration jurisdictional limits for a case up to \$50,000. Such agreement must be by all parties and approved by the court.

(c) These Rules shall not apply to the following actions:

- (1) Action in ejectment;
- (2) Action in quiet title;
- (3) Action in replevin—except by Order of Court;
- (4) Action in mandamus;
- (5) Action in quo warranto;
- (6) Action in mortgage foreclosure;
- (7) Action upon ground rent;
- (8) Action in foreign attachment; or
- (9) Action for fraudulent debtors attachment

Rule L1302 List of Arbitrators. Appointment to Board.

(a) The Prothonotary of Butler County shall compile and maintain a list of persons eligible and willing to serve as arbitrators. This list shall be comprised of members of the bar actively engaged in the practice of law primarily in Butler County. "Actively engaged in the practice of law primarily in Butler County" is defined as attorneys who regularly maintain an office in Butler County for the practice of law, including public defenders, assistant and deputy district attorneys, and judicial law clerks of the Court of Common Pleas of Butler County. Persons who have been determined to be eligible shall file a written consent to serve as an arbitrator with the Prothonotary. Arbitrators shall be selected by the Prothonotary from those persons who have filed their consents to serve.

(b) If an arbitrator is not able to serve on his or her appointed date, said arbitrator shall secure a replacement arbitrator from the list of attorneys who have consented to serve. Said arbitrator shall notify the Prothonotary of the replacement and the Prothonotary shall appoint said substitute attorney to replace arbitrator. Should a vacancy on the board of arbitrators occur prior to the hearing for any reason, or should a member of the board fail to attend the hearing, a member of the board shall notify the Prothonotary who shall immediately vacate that appointment and make an appointment to fill that vacancy. Should a vacancy on the board of arbitrators occur after the hearing takes place, but before an award is signed by all arbitrators, or should a member of the board fail to or refuse to perform his or her duties, the award shall be signed and filed by the remaining members of the board. If the remaining members of the board are unable to agree, they shall notify the Prothonotary who shall appoint a third member. Thereafter the Prothonotary shall schedule a re-hearing for the new board, which shall thereafter file an award.

(c) The board shall be chaired by a member of the bar admitted to the practice of law for at least three (3) years.

(d) Each member of the board of arbitrators who have been duly sworn to hear a case shall receive as compensation a fee in the amount set by the court from time to time by administrative order. In cases requiring hearings that exceed one half (1/2) day, the arbitrators may petition the court for additional compensation, which the court may grant for cause shown. The arbitrators shall be entitled to receive their compensation fees as follows:

(1) Following hearing, after filing the award with the Prothonotary as per Butler County L.R.C.P. L1306; or

(2) If a continuance is requested after the date of posting of a hearing time for the case as per Butler County L.R.C.P. L1303(d), the arbitrators shall be paid from the funds paid by the continuing party as per Butler County L.R.C.P. L1304; or

(3) If a case settles after the posting of a hearing time for the case as per Butler County L.R.C.P. L1303(d), but before the scheduled arbitration hearing, the arbitrators shall be paid by the county as per administrative order under Local Rule L1302(d) upon Order of Court that directs payment in the case.

(a) When counsel agree upon terms for settlement, they shall notify the Court, in writing, as soon as possible such that the case can be removed from the Arbitration hearing list. Any case that is removed from the list after posting of the time for arbitration under Local Rule L1303(d) which does not settle of record, shall not be

re-listed for Arbitration unless the arbitrators fees paid to the original Arbitration panel as per Local Rule L1303(e) are reimbursed to the County by counsel for the parties.

Compensation fees paid to arbitrators shall not be taxed as costs or follow the award as other costs.

(e) Upon the filing of the arbitrators' award, discontinuance by the parties after the swearing of the arbitrators, Order of Court continuing the case after posting of a hearing time as per Butler County L.R.C.P. 1303(d)(2), Order of Court removing the case from Arbitration based upon settlement of the case of record as per Butler County L.R.C.P. L1302(d)(3), or an award by the Court in accordance with Pa.R.C.P. No. 1303(b), the Prothonotary shall certify such filing to the Court and submit a statement for payment to the Office of the Court Administrator. The County shall thereupon pay the applicable fee to each member of the board of arbitrators.

(f) If an arbitrator fails in his or her duties, or the board of arbitrators fails to file an award promptly, as required by Pa.R.C.P. No. 1306, the result will be the forfeiture of the arbitrator's fee.

Rule L1303 Hearing. Notice.

(a) Upon the filing of a praecipe for arbitration or a referral of a case for arbitration by the Court, a hearing date shall be assigned by Court Administration. The praecipe for Arbitration shall be in the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff : **CASE # AD**
:
:
vs. :
:
:
Defendant :

PRAECIPE FOR ARBITRATION

The _____ (Plaintiff / Defendant) hereby requests that the above case be scheduled for Compulsory Arbitration.

Note: Either party may request that a Pre-Arbitration conference be scheduled before the assigned Judge by filing a written motion or by checking the box below.

_____ A pre-hearing conference before the assigned Judge is requested.

Preliminary estimate of time required for arbitration hearing _____ .

_____ Date _____ Counsel for Plaintiff / Defendant

Counsel/party fax contact information:
Plaintiff/Counsel fax # _____
Defendant /Counsel fax # _____

Respectfully submitted,

(b) The Court Administrator's Office shall fix the date for the arbitration hearing at the Butler County Courthouse. There shall be at least two (2) arbitration panels scheduled for single arbitration date each month. The scheduled dates will be noted in the court calendar as posted on the Butler County web site, www.co.butler.pa.us. The scheduling order will be in the following format:

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

Plaintiff : CASE # AD
vs. :
Defendant :

ORDER OF COURT

The above-captioned matter is scheduled for Arbitration on _____.

A Pre-Arbitration conference:

_____ has not been requested
_____ is scheduled _____ @ _____ m in Courtroom # _____.

An Arbitration status report, in the form set forth in Butler County L.R.C.P. 1303(a)(4), shall be filed with Court Administration on or before _____. A copy of the Arbitration status report form is available on the Butler County Website, www.co.butler.pa.us. The time for the Arbitration shall be posted on the Butler County Website and faxed to counsel on or before _____.

Any continuance of the Arbitration hearing must be obtained upon motion presented to the assigned Judge. Continuances requested after the posting of the time for the Arbitration shall only be granted upon the payment of the Arbitrators' fees.

BY THE COURT,

(1) For each monthly arbitration date, the Prothonotary shall appoint two (2) panels of three (3) arbitrators each. Said lists shall be forwarded to Court Administration by the Prothonotary.

(c) Arbitration Status Report. All orders of court scheduling the arbitration hearing shall provide for notification that an arbitration status report shall be filed with Court Administration fourteen (14) days prior to the scheduled arbitration date. The arbitration status report shall be in the format set forth below:

Caption

ARBITRATION STATUS REPORT

Plaintiff's Counsel Name & Phone No. _____
FAX No. _____
Defendant's Counsel Name & Phone No. _____
FAX No. _____

Status of Settlement negotiations: _____

Anticipated total length of Arbitration Hearing—(counsel should consult with all sides to provide a reliable estimate of time because other arbitration hearings may be scheduled to follow the time allotted for your case) _____.

Other considerations that the court needs to be aware of concerning scheduling of a hearing time: _____.

NOTICE: Any continuance requested after the scheduling of a hearing time for your arbitration hearing as per Butler County L.R.C.P. 1303(d) will require the payment of the arbitrators' fees.

Date: _____

Plaintiff / Defendant
(legal counsel or party, if unrepresented)

This form may be filed individually or jointly by all counsel and any unrepresented parties.

This form may be filed in person or by FAX to the office of the Court Administrator. FAX # 724-284-5185

(d) Upon receipt of the arbitration status report forms, the arbitration cases will be scheduled for a specific time for hearing before a panel of arbitrators on the scheduled arbitration date. Notification of the scheduled arbitration time shall be forwarded to all counsel and unrepresented parties by mail and/or facsimile transmission. The scheduled arbitration times will also be posted on the Butler County web site, www.co.butler.pa.us, and in the offices of Court Administration and the Prothonotary.

(e) The Order of Court scheduling the arbitration time shall also contain a notice that will include the following statement:

This matter will be heard by a board of arbitrators at the time, date and place specified. But if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to trial de novo on appeal from a decision entered by a judge in such circumstance.

(f) Arbitration Time Scheduling Order. The scheduling order for the arbitration time shall be in the following format:

Caption

ARBITRATION TIME SCHEDULING ORDER

And now, _____, the Arbitration hearing for the above case is scheduled for _____ at _____ o'clock _____ M in Room _____ of the Butler County Courthouse. _____ hour(s) or _____ day(s) has/have been allotted for this case to be presented and concluded.

This matter will be heard by a board of arbitrators at the time, date and place specified. But if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to trial de novo on appeal from a decision entered by a judge in such circumstance.

Any continuance requested after this date WILL require the payment of the arbitrators' fees.

BY THE COURT,

Rule L1304 Continuances.

Continuances of hearings before board of arbitrators may only be obtained by leave of court. Parties seeking a continuance shall file their requests for continuance before the assigned judge for the case. Continuances will be granted by the Court only for good and sufficient reasons as presented by the parties. Any continuance requested and granted after the posting of the arbitration times as set forth in Rule L1303(d) shall include a requirement that the party requesting a continuance shall be responsible for payment of the arbitrators' fees as established pursuant to special order of court. The party upon whom such fees have been imposed may not, so long as such fees remain unpaid, take any further step in such arbitration without prior leave of court. The party upon whom such fees have been imposed may not recover such fees if that party is ultimately successful in the arbitration.

Rule L1305 Authority of the Board Chairperson.

(a) The chairperson of the board of arbitrators shall have the powers conferred upon him or her by law, including but not limited to the following:

(1) The chair of the board of arbitrators shall have initial authority to make all rulings on objections to evidence or on other issues that arise during the hearing. Such rulings shall be final unless objected to by one of the other arbitrators. In the later instance, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(2) Following the hearing and entry of award, the chair of the board of arbitrators shall release the exhibits to the party who offered them.

Rule L1306 Award.

Arbitrators shall file their award within seven (7) days after the completion of the arbitration hearing. Arbitrators who fail to file the award as required by this Rule may forfeit their fees. The arbitrators may consider the subject of damages for delay after an award has been made in accordance with Pa.R.C.P. 238. Any such delay damages shall be added to the principal amount awarded, but shall be separately stated on the report and award.

Rule L4008 Location of Deposition for Cases Filed in Butler County.

Unless parties otherwise agree, or unless by court order otherwise for good cause shown under Pa.R.C.P. 4012, depositions for Butler County cases shall occur in Butler County.

[Pa.B. Doc. No. 08-562. Filed for public inspection March 28, 2008, 9:00 a.m.]

ERIE COUNTY**Rules of Criminal Procedure Nos. 106, 117, 310, 541, 570, 571, 590 and 600; No. AD-16-08****Order**

And Now, To-Wit, this 6th day of March, 2008, the following Local Rules of Criminal Procedure having been consented to by the Criminal Practice Section and approved by the Court are hereby *Ordered* adopted and effective as to Erie County 30 days after publication of same in the *Pennsylvania Bulletin*.

By the Court

ELIZABETH K. KELLY,
President Judge

RULE 106—Continuances

A deadline shall exist for the filing of continuances by either the Commonwealth or a defendant for cases listed for a particular trial term. This deadline shall be the second business day of the week immediately preceding the trial term. The deadline may be extended by the Court. Any motions for continuance filed prior to the deadline shall be considered by the pre-assigned judge. After the deadline, all motions for continuance must be considered by the judge who will preside over the case at trial. Notice as to the last date for continuances shall be published by the court in its annual schedule.

RULE 117—Magisterial District Judge Coverage for Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

A. To the extent required by Pa.R.Crim.P. 117, Magisterial District Judges shall be available to provide continuous coverage for the issuance of search warrants, the issuance of arrest warrants, to accept and set bail, to conduct summary trials, and to conduct preliminary arraignments.

1. The provision of continuous coverage shall be by the traditional on-call system as presently established and exercised in Erie County. Specifically, the Magisterial District Judges shall remain on-call during non-regular business hours on a rotating basis. The Assistant Court Administrator shall maintain a copy of said rotating schedule.

2. The hours of 6:00 a.m. to 10:00 p.m. for conducting a summary trial or bench warrant hearing pursuant to Pa.R.Crim.P. 431 shall not be extended.

B. Magisterial District Judges, the Clerk of Courts and the Warden of the Erie County Prison shall be authorized to accept bail pursuant to, and subject to the limitations of, the Pennsylvania Rules of Criminal Procedure. The Warden's authority is limited to accepting the bail deposit, delivering the bail to the issuing authority or Clerk of Courts and, under Pennsylvania Rule of Criminal Procedure 525, releasing the defendant upon execution of the bail bond.

C. Regular business hours for each Magisterial District Judge Office shall be Monday through Friday from 8:30 a.m. until 4:30 p.m.

RULE 310—A.R.D.

A. An original application for entry into the Accelerated Rehabilitation Disposition (A.R.D.) program shall be filed with the Commonwealth, and a copy shall be filed at the Office of the Criminal Court Administrator. The Criminal Court Administrator shall mark the date of filing on the copy. The application shall include language that waives Pa.R.Crim.P. 600.

B. The filing deadlines imposed by Pa.R.Crim.P. 567, 568, 572, 573, 578 and 579 shall be specially calculated in those instances where a defendant applies for, is refused entry into, or is revoked from the A.R.D. program as follows:

1. When the application is made BEFORE arraignment, all filing deadlines are preserved and calculations shall commence upon date of refusal or revocation.

2. When the application is made AFTER arraignment, filing of the application shall toll the running of the deadlines. Any number of days remaining shall remain and calculations will recommence upon date of refusal or revocation.

3. When any filing deadline has passed before the filing of the A.R.D. application, that deadline shall be deemed missed and unavailable except upon motion and order of the court.

C. The procedure for the expedited A.R.D. process is set forth in Erie L.R. 541A.

RULE 541—Waiver of Preliminary Hearing: Filing for Expedited A.R.D.

A. *Expedited A.R.D.* An original application for entry into the Expedited Accelerated Rehabilitative Disposition ("Expedited A.R.D.") program may be filed with the Magisterial District Judge who is assigned to preside over

the preliminary hearing. The Magisterial District Judge shall forward the application to the Clerk of Courts and the Criminal Court Administrator.

Note—Expedited A.R.D. applies only to DUI cases that meet the following minimum criteria: (1) the BAC must be no greater than .30%; (2) the defendant must have no criminal history exclusive of summary offenses; and (3) the case must not involve a motor vehicle accident.

RULE 570—Pretrial Conference

A. *Treatment Court.* After the filing of a criminal information, an original application for entry into the Drug Court or Mental Health Court programs shall be filed with the Commonwealth, and a copy shall be filed with the Criminal Court Administrator. The Criminal Court Administrator shall mark the date of filing on the copy.

B. *Case Assignments.* All cases bound to Court will be assigned to one of the Judges in the Trial Division by the Court Administrator at or about the time of the arraignment or waiver thereof. The assigned judge will hear and resolve all pretrial matters pertaining to the case. If a case proceeds to trial before a judge other than the assigned judge, the trial judge shall entertain motions in limine and any other pretrial motions.

RULE 571—Arraignment

The defendant and counsel (or a representative of counsel) shall be required to appear at the scheduled time of arraignment unless a waiver is filed. The defendant and counsel may waive appearance at arraignment by the filing of a signed "Waiver of Arraignment and Entry of Appearance" prior to the scheduled date of arraignment.

RULE 590—Pleas and Plea Agreements

A. In all cases disposed of by plea (except post-arraignment pleas), the assigned judge shall be the sentencing judge. However, in any case where the assigned judge is unavailable for sentencing, another judge designated by the President Judge shall conduct the sentencing. A sentencing date shall be set for all cases at the time of plea. Any change requested in this date must be made directly with the assigned sentencing judge and subject to his or her discretion.

1. *Post-Arraignment Pleas.* If a defendant enters a plea before the Court no later than ten (10) days after arraignment or refusal from the ARD/PWOV or Treatment Court programs, the defendant may have the option of assignment to another judge of the trial division, other than the original assigned judge, for purposes of sentencing. The assignment of alternative sentencing judges under this section shall be determined by the President Judge.

B. *Plea Agreements.* A deadline shall exist, after which the Court should not accept a plea to lesser or reduced offenses. This deadline shall be the second business day of the week immediately preceding the first day of the trial term. Said deadline may be extended by the Court upon good cause shown. If a case is called to trial by the

Court Administrator after that date, the Commonwealth and defendant shall (1) proceed to trial; (2) enter a plea as charged (summary offenses may be withdrawn at any time); or (3) the Court shall dismiss the case.

RULE 600—Trial Terms

A. *Criminal Trial Terms.* Criminal cases (excluding those listed in paragraph B) shall be tried during a two-week period in the months of January, March, May, July, September and November.

B. *Separate Trial List.* All DUI cases and other cases where the most serious offense involves simple assault, (including cases involving alleged domestic abuse), bad checks or cases requiring expedited handling due to speedy trial concerns shall be tried during a two-week period in the months of February, April, June and October.

C. *Notice.* All cases listed for a trial session shall be subpoenaed by the Court Administrator at least one (1) month prior to the start of the trial term when time permits. The Court may direct the listing of any case for any term as it deems necessary or appropriate.

[Pa.B. Doc. No. 08-563. Filed for public inspection March 28, 2008, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2008; No. 316 Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 14th day of March, 2008, the emergency duty assignment order of December 20, 2007, is herewith amended as follows:

January	Justice Thomas G. Saylor Justice Max Baer	(Eastern District) (Western District)
February	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
March	Justice Thomas G. Saylor Justice Debra Todd	(Eastern District) (Western District)
April	Justice Thomas G. Saylor Justice Max Baer	(Eastern District) (Western District)
May	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 08-564. Filed for public inspection March 28, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating

The Fish and Boat Commission (Commission) has amended Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The final-form rulemaking amends the regulations relating to boating in Allegheny County.

A. Effective Date

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

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

E. Summary of Changes

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

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

Accordingly, the Commission proposed to amend its regulation to change the upper limit of the SNW zone on the Allegheny River from the Fort Wayne (Norfolk Southern) Bridge to the 9th Street Bridge. The Commission's Boating Advisory Board considered this change and recommended that the Commission adopt the amendment on final-form rulemaking. The Commission adopted the amendment as set forth in the notice of proposed rulemaking.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Involvement

A notice of proposed rulemaking was published at 37 Pa.B. 6416 (December 8, 2007). The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending § 111.2 to read as set forth in 37 Pa.B. 6416.

(b) The Executive Director will submit this order and 37 Pa.B. 6416 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 37 Pa.B. 6416 and deposit them with the Legislative Reference Bureau as required by law.

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

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

Fiscal Note: Fiscal Note 48A-196 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-565. Filed for public inspection March 28, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing

The Fish and Boat Commission (Commission) has amended Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The final-form rulemaking will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

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

D. Purpose and Background

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

E. Summary of Changes

In recent months, the public as well as staff from the Commission's Bureaus of Fisheries and Law Enforcement have raised concerns regarding a number of existing special regulation programs for trout on waters that may be large enough to permit boating. When regulation changes occur along a stream and a person angling from a boat that traverses from a section of stream that is under one set of regulations into another section under different regulations, that person could be in violation of the law for the section he just entered. For example, if one section of stream is managed under § 61.1 (relating to Commonwealth inland waters) for trout, a creel limit of five fish is in effect from the first Saturday after April 11 until Labor Day and bait is permitted. However, if the next downstream section is regulated under § 65.6 (relating to delayed harvest artificial lures only areas), harvest is only permitted from June 15 until Labor Day, the creel limit during this period is three, and bait is not permitted. Anglers boating from the upstream section to the downstream section any time before June 15 in this example would be in violation of the delayed harvest regulations if they had either trout or bait on board, even though these fish had been taken lawfully and gear used lawfully in the upstream section.

To address this matter, the Commission has amended §§ 65.5—65.7 and 65.14 to allow, notwithstanding the requirements of those sections, an angler in a boat to possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the waters from which taken, provided that the boat angler floats through the specially regulated area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the specially regulated area. For §§ 65.4a, 65.10 and 65.15, the reference to bait will be eliminated. On final-form rulemaking, the Commission adopted the proposed amendments as set forth in the notice of proposed rulemaking.

F. Paperwork

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

G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The Commission's costs for signage will be modest. The

final-form rulemaking will impose no new costs on the private sector or the general public.

H. Public Involvement

A notice of proposed rulemaking was published at 37 Pa.B. 6418 (December 8, 2007). Prior to the formal public comment period, the Commission received one comment opposing the amendments. During the formal public comment period, the Commission received two comments opposing the amendments. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending §§ 65.4a, 65.5—65.7, 65.10, 65.14 and 65.15 to read as set forth at 37 Pa.B. 6418.

(b) The Executive Director will submit this order and 37 Pa.B. 6418 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 37 Pa.B. 6418 and deposit them with the Legislative Reference Bureau as required by law.

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

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

Fiscal Note: Fiscal Note 48A-198 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-566. Filed for public inspection March 28, 2008, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 143]
Hunting and Furtaking Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, adopted the following rulemaking:

Amend § 143.52 (relating to procedure for unlimited antlerless licenses) to change the over-the-counter sales date from the third Monday in September to the second Monday in September to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in Wildlife Management Units (WMUs) 2B, 5C and 5D.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 6750 (December 22, 2007).

1. Purpose and Authority

Formerly, § 143.52 permitted county treasurers that issued antlerless deer licenses for WMUs 2B, 5C and 5D to begin accepting applications over-the-counter on the third Monday in September. This date fell on September 17, 2007, this license year, which happened to be 2 days after the new opening date for archery deer season within those same WMUs. The relationship of these dates unintentionally precluded some hunters wishing to hunt antlerless deer in WMUs 2B, 5C and 5D from being able to purchase the necessary antlerless deer licenses over-the-counter at county treasurers' offices. In an effort to prevent this unintended result from occurring next year, the Commission is amending § 143.52 to change the over-the-counter sales date from the third Monday in September to the second Monday in September to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in WMUs 2B, 5C and 5D.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 143.52 was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended § 143.52 to change the over-the-counter sales date from the third Monday in September to the second Monday in September to permit county treasurers to begin accepting and processing antlerless deer applications prior to the opening day of the new archery season in WMUs 2B, 5C and 5D.

3. Persons Affected

Certain county treasurers and persons wishing to hunt antlerless deer during the early days of the archery season in WMUs 2B, 5C and 5D may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.52 to read as set forth at 37 Pa.B. 6750.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 6750 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-261 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-567. Filed for public inspection March 28, 2008, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaking Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, adopted the following rulemaking:

Amend § 143.12 (relating to hunter education training) to permit the Commission to waive hunter education course registration fees for its staff and volunteer instructors under certain circumstances.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 6749 (December 22, 2007).

1. Purpose and Authority

The Commission's hunter education program has grown in recent years to include not only the basic Hunter-Trapper Education curriculum for all first-time license buyers, but also a mandatory Remedial Hunter Education training program and a Cable Restraint Certification curriculum required for certain trapping activities. A

voluntary advanced training program titled "Successful Bowhunting" was also developed to improve bowhunters' knowledge, skills and abilities. Future curriculum expansion is envisioned with additional species-specific and discipline-specific advanced training programs. With the growth in this program, the Commission has recognized a notable improvement in the knowledge and skills of the staff and volunteer instructors that have attended these training programs. In an effort to further promote participation in these and future training programs by staff and volunteer instructors, the Commission amended § 143.20 to permit the Commission to waive hunter education course registration fees for these individuals. The subject fee waiver will be further defined by formal, written hunter education policy and subject to review and approval by the Director.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of activities related to license issuing. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 143.12 were adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amended § 143.12 to permit the Commission to waive hunter education course registration fees for its staff and volunteer instructors under certain circumstances.

3. *Persons Affected*

Staff and volunteer instructors of the Commission participating in any of the Commission's hunter education training courses may be affected by the final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking may result in a nominal increase in additional cost (income avoidance) and paperwork to the Commission in implementing this fee waiver authority, however, such an increase should be absorbed by the Commission's current budget or staffing, or both.

6. *Effective Date*

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, order that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by amending § 143.12 to read as set forth at 37 Pa.B. 6749.

(b) The Executive Director shall certify this order and 37 Pa.B. 6749 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-257 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-568. Filed for public inspection March 28, 2008, 9:00 a.m.]

GAME COMMISSION
[58 PA. CODE CH. 141]
Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, adopted the following rulemaking:

Amend § 141.20 (relating to protected material required) to eliminate the protective material requirement for the spring turkey season.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 6750 (December 22, 2007).

1. *Purpose and Authority*

Various hunters and sporting organizations recently requested a review or reconsideration of the former regulatory mandate that turkey hunters wear at least 100 square inches of solid fluorescent orange-colored material on the head while moving about or relocating during the spring turkey season. Safety of hunters afield is without a doubt one of the paramount concerns of the Commission, especially as it relates to hunters shooting other hunters in mistake for game. However, notwithstanding anecdotal indications that the protective material requirement does in fact prevent some accidents, the available statistical data relating to hunting related shooting incidents (HRSI's) during the spring turkey season is devoid of

clear evidence that the protective material requirement has made any appreciable reduction in the occurrence of HRSI's since its inception. Therefore, after thorough discussion and review, the Commission amended § 141.20 to eliminate the protective material requirement for the spring turkey season. Despite this amendment, the Commission will remain attentive to the affect the removal has on the occurrence of HRSI's and strongly recommends that hunters continue to wear fluorescent orange during the spring turkey season.

Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 141.20 was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking amended § 141.20 to eliminate the protective material requirement for the spring turkey season.

3. Persons Affected

Persons wishing to hunt turkey during the spring turkey season within this Commonwealth will be affected by the final-form rulemaking.

4. Comment and Response Summary

The Commission received 76 comments regarding this final-form rulemaking. Out of this total, 70 were in support and 6 were in opposition to the Commission's proposal to eliminate the protective material requirement for the spring turkey season.

5. Cost and Paperwork Requirements

The final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

The final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this amendment of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, order that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.20 to read as set forth at 37 Pa.B. 6750.

(b) The Executive Director shall certify this order and 37 Pa.B. 6750 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-256 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-569. Filed for public inspection March 28, 2008, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 141 AND 147]

Hunting and Trapping; Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, adopted the following rulemaking:

Amend § 141.4 (relating to hunting hours) and create Chapter 147, Subchapter W (relating to snow goose conservation hunt permit) to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 6751 (December 22, 2007).

1. Purpose and Authority

In recent years, continental snow goose populations have experienced a rapid growth in their population. This dramatic increase in population size has in turn resulted in extensive, possibly irreversible, damage to arctic and subarctic breeding habitats of the continental snow goose, as well as other bird populations dependant on these habitats. The Federal government has proposed, by means of a Light Goose Management Final Environmental Impact Statement, to reduce and stabilize snow goose populations primarily by allowing additional hunting methods and days. The United States Fish and Wildlife Service intends to establish a conservation order that will authorize states, beginning in 2008, to use hunters to harvest snow geese during the period when all waterfowl seasons, excluding falconry, are closed inside or outside the migratory bird hunting season framework. Participating states are required to monitor and assess hunting activity and harvest conducted under this conservation order and annually report to the United States Fish and Wildlife Service each September. To this end, the Commission has amended § 141.4 and created Chapter 147, Subchapter W to define and create the regulatory struc-

ture necessary to implement the new snow goose conservation hunt program within this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 141.4 and creation of Chapter 147, Subchapter W were adopted under this authority.

2. *Regulatory Requirements*

The final-form rulemaking amended § 141.4 and created Chapter 147, Subchapter W to define and create the regulatory structure necessary to implement the new snow goose conservation hunt program within this Commonwealth.

3. *Persons Affected*

Persons wishing for additional opportunities to hunt snow geese within this Commonwealth may be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

The final-form rulemaking may result in a nominal increase in additional cost and paperwork to the Commission in implementing this new program, however, such an increase should be absorbed by the Commission's current budget or staffing, or both.

6. *Effective Date*

The final rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202).

(2) The adoption of these amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 141 and 147, are amended by amending § 141.4 and adding §§ 147.781, 147.782 and 147.784 to read as set forth at 37 Pa.B. 6751 and by adding § 147.783 to read as set forth in Annex A.

(b) The Executive Director of the Commission shall certify this order, 37 Pa.B. 6751 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) The order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: Fiscal Note 48-260 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter W. SNOW GOOSE CONSERVATION HUNT PERMIT

§ 147.783. Permit.

(a) A snow goose conservation hunt permit issued under this subchapter authorizes the permittee to harvest snow geese within this Commonwealth during a period of time when all waterfowl seasons are closed.

(b) The permittee is required to maintain records specifying hunting activity and harvest by day, time of day, and any other detail required by the Commission. An annual report of this hunting record shall be submitted in a manner specified by the Commission within 30 days of the last hunting day of the conservation hunt period.

(c) Except as provided in § 141.4 (relating to hunting hours), the permittee shall comply with the applicable State and Federal regulations relating to the hunting and taking of snow geese during regular hunting seasons as adopted by the United States Secretary of the Interior and as published in the *Federal Register* each year.

[Pa.B. Doc. No. 08-570. Filed for public inspection March 28, 2008, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 147]

Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, adopted the following rulemaking:

Create Chapter 147, Subchapter V (relating to agricultural damage depredation permit) to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

The final-form rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 37 Pa.B. 6753 (December 22, 2007).

1. Purpose and Authority

On July 3, 2007, Governor Rendell signed into law House Bill 881, which, in relevant part, amended section 2121 of the code (relating to killing game or wildlife to protect property) to permit the Commission to authorize other individuals to assist eligible landowners in the destruction of wildlife causing agricultural damage to their property. This bill became effective September 1, 2007, however, before the Commission could begin the issuance of permits to authorize the aforementioned activity, the Commission was required to define and create the regulatory structure to implement this new program. To that end, the Commission added Chapter 147, Subchapter V to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The creation of Chapter 147, Subchapter V was adopted under this authority.

2. Regulatory Requirements

The final-form rulemaking created Chapter 147, Subchapter V to define and create the regulatory structure necessary to implement the new agricultural damage depredation permit program within this Commonwealth.

3. Persons Affected

Eligible landowners and persons wishing to assist eligible landowners with the destruction of wildlife causing agricultural damage on their property within this Commonwealth may be affected by the final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

The final-form rulemaking may result in a nominal increase in additional cost and paperwork to the Commission in implementing this new program, however, such an increase should be absorbed by the Commission's current budget or staffing, or both.

6. Effective Date

The final-form rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding the final-form rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative regulations adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of these regulations of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 147, are amended by adding §§ 147.761—147.765 to read as set forth at 37 Pa.B. 6753.

(b) The Executive Director of the Commission shall certify this order and 37 Pa.B. 6753 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon final-form publication in the *Pennsylvania Bulletin*.

CARL G. ROE,
Executive Director

Fiscal Note: 48-259 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-571. Filed for public inspection March 28, 2008, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD [58 PA. CODE CHS. 405a AND 461a]

Bureau of Investigations and Enforcement; and Slot Machine Testing and Control

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207, 1320 and 1517(a.2) (relating to regulatory authority of board; slot machine testing and certification standards; and investigations and enforcement), amends Chapters 405a and 461a (relating to Bureau of Investigations and Enforcement; and slot machine testing and control) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

These amendments conform the language in the regulations to the language of 4 Pa.C.S. Part II (relating to Pennsylvania Race Horse Development and Gaming Act) (act), make provisions consistent with changes in subsequently adopted chapters and remove obsolete provisions.

Explanation of the Amendments to Chapters 405a and 461a

In § 405a.3(b) (relating to Office of Enforcement Counsel), the Board deleted the phrase "and operational" so

that this section mirrors the language in section 1517(a.2)(2) of the act (relating to investigations and enforcement). The title "Director of the Office of Enforcement Counsel" has been changed to "Chief Enforcement Counsel" in this section and in § 405a.5 (relating to investigatory subpoena) to match the Board's current organizational structure.

In § 405a.6 (relating to enforcement action), the Board updated citations and extended the time to file a notice of defense and request a hearing in subsections (c) and (d) from 15 days to 20 days to match the time period in § 493a.2(e) (relating to complaints).

In § 405a.6(e), the Board changed the requirement concerning the mailing of final orders. Final orders will be sent by first class mail instead of certified mail. Because a respondent's address is determined at the beginning of the proceeding there is no need to use certified mail for the final order.

In §§ 461a.3 and 461a.4 (relating to testing and approval generally; and submission for testing and approval), the Board removed the references and provisions relating to abbreviated testing and approval of slot machines and associated equipment. Section 1320 of the act (relating to category 1 slot machine license) allowed the Board to use certifications of equipment by other states or approved private testing laboratories until the Board established its testing facility. Now that the Gaming Laboratory is operational, the time period to use these alternate processes has expired.

In § 461a.7 (relating to slot machine minimum design standards), the Board deleted subsection (d) which contains the "payout requirement of 85% within 10 million plays" standard. Because the length of time that a slot machine is typically used today is shorter and because of the advent of server based games, this standard has become obsolete. The other requirements which reflect the statutory requirement of having a payout of at least 85% remain unchanged.

In § 461a.12 (relating to progressive slot machines), references to § 461a.7 have been updated to reflect the deletion of subsection (d).

Comment and Response Summary

Notice of proposed rulemaking was published at 37 Pa.B. 5799 (October 27, 2007).

The Board received comments from International Gaming Technology during the public comment period in support of the proposed changes. By letter dated December 26, 2007, the Independent Regulatory Review Commission (IRRC) notified the Board that IRRC had no objections, comments or recommendations to offer on these amendments.

No changes have been made to this final-form rulemaking.

Affected Parties

Under this final-form rulemaking, manufacturers submitting slot machines for testing and certification will be affected by no longer being able to request alternate certification of their slot machines and related equipment. There are 16 currently licensed manufacturers.

Respondents to complaints will also be affected. The Board projects that there may be approximately 2,000 complaints filed over the next 12 months.

Fiscal Impact

Commonwealth

By mailing Board orders by first class mail instead of certified mail, the Board estimates this final-form rulemaking will save up to \$10,000 annually.

Political Subdivisions

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

Private Sector

The Board anticipates that there will be no significant costs or savings to the regulated public as a result of these amendments.

General Public

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

Paperwork requirements

These amendments do not change or add new reporting, recordkeeping or paperwork requirements.

Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P.S. § 745.5(a), on October 12, 2007, the Board submitted a copy of the proposed rulemaking, published at 37 Pa.B. 5799 (October 27, 2007), and a copy of the Regulatory Analysis Form to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development.

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

Under section 5.1(j.2) of the act (71 P.S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development on February 20, 2008. Under section 5(g) of the act, the final-form rulemaking was deemed approved by IRRC effective February 20, 2008.

Findings

The Board finds that:

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

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

Order

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

(a) The regulations of the Board, 58 Pa. Code Chapters 405a and 461a, are amended by amending §§ 405a.3, 405a.5, 405a.6, 461a.3, 461a.4, 461a.7 and 461a.12 to read as set forth at 37 Pa.B. 5799.

(b) The Chairperson of the Board shall certify this order and 37 Pa.B. 5799 and deposit them with the Legislative Reference Bureau as required by law.

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

MARY DIGIACOMO COLINS,
Chairperson

Fiscal Note: Fiscal Note 125-71 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 08-572. Filed for public inspection March 28, 2008, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 113]

Corrective Amendment to 61 Pa. Code § 113.7(1)

The Department of Revenue (Department) has discovered a discrepancy between the agency text of 61 Pa. Code § 113.7(1) (relating to correcting mistakes), as deposited with the Legislative Reference Bureau, and published at 2 Pa.B. 259, 272 (February 19, 1972), and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 1) and as cur-

rently appearing in the *Pennsylvania Code*. The initial codification of paragraph (1) was inaccurate.

Therefore, under 45 Pa.C.S. § 901: The Department has deposited with the Legislative Reference Bureau a corrective amendment to 61 Pa. Code § 113.7(1). The corrective amendment to 61 Pa. Code § 113.7(1) is effective as of February 19, 1972, the date the correct text appeared in the *Pennsylvania Bulletin*.

The correct version of 61 Pa. Code § 113.7(1) appears in Annex A, with ellipses referring to the existing text of the section.

Annex

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 113. WITHHOLDING OF TAX

§ 113.7. Correcting mistakes.

An overpayment or underpayment of tax shall be corrected in the following manner:

(1) If the correct amount of tax is withheld, but because of an underpayment or an overpayment an incorrect amount is remitted to the Commonwealth, proper adjustment may be made within the same calendar year on the first return or later returns filed after the error is discovered. In the case of such an overpayment, the employer shall file an application for refund if the error is not corrected by the end of the year.

* * * * *

[Pa.B. Doc. No. 08-573. Filed for public inspection March 28, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CHS. 143 AND 147]

Hunting and Furtaking Licenses and Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed to amend Chapter 143, Subchapters A—E, J and K and Chapter 147, Subchapters R and S (relating to deer control and bobcat hunting-trapping permit) to accommodate the implementation of the Commission's new Point-of-Service (POS) licensing system within this Commonwealth.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2008, meeting of the Commission. Comments can be sent, until April 18, 2008, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Game Commission (Commission) has been working in joint partnership with the Fish and Boat Commission (FBC) to create and implement the Commonwealth's first POS licensing system. The Commission and FBC intend to replace their own individual paper-based licensing systems with a common computer-based automated licensing system. Implementing this computerized POS licensing system within this Commonwealth will significantly streamline the application and purchase process for customers, virtually eliminate manual auditing and reporting for agents, and provide tremendous new electronic functionality to assist the Commission and FBC support staff in monitoring license administration. In addition, the data from the POS licensing system will enable the Commission and FBC to monitor license sales, create strategic business plans based on trend analysis and, most importantly, create marketing plans based on more accurate customer demographics. Therefore, in an effort to accommodate the implementation of the Commission's new POS licensing system within this Commonwealth, the Commission is proposing to amend Chapter 143, Subchapters A—E, J and K, and Chapter 147, Subchapters R and S.

Section 2722(g)(2) of the code (relating to authorized license-issuing agents) provides that the Commission shall adopt regulations for "The administration, control and performance of activities conducted pursuant to the provisions of this chapter." Section 2901(b) of the code (relating to authority to issue permits) provides "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preserva-

tion and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments in Chapter 143, Subchapters A—E, J and K, and Chapter 147, Subchapters R and S were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend Chapter 143, Subchapters A—E, J and K and Chapter 147, Subchapters R and S to accommodate the implementation of the Commission's new POS licensing system within this Commonwealth.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The final rulemaking may result in some additional cost and paperwork associated with the implementation of the Commission's new POS licensing system within this Commonwealth. However, the Commission has determined that if there is any additional expense associated with this effort, it will not be substantial and would be absorbed by the current budget. The proposed rulemaking should not result in any other additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-268. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTAKER LICENSES

Subchapter A. GENERAL

§ 143.1. Definitions.

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

* * * * *

Customer ID number—The unique customer identifier permanently assigned to each customer of the Commission's Point-of-Sale automated licensing system.

Point-of-Sale—The Commission's computer-based automated licensing system that facilitates the purchase and creation of license products at the agent location.

§ 143.11. Internet license sales.

[To fulfill Internet orders for general hunting licenses, the Commission may print specific license privileges directly on the hunting license back tag. For individuals who already possess a valid hunting license and opt to purchase an archery, muzzleloader, migratory game bird or bear license using the Commission's website, the Commission may assign a web order number to issue these additional license privileges. To validate these additional privileges, the license holder shall enter his web order number on the general hunting license back tag and sign in the spaces provided.] For individuals who already possess a valid hunting license and opt to purchase an archery, muzzleloader or migratory game bird license online, the license holder shall print the receipt, sign in the space provided and carry while afield.

Subchapter B. APPOINTMENT OF AGENTS

§ 143.26. Time for rebate.

Rebate to the agent will be [drawn from the Game Fund and returned to the agent in lump sum as soon as practicable after the agent's yearly sales are audited] credited to his account at the beginning of the license year following his first year as an agent.

Subchapter C. ANTLERLESS DEER LICENSES

§ 143.41. Purpose and scope.

* * * * *

(b) The Commission, after reviewing [reproductive] available management data, will establish the number of antlerless deer licenses allocated to each wildlife management unit. [Licenses will be distributed among county treasurers for issuance on the basis of percentage of land each county represents in the unit.]

(c) An application shall be accepted without restriction or regard to the applicant's county of residence. The following procedure shall be adhered to when determining successful applicants for licenses:

* * * * *

(2) [The Commission in Harrisburg will serve as the central receiver for all mail-in applications in all wildlife management units.] Envelopes received by first class mail delivered through and by the United States Postal Service will be processed and licenses issued as soon as practicable.

(3) [Envelopes received by first class mail delivered through and by the United States Postal Service will be examined as soon as practicable, unopened, to determine the number of applications received as well as to verify delivery to the intended wildlife management unit.

(4) [This process of [application distribution] license issuance will continue until the available supply of licenses for that wildlife management unit is exhausted.

(d) The Commission may act in the capacity of a county treasurer for issuing antlerless licenses [in a wildlife management unit] if authority to issue licenses has been removed from any or all county treasurers [in the wildlife management unit].

(e) Notwithstanding the provisions of this chapter limiting the number of licenses available, the Commission will authorize antlerless deer licenses to be issued regardless of an established quota to:

(1) A resident of this Commonwealth within 60 days of discharge from active duty under honorable conditions from the United States Armed Forces or United States Coast Guard. [The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.]

(2) A disabled veteran as defined in 34 Pa.C.S. § 2706(b)(1) (relating to resident license and fee exemptions). [The issuing county treasurer will designate the license for a specific wildlife management unit by writing the unit's alphanumeric designation on the face of the license.]

* * * * *

§ 143.42. Definitions.

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

Application—[The form issued with a regular hunting license used in applying for an antlerless license.] The universal form contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof used in applying for an antlerless license or an unsold tag.

[County allocation]—The number of licenses allocated by the Commission to an individual county.]

* * * * *

Date issued—The date [placed on the license by a county treasurer or the Commission] printed on the license at the time of issuance indicating when the license was mailed or given to the person named on the license.

Envelope—The official envelope issued with a regular hunting license which shall be used by the applicant to mail completed applications to [the Commission] a county treasurer.

* * * * *

License—The numbered [back tag] license which is issued by the county treasurer or the Commission authorizing the holder thereof to hunt antlerless deer in a specific wildlife management unit.

* * * * *

[Unsold tag application]—The form contained in the "Hunting and Trapping Digest" used in applying for an unsold tag.]

* * * * *

§ 143.43. Preamble.

(a) An application shall be submitted to [the Commission wildlife management unit address in Harrisburg] a county treasurer and a license shall be issued only in accordance with the act and this subchapter.

* * * * *

§ 143.44. Application.

[(a) Only the original current application is valid for making application.

(b) It is unlawful to apply for more than one license.

(c) The application is not transferable by the person receiving it. The application may not be used by another person to apply for a license.]

It is unlawful to apply for more than one license before the unsold tag and unlimited antlerless license application periods as set forth in this chapter.

§ 143.45. Completing and submitting applications.

(a) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for those applications submitted by qualified landowners, it is unlawful for a county treasurer to accept an application other than [from the Commission] by regular first class mail delivered through and by the United States Postal Service. [County treasurers with unsold antlerless deer licenses shall accept applications over the counter and may immediately issue licenses beginning on the first Monday in November.] Applications for unsold antlerless deer licenses shall be accepted by county treasurers over the counter and may immediately be processed if licenses are available beginning on the first Monday in November.

(b) [The Commission will not accept antlerless deer license applications other than by regular first class mail delivered through and by the United States Postal Service.] Applications will not be accepted by county treasurers prior to the start of the normal business day on the second Monday in July.

(c) [Applications will not be accepted by the Commission prior to the start of the normal business day on the first Monday in August.

(d)] The application shall be legibly completed, in its entirety, in accordance with instructions on the application. An applicant may enter up to three units, in order of preference, on the application.

[(e)] (d) * * *

[(f)] (e) * * *

[(g)] (f) The envelope [shall] must contain return first class postage and a return address. If requirements of this subsection are not met, applications will be placed in a dead letter file and may be reclaimed by the applicant upon contacting the [Commission's Hunting License Division in Harrisburg] county treasurer's office. Postage, both forward and return, is the responsibility of the applicant.

[(h)] (g) * * *

§ 143.48. First-come-first-served license issuance.

(a) Envelopes containing applications will be accepted on a first-come-first-served basis. [Envelopes will be inspected by the Commission in Harrisburg, unopened, to determine if they comply with § 143.45(b), (c), (e) and (g) (relating to completing and submitting applications).]

(b) [If the conditions in § 143.45(b), (c) and (e) are met, it constitutes initial acceptance, and the applications will be forwarded to a county treasurer within the wildlife management unit for issuance of the appropriate number of licenses. If the conditions are not met, the enclosed applications will be rejected and returned to the sender as soon as possible.] If there are more than three applications in one envelope, the enclosed applications will be rejected and returned to the sender as soon as practicable.

* * * * *

(e) [Envelopes containing applications initially accepted for the issuance of a license shall be opened and inspected by the county treasurer at his earliest convenience. If an application in an accepted envelope fails to comply with § 143.45 (relating to completing and submitting applications), applications enclosed in the accepted envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable. The back tags initially assigned to the envelope shall be marked VOID across the face in ink.] If an application fails to be in compliance with § 143.45 (relating to completing and submitting applications), applications enclosed in the envelope shall be rejected and returned by the county treasurer to the sender as soon as practicable.

§ 143.49. Issuing licenses.

(a) Licenses may be issued by county treasurers immediately following receipt of applications [from the Commission].

(b) Licenses [shall] will be [validated by the addition of the county treasurer's or the Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag. The county treasurer shall write in ink the assigned antlerless license number on the face of the check or money order] issued through the Commission's Point-of-Sale automated licensing system. The county treasurer shall write in ink the applicants' customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant's first unit of preference, the county treasurer shall issue a license for the applicant's next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(c) Except as otherwise provided in § 143.52 (relating to procedure for unlimited antlerless licenses) and for qualified landowners, licenses issued shall be delivered to successful applicants in the envelope by first class mail through and by the United States Postal Service. Licenses shall be placed with the United States Postal Service no

later than the **[third] second Monday in September**, except for licenses issued under § 143.51(f) (relating to application and issuance of unsold tags) which shall be placed with the United States Postal Service no later than **[October 1] the fourth Monday in September**. If more than one application is mailed to the county treasurer in the same envelope, the licenses shall be mailed to the person whose name appears on the return section of the envelope. The person receiving the additional licenses is responsible for delivering them to the appropriate people.

§ 143.50. Procedure for nonresidents of this Commonwealth.

[The Commission having unsold licenses on the third Monday in August and thereafter will accept applications for those units in compliance with § 143.45 (relating to completing and submitting applications) from nonresidents of this Commonwealth.] Nonresidents may apply for unsold licenses on the last Monday in July and thereafter in compliance with § 143.45 (relating to completing and submitting applications).

§ 143.51. Application and issuance of unsold tags.

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the **[fourth] first Monday in August**, residents and nonresidents of this Commonwealth are eligible to receive an unsold tag.

(b) **[An applicant for this tag may not use the regular antlerless deer license application.]** An applicant shall only use the **[unsold]** application contained in the *"Hunting and Trapping Digest"* or a reasonable facsimile thereof.

* * * * *

(e) Unsold tags shall be **[validated by the addition of the county treasurer's or Director's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag]** issued through the Commission's Point-of-Sale automated licensing system. The county treasurer shall write in ink the applicants customer ID numbers on the face of the check or money order. If there are no licenses available in the applicant's first unit of preference, the county treasurer shall issue a license for the applicant's next unit of preference in the order given. If all three units have no licenses available, the county treasurer shall return the application to the applicant indicating that the selected units were sold out.

(f) Beginning on the **[second Monday in September, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to the appropriate Commission wildlife management unit address in Harrisburg]** third Monday in August, residents and nonresidents of this Commonwealth are eligible to apply for one additional unsold tag by mailing to a county treasurer.

§ 143.52. Procedure for unlimited antlerless licenses.

* * * * *

(b) Beginning on the **[fourth Monday in August, residents and nonresidents of this Commonwealth shall be eligible to apply to designated wildlife management units for an unlimited number of antlerless deer licenses by mailing the application to the appropriate Commission wildlife management unit address in Harrisburg]** first Monday in August residents and nonresidents of this Commonwealth shall be eligible to apply by mail to a county treasurer for an unlimited number of antlerless deer licenses for designated units.

(c) Beginning on the **[third Monday in September, county treasurers within the designated wildlife management units shall accept antlerless applications over the counter from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants]** fourth Monday in August, county treasurers shall accept antlerless applications over the counter for designated units from residents and nonresidents of this Commonwealth and may immediately issue licenses to applicants.

§ 143.53. Reapplication.

(a) A person whose application has been rejected and returned may secure a new official envelope from a hunting license issuing agent and reapply for a license by:

(1) If applicable, correcting the errors which caused the original application to be rejected and returning it to **[the Commission wildlife management unit address in Harrisburg]** a county treasurer.

(2) Changing on the application the designated wildlife management **[unit]** units in which the applicant desires to hunt and forwarding it to **[another Commission wildlife management unit address in Harrisburg]** a county treasurer.

(b) A person who was issued a license that was subsequently lost in the United States mail and never received by the licensee may, upon submitting an affidavit stating this fact, receive a replacement license from any county treasurer. There will be no additional cost for this license. Prior to issuing a replacement license, county treasurers shall first verify through **[their records or through communication with another county treasurer]** the Commission's Point-of-Sale automated licensing system that the applicant was issued the original license.

Subchapter D. BEAR LICENSES

§ 143.68. Carrying the license.

[The] For a bear license issued subsequent to the owner's general hunting license, the bear license shall be signed by the owner in the space provided and shall be carried on the person at all times when the owner is hunting for bear. The bear license does not need to be displayed but shall be produced for inspection upon demand of any officer authorized to enforce this title.

Subchapter E. [FLINTLOCK (MUZZLELOADER) DEER LICENSES] (Reserved)

§ 143.81. [Purpose and scope] (Reserved).

[This subchapter establishes methods for application and issuance of a license.]

§ 143.82. [Definition] (Reserved).

[The following words or terms, when used in this subchapter, have the following meaning, unless the context clearly indicates otherwise:

License—The special stamp issued by a license issuing agent authorizing the holder thereof to hunt deer with a muzzleloading firearm during the special season.]

§ 143.83. [Preamble] (Reserved).

[Applications shall be submitted to authorized issuing agents and licenses issued by them under the act and this subchapter.]

§ 143.84. [Application] (Reserved).

[(a) Applications for flintlock (muzzleloader) deer licenses shall be submitted to authorized issuing agents for licenses issued by them under the act and this subchapter.

(b) Applications for flintlock (muzzleloader) deer licenses may be made when purchasing a regular hunting license, or any time thereafter, upon presentation of the regular hunting license.]

§ 143.85. [Issuance of licenses] (Reserved).

[When the conditions in § 143.84 (relating to application) have been met, the agent may issue the appropriate license.]

§ 143.86. [Unlawful acts] (Reserved).

[It shall be unlawful to:

(1) Accept an application or issue a license contrary to the act or this chapter.

(2) Apply for or receive a license contrary to the act or this chapter.

(3) Aid another person in applying for or receiving a license contrary to the act or this subchapter.

(4) Transfer a license to another individual.]

§ 143.87. [Penalties] (Reserved).

[A person violating this subchapter shall, upon conviction, be sentenced as prescribed by the act.]

Subchapter J. MIGRATORY GAME BIRD LICENSE

§ 143.181. Purpose and scope.

This subchapter establishes rules for application and issuance of Migratory Game Bird License and [survey cards] HIP surveys.

§ 143.182. Definitions.

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

HIP survey—The Migratory Game Bird Harvest Information Program (HIP) survey that will be completed at the time the license is issued.

Migratory Game Bird License—The [numbered, wallet size card] license authorizing the holder thereof to hunt for migratory game birds. The license is not valid unless used in conjunction with a regular resident or nonresident hunting license.

[**Survey card**—The matching, numbered Migratory Game Bird Harvest Information Program card that is attached to the Migratory Game Bird License. The survey card will be completed at the time the license is issued.]

§ 143.183. Application.

Application may be made when purchasing a hunting license, or at any time thereafter upon completion of the HIP survey. [In addition to filling out the application for a hunting license, the applicant shall complete the matching numbered Migratory Game Bird Harvest Information Program survey card.]

§ 143.184. Issuance of license.

After confirming that the HIP survey [card] has been completed in its entirety, the issuing agent shall [enter the date of issuance in ink on the license and the matching numbered survey card in the spaces provided and] issue the license.

§ 143.186. Processing [survey cards] HIP surveys.

[Issuing agents shall forward survey cards completed each month directly to the United States Fish and Wildlife Service, Office of Migratory Bird Management, no later than the 5th day of the following month. Issuing agents shall forward the survey cards in the postage-paid envelopes provided by the Commission, as per the instructions set forth in the current issuing agents instruction manual.] HIP survey data shall be forwarded electronically to the United States Fish and Wildlife Service, Office of Migratory Bird Management, through the Commission's Point-of-Sale automated licensing system no later than 30 days after license issuance.

§ 143.187. Unlawful acts.

It is unlawful to:

* * * * *

(2) [Process survey cards contrary to § 143.186 (relating to processing survey cards).

(3) Apply for or receive a Migratory Game Bird License contrary to the act or this subchapter.

[(4)] (3) * * *

CHAPTER 147. SPECIAL PERMITS

Subchapter R. DEER CONTROL

DEER MANAGEMENT ASSISTANCE PROGRAM PERMITS

§ 147.672. Definitions.

The following words and terms, when used in this section and §§ 147.671 and 147.673—147.676, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

DMAP harvest permit—The numbered permit which is issued [by the Commission,] through the Commission's Point-of-Sale automated licensing system, authorizing the holder thereof to hunt antlerless deer in a specific DMAP area in accordance with provisions in the act and this part as they pertain to lawfully hunting deer. Each DMAP harvest permit has its own antlerless deer

ear tag [**and antlerless deer harvest report card**] attached to be used only for tagging [**and reporting**] an antlerless deer harvested.

* * * * *

§ 147.673. Eligibility and application for DMAP.

* * * * *

(d) Approved applicants will receive one coupon for each DMAP permit the DMAP area is entitled to. **In DMAP areas designated by the Director, DMAP harvest permits may be made available directly through authorized issuing agents without coupons being issued.**

§ 147.674. Issuance of DMAP harvest permits.

(a) DMAP harvest permits will be made available without regard to quota limitations and will be issued [**by the Commission**] through the Commission's Point-of-Sale automated licensing system.

(b) Two harvest permits for the DMAP area may be issued each license year to persons who possess a valid Pennsylvania hunting license [**or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions)**].

* * * * *

(c) In DMAP areas designated by the Director, applicants may apply for DMAP harvest permits without possessing a coupon as long as harvest permits remain available for that area.

§ 147.675. Validity of permit.

* * * * *

(b) DMAP harvest permits are valid only on the DMAP area indicated on the [**license**] permit.

§ 147.676. Unlawful acts.

It is unlawful to:

* * * * *

(6) Fail to [**complete**] submit harvest report and survey information in accordance with instructions provided [**on the report card or the survey, or both**].

* * * * *

[Pa.B. Doc. No. 08-574. Filed for public inspection March 28, 2008, 9:00 a.m.]

[58 PA. CODE CHS. 141 AND 143]

Hunting and Trapping and Hunting and Furtaker Licenses

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed to amend §§ 141.48, 143.203 and 143.206 (relating to elk hunt zones; drawing; and validity of license) to redesignate "elk management areas/units" as "elk hunt zones."

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2008, meeting of the Commission. Comments can be sent until April 18, 2008, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently redesignated all the "elk management areas/units" found within this Commonwealth's North central region as "elk hunt zones." This redesignation is reflected in the Commission's elk management plan as well as the *Hunting & Trapping Digest*, however, this change is not properly reflected in current regulations. Therefore, in an effort to correct this lack of consistency, the Commission is proposing to amend §§ 141.48, 143.206 and 143.207 by redesignating "elk management areas/units" as "elk hunt zones."

Section 322(c)(4) of the code (relating to powers and duties of the commission) authorizes the Commission to "define geographic limitations or restrictions." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 141.48, 143.206 and 143.207 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 141.48, 143.206 and 143.207 to redesignate "elk management areas/units" as "elk hunt zones."

3. Persons Affected

Persons wishing to hunt elk within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-264. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.48. Elk [**management units**] hunt zones.

(a) The divisional line between two or more elk [**management units**] hunt zones shall be the center of the

highway, natural water course [or], other natural boundary or marked boundary.

(b) The elk [management units shall] hunt zones will be established by the Director prior to the opening of elk season.

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter K. ELK LICENSES

§ 143.203. Drawing.

* * * * *

(d) Qualified applicants and alternates drawn for an elk license shall be required to obtain a regular hunting license and complete an orientation program as prescribed by the Director. [Persons who are eligible for license and fee exemptions and meet the requirements in section 2706 of the act (relating to resident license and fee exemptions) are not required to purchase a regular hunting license.]

* * * * *

§ 143.206. Validity of license.

An elk license is valid for taking elk only in the elk [management area] hunt zones designated on the elk license and is valid for an antlerless [or], antlered or either sex elk as designated on the elk license.

§ 143.207. Unlawful acts.

It is unlawful for a person to:

* * * * *

(3) Hunt for elk in an elk [management area] hunt zone other than the elk [management area] hunt zone designated on the elk license.

* * * * *

[Pa.B. Doc. No. 08-575. Filed for public inspection March 28, 2008, 9:00 a.m.]

[58 PA. CODE CH. 147]
Special Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed to amend § 147.701 (relating to general) to permit nonresident furtaker license holders to apply for and receive a bobcat hunting/trapping permit, to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow, and to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the Commission for examination, data collection and permanent tagging.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2008, meeting of the Commission. Comments can be sent, until April 18, 2008, to the Director, Informa-

tion and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission first authorized the hunting/trapping of bobcats in 2000 after 30 years of complete protection. Due to the low numbers of bobcat permits initially made available, the Commission limited the issuance of permits to residents of this Commonwealth only. The number of bobcat permits currently issued now exceeds 1,000 annually and a growing number of nonresidents have requested to have the opportunity to apply for and receive a bobcat hunting/trapping permit. Due to the abundance of the number of available bobcat hunting/trapping permits as well as the fact that nonresident furtakers make up less than 1% of the total number of licensed furtakers in this Commonwealth, the Commission is proposing to amend § 147.701 to permit nonresident furtaker license holders to apply for and receive a bobcat hunting/trapping permit.

In 2003, the Commission began awarding preference points to individuals who applied for but did not receive a bobcat harvest permit during a given year. The preference point system was designed to incrementally increase the probability of an individual's chances of being drawn for a bobcat hunting/trapping permit each year the applicant was unsuccessful. After reviewing the relevant data, the Commission has found that the current drawing process, albeit completely random, has the capability of allowing an applicant to attain the maximum number of preference points, yet never be drawn for a permit while at the same time allowing another applicant to be successfully drawn multiple times over the course of a number of years. In an effort to reduce this real or perceived inequity in the drawing process, the Commission is proposing to amend § 147.701 to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow.

Currently, the tagging requirements found in § 147.701, require a successful hunter/trapper to submit the bobcat carcass to the Commission for examination, data collection and permanent tagging. The Commission has determined that it is no longer necessary for the carcass to be presented to the Commission and that administration of the permanent tag issuance can be accomplished by means of telephone and mail. Therefore, the Commission is proposing to amend § 147.701 to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the Commission for examination, data collection and permanent tagging.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking and the health and safety of persons who hunt or take wildlife or

may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 147.701 were proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.701 to permit nonresident furtaker license holders to apply for and receive a bobcat hunting/trapping permit, to permit the Commission to automatically select bobcat hunting/trapping permit applicants who have attained the maximum number of preference points first with the random drawing for all other eligible applicants to follow, and to update the bobcat tagging procedures and remove the requirement that all bobcat carcasses be physically presented to the Commission for examination, data collection and permanent tagging.

3. *Persons Affected*

Persons wishing to hunt or trap bobcat within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard A. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-265. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter S. BOBCAT HUNTING-TRAPPING PERMIT

§ 147.701. General.

This section provides for permits to be issued for the hunting and trapping of bobcat during the season established and in areas designated under § 139.4 (relating to seasons and bag limits for the license year).

(1) A permit will only be issued to **[residents of this Commonwealth]** those who possess a valid **[resident]** furtakers license, junior combination license[,] or senior combination license **[or qualify for license and fee exemptions under section 2706 of the act (relating to resident license and fee exemptions) or to persons who qualify under section 2363 of the act (relating to trapping exception for certain persons)]**.

* * * * *

(5) **Current applicants with the maximum number of preference points as specified by the Director will automatically receive a bobcat harvest permit.** The selection of **additional permit** applications

will be made by random drawing from all eligible applications submitted. Incomplete, illegible or duplicate applications will not be included in the drawing. The drawing will be held at the Commission's Harrisburg Headquarters on the second Friday in September and **[shall] will** be open to the public.

(6) A special permit authorizing the lawful taking of one bobcat will be delivered to successful applicants by standard first class mail through and by the United States Postal Service. Permits **[shall] will** be mailed by the first Friday in October. The **total** number of permits issued **for the license year [shall] will** be set by the **[Executive]** Director no later than the first day of June.

(7) Tagging requirements are as follows:

(i) A permitted person taking a bobcat shall immediately, before removing the bobcat from the location of the taking, fully complete a temporary carcass tag furnished with the permit, which contains in English the person's name, address, special permit number, date of harvest, county and township of harvest, wildlife management unit of harvest and method of harvest and attach the tag to the bobcat. **[The bobcat carcass shall remain intact, that is, with entrails, until examined and tagged by a Commission representative. The temporary carcass tag shall remain attached to the animal until it is tagged with a numbered permanent interlocking tag. The person taking the bobcat may remove the pelt provided the pelt is kept with the carcass for examination and tagging.]** The temporary carcass tag must remain attached to the animal until a permanent tag is provided. The permanent tag must be locked through the eyes of the pelt if it is to be exported beyond this Commonwealth.

(ii) A permitted person taking a bobcat shall **[contact] report the harvest** to the Commission within 48 hours of the taking by telephoning the number specified on the permit **[to arrange for carcass examination, data collection and tagging]**.

(iii) A permanent tag for a bobcat taken under authority of a special permit shall be **[tagged with a numbered permanent interlocking tag no later than 4 p.m. on the 10th day following the closing of the bobcat season]** in the persons' possession and locked immediately upon receipt of the tag.

* * * * *

[Pa.B. Doc. No. 08-576. Filed for public inspection March 28, 2008, 9:00 a.m.]

[58 PA. CODE CH. 137]
Wildlife

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 29, 2008, meeting, proposed to amend § 137.1 (relating to importation, possession, sale and release of certain wildlife) to require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth and to prohibit the importation, possession, sale and release of all non-human primates within this Commonwealth.

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 29, 2008, meeting of the Commission. Comments can be sent, until April 18, 2008, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

Currently, § 137.1 requires a person importing lawfully acquired wildlife, or parts thereof, for menagerie, educational or scientific purposes to obtain an importation permit, but does not require an importation permit for exotic wildlife dealer or exotic wildlife possession permit holders. In an effort to create consistency in the regulations and increase the Commission's capabilities to address wildlife epidemiological concerns, the Commission is proposing to amend § 137.1 to specifically require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth. The Commission is also proposing to prohibit the importation, possession, sale and release of all nonhuman primates within this Commonwealth in response to human health/safety and wildlife habitat health purposes.

Section 2901(b) of the code (relating to authority to issue permits) provides that "the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendment to § 137.1 was proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 137.1 to require propagation, exotic wildlife dealer and exotic wildlife possession permit holders to acquire an importation permit prior to importing any wildlife into this Commonwealth and to prohibit the importation, possession, sale and release of all nonhuman primates within this Commonwealth.

3. *Persons Affected*

Persons wishing to import, possess, sell or release exotic or nonindigenous wildlife, including nonhuman primates, within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-267. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.1. Importation, **possession**, sale and release of certain wildlife.

(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following **wild** animals or **wild** birds or the eggs of the birds or a crossbreed or hybrid of the **wild** animals or **wild** birds, which are similar in appearance:

(1) *In the family Felidae.* Species and subspecies, except species which are commonly called house cats which may be possessed but not released into the wild. Lawfully acquired bobcats—*Lynx rufus*—may be imported **or possessed, or both**, by licensed propagators specifically for propagation for fur farming purposes. Importation permits and transfer permits as mentioned in subsections (d) and (e) are not required for bobcats imported for propagation for fur farming purposes. Bobcats imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild.

(2) *In the family Canidae.* Species and subspecies of the coyote, the red and gray fox and a full-blooded wolf or crossbreed thereof not licensed by the Department of Agriculture. Lawfully acquired coyotes and red or gray foxes may be imported **or possessed, or both**, by licensed propagators specifically for propagation for fur farming purposes. Coyotes and red and gray foxes imported under this exception and their progeny may not be sold or transferred for wildlife pet purposes or released into the wild. This subsection does not permit the sale for release or the release of the mammals into the wild.

* * * * *

(7) [***Threatened, endangered or injurious.*** An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.] **The order Primates. All families of nonhuman primates.**

(8) [***The Monk Parakeet. Myiopsitts Monachus,*** sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.] **An animal, bird or egg of a bird listed by the Commonwealth or the United States Department of the Interior as threatened, endangered or injurious.**

(9) [***Game or wildlife from the wild.*** Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of the Commonwealth's wild fauna.]

The Monk Parakeet, *Myiopsitts monachus*, sometimes referred to as the Quaker Parakeet or Gray-headed Parakeet.

(10) [**Game or wildlife held captive. Game or wildlife held in captivity or captive bred in another state or nation.**] **Game or wildlife taken alive from the wild, except the Commission may import wildlife taken from the wild for enhancement of this Commonwealth's wild fauna.**

(11) **Game or wild held captive. Game or wildlife held in captivity or captive bred in another state or nation.**

* * * * *

(c) Nothing in this section prevents zoological gardens [, **exotic wildlife dealers or exotic wildlife possession permit holders**] from importing wildlife.

(d) A person wishing to import lawfully acquired wildlife, or parts thereof, [**for menagerie, educational or scientific purposes**] shall first obtain an importation permit from the Commission subject to the following:

* * * * *

(2) A person wishing to import wildlife for a menagerie, **exotic wildlife possession, exotic wildlife dealer or propagation** purposes shall be in possession of a menagerie, **exotic wildlife possession, exotic wildlife dealer or propagation** permit prior to submitting the application for an import permit. See Chapter 147 (relating to special permits).

* * * * *

[Pa.B. Doc. No. 08-577. Filed for public inspection March 28, 2008, 9:00 a.m.]

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 221]

Retired Law Enforcement Officers Identification and Qualification Cards

Description and Purpose

Under section 7 of the Retired Law Enforcement Identification Act (act) (53 P. S. § 753.7), the Municipal Police Officers' Education and Training Commission (Commission) is required to promulgate regulations necessary to carry out the provisions of the act. This proposed rulemaking provides for the eligibility, requirements, contents, issuance and replacement of identification and qualification cards for retired Pennsylvania law enforcement officers.

Statutory Authority

This proposed rulemaking is authorized under section 7 of the act.

Effect

This proposed rulemaking will affect former law enforcement officers who retired from Pennsylvania law enforcement agencies.

Effective Date/Sunset Date

This proposed rulemaking will be continually monitored and updated as needed. Therefore, no sunset date has been set.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on March 14, 2008, the Commission submitted a copy of the proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Judiciary Committee and the Senate Law and Justice Committee. A copy of these materials are available to the public upon written request.

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

Contact Person/Public Comment

Interested persons wishing to comment are invited to submit all written comments within 30 days of the publication of this notice in the *Pennsylvania Bulletin*. Each written comment must include the name, address and telephone number of the interested party and a concise statement with sufficient detail on the subject. Written statements may be directed to Syndi L. Guido, Policy Director, Pennsylvania State Police, 1800 Elmerton Avenue, Harrisburg, PA 17110, (717) 772-0905. Persons with a disability and who require an alternative format of this document (such as, large print, audio tape, Braille) may contact Syndi Guido so that she may make the necessary arrangements.

COL. JEFFREY B. MILLER,
Commissioner

Fiscal Note: 17-75. (1) General Fund and Motor License Fund;

	<i>General Fund Municipal Police Training</i>	<i>Motor License Fund Municipal Police Training</i>
(2) Implementing Year 2007-08	\$0	\$0
(3) 1st Succeeding Year 2008-09	\$14,000	\$14,000
2nd Succeeding Year 2009-10	\$14,000	\$14,000
3rd Succeeding Year 2010-11	\$14,000	\$14,000
4th Succeeding Year 2011-12	\$14,000	\$14,000
5th Succeeding Year 2012-13	\$14,000	\$14,000
(4)	<i>General Fund Municipal Police Training</i>	<i>Motor License Fund Municipal Training</i>
2006-07 Program—	\$3,846,000	\$3,846,000
2005-06 Program—	\$3,846,000	\$3,846,000
2004-05 Program—	\$3,509,000	\$3,509,000

(8) No fiscal impact; recommends adoption. The Pennsylvania State Police/Municipal Police Officers' Education and Training Commission will fund the additional expenses through their existing budgets.

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart B. RETIRED LAW ENFORCEMENT IDENTIFICATION AND QUALIFICATION

CHAPTER 221. RETIRED LAW ENFORCEMENT OFFICERS IDENTIFICATION AND QUALIFICATION CARDS

Subch.

A. GENERAL PROVISIONS

B. RETIRED LAW ENFORCEMENT IDENTIFICATION CARDS

C. QUALIFICATION CARD

Subchapter A. GENERAL PROVISIONS

Sec.	
221.1.	Purpose.
221.2.	Definitions.

§ 221.1. Purpose.

This chapter provides for the issuance of identification and qualification cards for retired law enforcement officers as provided under section 7 of the act (53 P. S. § 753.7), regarding rules and regulations.

§ 221.2. Definitions.

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

Act—The Retired Law Enforcement Identification Act (53 P. S. §§ 753.1—753.9).

Certified law enforcement firearm instructor—An individual who possesses a current police firearms instructor rating from the National Rifle Association, the Pennsylvania State Police, the Municipal Police Officers' Education and Training Commission, the Deputy Sheriffs' Education and Training Board, the Federal Bureau of Investigation, the Smith & Wesson Academy, the Philadelphia Police Academy or the United States Secret Service or other certification approved by the Municipal Police Officers' Education and Training Commission.

Commission—The Municipal Police Officers' Education and Training Commission.

Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm—The standards established by the law enforcement agency from which an officer retired or by the Commission for training and qualification to carry a firearm of the same type as the concealed firearm, provided that the Commission does not charge a fee to certified law enforcement firearm instructors and officers for the standards, whether access to the standards is given through the Internet or some other form for publication.

Confirmation number—A unique approval number provided by the Pennsylvania State Police to the sheriff after a check of the applicant's criminal history record, juvenile delinquency record and mental health record.

Identification card—A retired law enforcement officer identification card authorized under section 4 of the act (53 P. S. § 753.4), regarding retired law enforcement identification card.

Qualification card—A valid firearm training and qualification card authorized under section 5 of the act (53 P. S. § 753.5), regarding firearm training and qualification card. When carried with an identification card, a qualification card constitutes a Pennsylvania license to carry a firearm.

Retired law enforcement officer or officer—A qualified retired law enforcement officer as defined in 18 U.S.C. § 926C(c) (relating to carrying of concealed firearms by qualified retired law enforcement officers).

Subchapter B. RETIRED LAW ENFORCEMENT IDENTIFICATION CARDS

Sec.	
221.21.	Eligibility.
221.22.	Identification card contents.
221.23.	Identification card issuance.
221.24.	Replacement; change in material information.
221.25.	Challenge to issuance of identification card.

§ 221.21. Eligibility.

An identification card shall only be issued to an individual who meets the following conditions:

(1) Retired in good standing, for reasons other than mental instability, from service with a public agency as a law enforcement officer.

(2) Before retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.

(3) Before retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more or retired from service with the public agency, after completing any applicable probationary period of service, due to a service-connected disability, as determined by the agency.

(4) Has a nonforfeitable right to benefits under the retirement plan of the public agency.

(5) Has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement offers to carry firearms during the most recent 12-month period.

(6) Is not prohibited by Federal law from receiving a firearm.

§ 221.22. Identification card contents.

(a) Identification cards must be uniform throughout this Commonwealth and on a form prescribed by the Commission.

(b) The identification card must contain the following:

(1) The caption "Retired Law Enforcement Identification Card."

(2) The photograph of the retired law enforcement officer.

(3) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes, and signature of the retired law enforcement officer.

(4) The signature of the law enforcement officer issuing the identification card.

(5) The name, telephone number and address of the law enforcement agency issuing the identification card.

(6) The date the identification card was issued.

(7) The statement that "this card does not give the retired law enforcement officer any police powers, including any authority to arrest."

(8) The statement that “the retired law enforcement officer must carry both the identification card and qualification card in order to carry a concealed firearm.”

(9) Other information designated by the Commission.

§ 221.23. Identification card issuance.

(a) A law enforcement agency shall provide each retired law enforcement officer with an identification card, within 60 days of the officer’s retirement.

(b) If an officer has retired prior to _____ (*Editor’s Note:* The blank refers to the effective date of adoption of these regulations.), upon request of the retired law enforcement officer, a law enforcement agency shall provide the officer with an identification card, within 60 days of the officer’s request.

(c) A law enforcement agency may charge a reasonable fee, not to exceed \$15, for each identification card, or replacement card. The identification card may not be issued until the retired law enforcement officer has paid the fee.

§ 221.24. Replacement; change in material information.

(a) *Replacement.* If an identification card is lost, stolen, destroyed, mutilated or becomes illegible, the retired law enforcement officer may obtain a replacement identification card upon request to the issuing agency and payment of the required fee.

(b) *Error or change in information.* If any information on an identification card has changed, or is in error, from the information originally set forth, the retired law enforcement officer shall obtain from the issuing agency, within 15 days of the change or discovery of the error, a new identification card.

§ 221.25. Challenge to issuance of identification card.

The Commission will have standing to contest issuance of any identification card subject to the provisions of §§ 203.101—203.103 (relating to notice and hearings).

Subchapter C. QUALIFICATION CARD

Sec.	
221.31	Eligibility.
221.32	Qualification card contents.
221.33	Qualification card issuance.
221.34	Replacement; change in material information.
221.35	Challenge to issuance of identification card.

§ 221.31. Eligibility.

A retired law enforcement officer shall be eligible for a qualification card if the retired law enforcement officer meets one of the following conditions:

(1) Resides in this Commonwealth.

(2) Is retired from a law enforcement agency from this Commonwealth or any political subdivision thereof and prior to each annual qualification, completes a Pennsylvania Retired Officer Concealed Carry Acknowledgement, on a form prescribed by the Commission, attesting to all of the following, subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(i) Prior to retirement, the applicant was employed as a law enforcement officer for an aggregate of 15 years or more or retired from service with that agency after completing any applicable probationary period of service, due to a service-connected disability, as determined by the law enforcement agency.

(ii) Whether the person intends to fire and carry a revolver, semi-automatic or automatic weapon.

(iii) The law enforcement agency from which the applicant retired has issued the applicant an identification card under § 221.23 (relating to identification card issuance).

(iv) The applicant retired in good standing, specifying the agency, city and state from which the applicant retired.

(v) Whether the applicant retired for reasons of mental instability.

(vi) The applicant is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(vii) The applicant will not carry a firearm while under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(viii) The applicant is not prohibited by Federal or State law from receiving or possessing a firearm.

(ix) The applicant understands and acknowledges that the definition of a firearm does not include any machine gun, firearms silencer, destructive device or prohibited offensive weapon.

(x) The applicant understands and acknowledges that he shall meet Pennsylvania’s standards of requalification for active law enforcement officers to carry a firearm of the same type as the applicant’s concealed weapon.

(xi) The applicant understands and acknowledges that he shall carry Pennsylvania’s qualification card, along with the identification card issued by the retiring agency, when carrying the concealed weapon.

(xii) The applicant understands and acknowledges that the certification expires 12 months from the date of issue and it is the applicant’s responsibility to reapply if the applicant wants to continue to carry the weapon under this law.

(xiii) The applicant understands and acknowledges that this authorization applies only to the type of weapon with which the applicant qualified.

(xiv) The applicant understands and acknowledges that the Pennsylvania’s certification does not give him any right whatsoever to exercise law enforcement authority or take police action under any circumstances.

(xv) The applicant understands and acknowledges that that a background investigation is required and authorizes one to be conducted to determine if the applicant has been convicted of any criminal offenses or has any mental health issues that would disqualify the applicant from possessing a concealed weapon.

(xvi) The applicant has not been charged with nor convicted of any felony or misdemeanor or similar offenses in this Commonwealth or any other State or Federal law that would prohibit the applicant from possessing a firearm.

§ 221.32. Qualification card contents.

(a) A qualification card shall be issued to indicate compliance with the Commonwealth’s standards for training and qualification for active law enforcement officers to carry a firearm. The qualification cards must be uniform throughout this Commonwealth and on a form issued by the Commission.

(b) The qualification card must contain the following:

(1) The caption "Retired Law Enforcement Officer Qualification Card."

(2) The name, address, date of birth, race, sex, height, weight, color of hair, color of eyes and signature of the retired law enforcement officer.

(3) The date of completion of the most recent firearms training and qualification by the retired law enforcement officer.

(4) An expiration date 12 months later than the date of completion of the most recent firearms training and qualification by the retired law enforcement officer.

(5) The name and signature of the certified law enforcement firearms instructor issuing the qualification card.

(6) The name and signature of a sheriff.

(7) A confirmation number provided by the sheriff who signed the qualification card.

(8) A statement that the retired law enforcement officer has a duty to surrender the qualification card when the officer becomes legally ineligible either under Federal or State law to receive, possess, use, manufacture, control, sell or transfer a firearm.

(9) Other information designated by the Commission.

§ 221.33. Qualification card issuance.

(a) A retired law enforcement officer shall produce the identification card and another form of official/governmental identification, which includes a photograph of the officer, to the certified law enforcement firearm instructor prior to participating in firearms training and qualification.

(b) A retired law enforcement officer may not participate in firearms training and qualification if the certified law enforcement firearm instructor determines that the officer presents a safety hazard to himself or others on the range or if the officer is not able to produce the two forms of identification required in subsection (a).

(c) A retired law enforcement officer shall meet the firearms standards established by the law enforcement agency from which the officer retired or the guidelines established by the Commission to carry a firearm of the same type as the concealed firearm that the officer intends to carry. As part of firearms training, the certified law enforcement firearm instructor shall provide instruction on the use of force by a civilian under 18 Pa.C.S. Chapter 5 (relating to general principles of justification).

(d) The certified law enforcement firearms instructor may issue a qualification card to a retired law enforcement officer who has met the Commonwealth's standards for training and qualification for active law enforcement officers to carry a firearm.

(e) The certified law enforcement firearm instructor shall obtain the qualification cards, for a fee of \$2 for each card, from the Commission.

(f) The certified law enforcement firearms instructor shall keep a record of each qualification card issued, including the following:

(1) The name of the retired law enforcement officer to whom the qualification card was issued.

(2) The make and model of the weapons the retired law enforcement officer qualified on.

(3) The type of ammunition utilized by the retired law enforcement officer.

(4) The course of fire completed by the retired law enforcement officer.

(5) The date of qualification.

(g) Within 30 days of a retired law enforcement officer being issued a qualification card, the certified law enforcement firearm instructor shall provide the Commission with a copy of the record maintained under subsection (f).

(h) The following apply to sheriffs:

(1) Prior to signing the qualification card, in addition to other requirements contained in section 5 of the act (53 P. S. § 753.5), the sheriff shall require the retired law enforcement officer to display the identification card and another form of official/governmental identification, which includes a photo of the retired law enforcement officer. The sheriff shall make a photocopy of both forms of identification.

(2) The sheriff shall keep a record of the following:

(i) Each qualification card signed.

(ii) The name and address of the retired law enforcement officer appearing on the card.

(iii) The date the sheriff signed the card.

(3) The sheriff shall confiscate the qualification card from any retired law enforcement officer who is not issued a unique approval number. Confiscated qualification cards shall be returned to the Commission.

(4) The sheriff shall collect the expired qualification card from the retired law enforcement officer and return the card to the Commission.

(5) Within 30 days of signing a qualification card, the sheriff shall provide the Commission with a copy of the record maintained under paragraph (2).

§ 221.34. Replacement; change in material information.

(a) *Replacement.* If a qualification card is lost, stolen, destroyed, mutilated or becomes illegible, the retired law enforcement officer may obtain a replacement qualification card upon request to the certified law enforcement firearm instructor and payment of the required fee.

(b) *Error or change in information.* If any information on a qualification card has changed, or is in error, from the information originally set forth, the retired law enforcement officer shall obtain a new qualification card from the certified law enforcement firearm instructor, within 15 days of the change or discovery of the error.

§ 221.35. Challenge to issuance of qualification card.

The Commission will have standing to contest issuance of any identification card subject to §§ 203.101—203.103 (relating to notice and hearings).

[Pa.B. Doc. No. 08-578. Filed for public inspection March 28, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Research Project Contractors

The Department of Agriculture (Department) is soliciting names of research institutions which have an interest in conducting agricultural research from July 1, 2008, to June 30, 2009, and continuing. Institutions which respond will be provided with a preproposal format and a list of research topic areas. Institutions which responded for Fiscal Year 2007-2008 will automatically receive a

solicitation and do not need to respond this year. The Department, through a selection process, will decide which projects are to be placed under contract. Interested parties should submit their name, address and telephone number to Kelly O'Donnell, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 705-3979.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 08-579. Filed for public inspection March 28, 2008, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 18, 2008.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-14-2008	<i>From:</i> The Merchants National Bank of Bangor Bangor Northampton County	Bangor	Filed
	<i>To:</i> Merchants Bank of Bangor Bangor Northampton County		

Application for conversion from a Federally-chartered bank to a Pennsylvania State-chartered bank.

Section 112 Applications

<i>Date</i>	<i>Name of Group</i>	<i>Location</i>	<i>Action</i>
3-18-2008	The Snyder Group, Kittanning, to acquire up to 74.2% of Merchants Bancorp of Pennsylvania, Kittanning	Kittanning	Approved

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-11-2008	S & T Bancorp, Inc., Indiana, to acquire 100% of IBT Bancorp, Inc., Irwin	Indiana	Filed
3-12-2008	F.N.B. Corporation, Hermitage, to acquire 100% of Omega Financial Corporation, State College and thereby indirectly acquire Omega Bank, State College, which will be merged with and into First National Bank of Pennsylvania, Greenville, a wholly-owned subsidiary of F.N.B. Corporation	Hermitage	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-11-2008	S & T Bank, Indiana and Irwin Bank, Irwin Surviving Institution: S & T Bank, IN	Indiana	Filed
3-15-2008	Fulton Bank, Lancaster, PA, and Resource Bank, Virginia Beach, VA Surviving Institution: Fulton Bank, Lancaster, PA	Lancaster	Effective
	Branch offices acquired by Fulton Bank by means of merger:		
	4429 Bonney Road Virginia Beach Virginia Beach County, VA	501 Independence Parkway Suite 105 Chesapeake City Chesapeake County, VA	
	735 Thimble Shoals Boulevard Newport News Newport News County, VA	8730 Stoney Point Parkway Suite 100 Richmond Richmond County, VA	
	1616 Laskin Road Virginia Beach Virginia Beach County, VA	625 Elden Street Herndon Fairfax County, VA	
	4180 Dominion Boulevard Glen Allen Henrico County, VA	9012 Church Street Manassas Manassas County, VA	

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-10-2008	First Commonwealth Bank Indiana Indiana County	5853 Forbes Avenue Pittsburgh Allegheny County	Opened
3-12-2008	Northwest Savings Bank Warren Warren County	860 Long Pond Road Greece Monroe County, NY	Approved
3-12-2008	Susquehanna Bank PA Lititz Lancaster County	4185 West Market Street York York County	Approved
3-18-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	76 East Lancaster Avenue Ardmore Montgomery County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-12-2008	Omega Bank State College Centre County	205 Park Place, Suite 6 Bellefonte Centre County	Approved
3-12-2008	Omega Bank State College Centre County	639 South Main Street Wilkes-Barre Luzerne County	Approved
3-12-2008	Omega Bank State College Centre County	814 Westminster Drive Williamsport Lycoming County	Approved

NOTICES

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-18-2008	Pennsylvania State Employees Credit Union, Harrisburg, and GF Employees Credit Union, Camp Hill Surviving Credit Union: Pennsylvania State Employees Credit Union, Harrisburg	Harrisburg	Approved

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-580. Filed for public inspection March 28, 2008, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of 2008-2009 Career and Technical Education Curriculum Grants

Applications for curriculum grant funding are invited. The project period is July 1, 2008, to June 30, 2009. The maximum amount per project is \$25,000.

1. *Eligibility Requirements*

Funding is available on a competitive basis to career and technical education centers/area vocational-technical schools that offer approved career and technical education programs. The participating high schools that are part of the articles of agreement with the eligible CTC/AVTS must commit to raising the academic rigor for their CTE students. Each district must commit to increasing their CTE students academic achievement by 11% in reading and 13% in math as measured by the PSSA, within the grant period. Funding preference is provided to CTCs that have received designation as High.

2. *Application Deadline*

Applications are due May 2, 2008, by 5 p.m.

3. *How to apply*

The Department of Education (Department) has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on Department's web site: www.pde.state.pa.us/. On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Committed to Excellence Curriculum Grant.

4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Data Analysis, Assessment and Contracts Division, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 772-4853, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 08-581. Filed for public inspection March 28, 2008, 9:00 a.m.]

Availability of 2008-2009 Career and Technical Education Equipment Grants

Applications for equipment grant funds are invited. The project period is July 1, 2008, to June 30, 2009. The maximum amount per project is \$50,000.

1. *Eligibility Requirements*

Funding is available on a competitive basis to career and technical education centers/area vocational-technical schools that offer approved career and technical education programs, CTCs that received recognition by the Department of Education (Department) as a high performing CTC/AVTS will be given preference for funding.

2. *Application Deadline*

Applications are due May 2, 2008, by 5 p.m.

3. *How to apply*

The Department has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on Department's web site: www.pde.state.pa.us/. On the left side, click on Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Equipment Grants.

4. *Questions Concerning the Grant Application*

Questions concerning the grant application should be addressed to John Bonchalk, General Vocational Education Advisor, Department of Education, Bureau of Career and Technical Education, Data Analysis, Assessment and Contracts Division, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 772-4853, jbonchalk@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 08-582. Filed for public inspection March 28, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063436 Sewage—SFRSTP	Elmer Brown R. R. 1 Box 1579 Hallstead, PA 18822	Liberty Township Susquehanna County	Rhiney Creek 4E	Y
PA0036081	Lehigh County Authority P. O. Box 3348 1053 Spruce Street Allentown, PA 18106	North Whitehall Township Lehigh County	Lehigh River Watershed 2C TSF	Y
PAS802209 (Industrial Stormwater)	Swallow Associates 3003 Turner Street Allentown, PA 18104	Upper Macungie Township Lehigh County	UNT to Cedar 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>
PA0081981 (Sew)	Smithville Community, LLC 103 Taggart Drive Coatesville, PA 19320	Lancaster County Providence Township	7-K UNT Huber Run	Y
PA0248614 (CAFO)	Joe Conners Farm 2819 Powell Valley Road Halifax, PA 17032	Dauphin County Wayne Township	6-C North Fork of Powell Creek	Y
PA0084794 (Sew/Transfer)	Asbury Pointe Water and Sewer Company, LLC 139 East Manchester Township York, PA 17401	York County East Manchester Township	7-H Codorus Creek	Y
PA0010201 (IW)	Columbia Water Company 220 Locust Street Columbia, PA 17512	Lancaster County Columbia Borough	Susquehanna River 7-G	Y
PA0080004 (Sew)	Martin's Famous Pastry Shoppe, Inc. 1000 Potato Roll Lane Chambersburg, PA 17202	Franklin County Antrim Township	UNT Conocheague Creek 13-C	Y
PA0246590 (Sew)	Dennis and Janice McClure 3469 McAlevys Fort Road Petersburg, PA 16669	Huntingdon County Jackson Township	UNT Standing Stone Creek 11-B	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>
PA0114073	Dominion Transmission, Inc. 5049 Route 349 Westfield, PA 16950	Tioga County Farmington Township	UNT to Elkhorn Creek 4A	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>
PA0111635 IW	Spring Township Municipal Authority P. O. Box 133 Beaver Springs, PA 17812	Snyder County Beaver Township	Kern Run 6A	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>
PA0239186	The Davis Foundation OH1-1074 1111 Polaris Parkway Columbus, OH 43240-2050	Forward Township Butler County	UNT to Connoquenessing Creek 20-C	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.

PA0055395, Sewage, SIC 6515, **Green Top Park, Inc.**, 2465 Milford Square Pike, Quakertown, PA 18951. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 12,000 gpd of treated sewage into a UNT to Tohickon Creek.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for: TSF. The nearest downstream public water supply intake for PA American Water Company is located on Delaware River and is 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 12,000 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	1.7	3.4
(11-1 to 4-30)	3.0	6.0
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine	0.02	0.05
Fecal Coliform	200 #/100 ml	1,000 #/100 ml
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

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

1. Special Protection Waters Discharge.

PA0031178, SEW, SIC 6515, **Melody Lakes Management, LLC**, 1045 North West End Boulevard, Lot 600, Quakertown, PA 18951. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 72,000 gpd of treated sewage into a UNT to Tohickon Creek.

The receiving stream, UNT to Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for: TSF. The nearest downstream public water supply intake for PA American Water Company is located on Delaware River and is 31.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 72,000 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Phosphorus (as P)	0.5	1.0
Total Residual Chlorine	0.03	0.1
Fecal Coliform	200 #/100 ml	1,000 #/100 ml

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Dissolved Oxygen	minimum of 6.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

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

1. Special Protection Waters Discharge.

PA0013323, Industrial Waste, SIC 3721, **The Boeing Company**, P. O. Box 16858, MC P25-75, Philadelphia, PA 19142. This proposed facility is located in Ridley Township, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge process wastewater, cooling tower blow down and stormwater from Boeing Helicopters Ridley Facility.

The receiving streams, Darby and Crum Creeks, and the Delaware River are 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 effluent limits for Outfall 001 are based on a design flow of 0.075 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			110° F
Total Suspended Solids	30	60	75
Total Dissolved Solids	1,000	2,000	2,500
Oil and Grease	15		30
pH	6.0 to 9.0 Standard Units at all times		
PCB, Total (Dry Weather) pg/l	Monitor and Report		
PCB, Total (Wet Weather) pg/l	Monitor and Report		
Total Residual Oxidant	0.5		

The proposed effluent limits for Monitoring Point MP101 are based on a design flow of 75,000 gal/month as batch discharge:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60	75
Oil and Grease	15		30
Cadmium, Total	0.26	0.69	
Chromium, Total (+6)	1.71	2.22	
Copper, Total	2.07	3.38	
Lead, Total	0.43	0.69	
Nickel, Total	2.38	3.98	
Silver, Total	0.24	0.43	
Zinc, Total	1.48	2.61	
Cyanide, Total	0.65	1.20	
Total Toxic Organics		2.13	
pH	6.0 to 9.0 Standard Units at all times		

The proposed monitoring requirements for Outfalls 002, 003 and 016 are based on an average flow of stormwater:

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Maximum Daily</i>	<i>Monitor and Report</i>
CBOD ₅		Monitor and Report
COD		Monitor and Report
Oil and Grease		Monitor and Report
pH (Standard Units)		Monitor and Report
Total Suspended Solids		Monitor and Report
Total Kjeldahl Nitrogen		Monitor and Report
Total Phosphorus		Monitor and Report
Iron, Dissolved		Monitor and Report
PCB, Total (Wet Weather) pg/l		Monitor and Report

The proposed effluent limits for Outfall 007 are based on an average flow of oil bearing stormwater:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
pH	6.0 to 9.0 Standard Units at all times		
PCB, Total (Wet Weather) pg/l	Monitor and Report		

The proposed effluent limits for Outfall 008 are based on an average flow of oil bearing stormwater:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	15		30
pH	6.0 to 9.0 Standard Units at all times		

The proposed monitoring requirements for Outfalls 004, 009—015, 017, 019—025 are based on an average flow of stormwater:

<i>Parameters</i>	<i>Concentration (mg/l)</i> <i>Maximum Daily</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report
pH (Standard Units)	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	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. Remedial Measures if Unsatisfactory Effluent.
2. Right to Modify.
3. Approved Chemical Additives.
4. Chemical Addition Requirements.
5. Change in Ownership.
6. TTO Definition.
7. TTO Monitoring.
8. TMDL/WLA Data.
9. I-Max Limitation.
10. Stormwater Requirement.
11. Thermal Requirement.
12. PCB PMP Requirement.

PA0058041, Sewage, SIC 4952, **Limerick Township Municipal Authority**, 529 King Road, P. O. Box 29, Royersford, PA 19468. This proposed facility is located in Limerick Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Possum Hollow STP.

The receiving stream, the Schuylkill River, is in the State Water Plan Watershed 3D and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for PA American Water Company is located on the Schuylkill River and is 1.55 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.7 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	20	30	40
TSS	20	30	40
Ammonia as N	8.0		16.0

NOTICES

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform	# 200/100 ml		# 1,000/100 ml
Dissolved Oxygen			5.0 (Instantaneous Minimum)
pH		6.0 to 9.0 Standard Units at all times	

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

1. Operator Notification.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater.
5. Necessary Property Rights.
6. Change of Ownership.
7. Proper Sludge Disposal.
8. Total Maximum Daily Load (TMDL)/WLA Analysis.
9. Operator Certification.
10. I-Max Condition.
11. PCB TMDL Condition.
12. Fecal Coliform I-Max Reporting.

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

PA0013501, Industrial, **Honeywell International, Inc.**, 98 Westwood Road, Pottsville, PA 17901-1834. This existing facility is located in Norwegian Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit for the discharge of noncontact cooling water and stormwater.

The receiving stream, UNT to West Branch Schuylkill River, is in the State Water Plan Watershed 03A and is classified for: CWF. The nearest downstream public water supply intake for Pottstown Water Supply is located on the Schuylkill River approximately 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 (noncontact cooling water and stormwater) based on a design flow of 0.0172 mgd are:

<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>
pH		6.0 to 9.0 Standard Units at all times.		

The proposed effluent limits for Outfall 002 (stormwater) are as follows:

<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>
CBOD ₅				Report
Chemical Oxygen Demand				Report
Oil and Grease				Report
pH				Report
Total Suspended Solids (TSS)				Report
Total Kjeldahl Nitrogen (TKN)				Report
Total Phosphorus				Report
Iron (dissolved)				Report

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

1. Requirements applicable to stormwater outfalls along with identified best management practices.

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

Application No. PA 0082279, Sewage, **Spring Creek Joint Sewer Authority**, P. O. Box 373, Three Springs, PA 17264. This facility is located in Clay Township, **Huntingdon County**.

Description of activity: The application is for renewal and expansion of an NPDES permit for an existing expanded discharge of treated sewage.

The receiving stream, Three Springs Creek, is in Watershed 12-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately greater than 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.110 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	7.5		15
(11-1 to 4-30)	22.5		45
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

The proposed final effluent limits for Outfall 001 for a design flow of 0.170 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Total Residual Chlorine	0.25		0.82
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Chesapeake Bay Requirements

<i>Ammonia-N</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average Report</i>	<i>Monthly Report</i>	<i>Annual Report</i>
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	7,306
Net Total Phosphorus	XXX	Report	974

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

The EPA waiver is in effect.

Application No. PA 0261092, Sewage, **Graham and Carla Snyder**, 1144 Piketown Road, Harrisburg, PA 17112. This facility is located in West Hanover Township, **Dauphin County**.

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

The receiving stream, UNT Beaver Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Middletown Borough Water Company is located on the Swatara Creek, approximately 20.55 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Report	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a Geometric Average	
(10-1 to 4-30)	2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

Application No. PA 0261041, CAFO, **Karlin Lynch Farm**, 138 Mays Chapel Road, Warfordsburg, PA 17267.

Karlin Lynch has submitted an NPDES permit application for the Karlin Lynch Farm, an existing turkey and beef operation in Bethel Township, **Fulton County**. The CAFO is situated near a UNT to Deer Lick Creek (Watershed 13-B), which is classified as a TSF. The operation currently consists of two turkey barns and a heifer operation with 22,000 turkeys and 500 heifers. The CAFO is proposing the addition of two turkey barns housing a total of 44,000 turkeys. The CAFO has a target animal population of approximately 730 animal equivalent units consisting of 66,000 turkeys and 500 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.

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 0055352, Sewage, **Berks Properties**, 2520 Egypt Road, Norristown, PA 19403. This facility is located in Hereford Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, West Branch of Perkiomen Creek, is in Watershed 3-E, and classified for exceptional value, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on the Green Lane Reservoir, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.014 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	XXX	50
Total Suspended Solids	30	XXX	60
NH ₃ -N	20	XXX	40
Total Residual Chlorine	0.5	XXX	1.64
Total Phosphorus	0.5	XXX	1.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Green Lane TMDL Requirements

	<i>Concentration (mg/l)</i>	<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Average Monthly</i>
Total Phosphorus	0.5	0.059

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

The EPA waiver is in effect.

Application No. PA 0261068, CAFO, **Meadow Lane Dairy**, 3392 Blue Rock Road, Lancaster, PA 17603.

Geoffrey Rohrer has submitted an NPDES permit application for the Meadow Lane Dairy, an existing dairy and poultry operation located in Manor Township, **Lancaster County**. The CAFO is situated near the West Branch Little Conestoga Creek (Watershed 07-J), which is classified as TSF. The CAFO is proposing to construct a new dairy facility and expand the operation to approximately 1,137 animal equivalent units. After the expansion the animals housed on the farm will consist of 56,000 broilers, 500 milk cows, 55 dry cows, 260 heifers and 160 calves. Two underground concrete liquid manure storage structures currently serve the dairy operation. The farm has proposed to construct a 3-stage, high density polyethylene (HDPE) lined manure storage system to serve the expanded dairy operation. The system will consist of 3 HDPE-lined manure storage impoundments. Broiler manure is handled as solid floor litter. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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 an 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.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previously listed address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. All comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

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

Application No. PA 0046221, Sewage, **Newville Borough Water & Sewer Authority**, 99 Cove Alley, Newville, PA 17241. This facility is located in Newville Borough, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Big Spring Creek is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 19.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 0.35 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N	Monitor and Report		
Total Residual Chlorine	0.5		1.6
Total Phosphorus	1.0		2.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			

Chesapeake Bay Requirements

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report
Net Total Phosphorus	XXX	Report	Report

NOTICES

The proposed Final effluent limits for Outfall 001 for a design flow of 0.600 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	18 Monitor and Report		36
Total Phosphorus	1.0		2.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**	
Kjeldahl-N	Report	Report	XXX	
Nitrate-Nitrite as N	Report	Report	XXX	
Total Nitrogen	Report	Report	Report	
Total Phosphorus	Report	Report	Report	
Net Total Nitrogen	XXX	Report	7,306*	
Net Total Phosphorus	XXX	Report	974*	

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental DMRs submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2012. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report—Annual Nutrient Summary. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2012.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary.

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

The EPA waiver is not in effect.

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

Amplified Draft Application Notice for NPDES Permit No. PA0000647, Industrial Waste, SIC 8731, Crucible Research, Division of Crucible Materials Corporation, 6003 Campbells Run Road, Pittsburgh, PA 15205-1022.

This notice reflects changes from the notice published in 38 Pa.B. 1178 (March 8, 2008).

Outfall 101: existing discharge, design flow of 0.0052 mgd.

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Total Suspended Solids			20		50
Oil and Grease			12		30
Copper			1.0		2.5
Cyanide			0.12		0.30
Lead			0.20		0.50
Chromium, Total			0.5		1.25
Iron, Total			4.0		10.0
Mercury					
Effective date—36 months			Monitor and Report		
36 months—expiration date			8.4x10 ⁻⁵		2.1x10 ⁻⁴
pH	not less than 7.5 nor greater than 10.0				

Outfall 201: existing discharge, design flow of 0.0044 mgd.

Parameter	Mass (lbs/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
pH	not less than 6.0 nor greater than 9.0				

PA0046671, Sewage, **United Steelworkers of America, Five Gateway Center**, Pittsburgh, PA 15222. This application is for renewal of an NPDES permit to discharge treated sewage from Linden Hall United Steelworkers STP in Lower Tyrone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to the Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority-McKeesport.

Outfall 001: existing discharge, design flow of 0.035 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0205877, Sewage, **Redstone Township Sewer Authority**, 1002 Main Street, P. O. Box 751, Republic, PA 15475. This application is for renewal of an NPDES permit to discharge treated sewage from Redstone Township Sewer Authority Wastewater Treatment Plant in Redstone Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunlap Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the California Water Company located on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.45 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen	2.5	3.8		5.0
(5-1 to 10-31)				
(11-1 to 4-30)	7.5	11.3		15.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217476, Sewage, **Scott Hooks Construction, Inc.**, 190 Walnut Bottom Road, Kittanning, PA 16201-7041. This application is for renewal of an NPDES permit to discharge treated sewage from Fox Hollow Estates STP in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Glade Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Water Authority, Freeport Plant.

Outfall 001: existing discharge, design flow of 0.0085 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Ammonia Nitrogen (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.03			0.07
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 6708404, Sewerage, **Springettsbury Township**, 3501 North Sherman Street, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation project involves a Biological Nutrient upgrade of the existing treatment capacity of the plant at the designed flow rate of 15 mgd.

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

WQM Permit No. 1108401, Sewerage, **Stonycreek Township Commissioners**, 1610 Bedford Street, Johnstown, PA 15902. This proposed facility is located in Stonycreek Township, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of replacement pump station.

WQM Permit No. 5606403-A2, **SCI Laurel Highlands**, P. O. Box 631, 5706 Glades Pike, Somerset, PA 15501-0631. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of replacement sludge handling facilities, new aerobic sludge digestion and new dewatering facilities.

WQM Permit No. WQG016159, Sewerage, **Jerry J. Klotz**, 821 East Main Street, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010908004	Thornwood Builders, LLC P. O. Box 200 Springtown, PA 18081	Bucks	Springfield Township	Cooks Creek EV
PAS10G522R	Heritage Land Group 2500 York Road Jamison, PA 18929	Chester	Wallace Township	Indian Run HQ-CWF
PAS10G535R	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	Chester	Upper Uwchlan Township	UNT Marsh Creek-Pickering Creek HQ-TSF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506076A2	Warwick Township 2500 Ridge Road Elverson, PA 19520	Chester	Warwick Township	French Creek EV
PAI011508014	Samuel and Lucetta Hultz 820 Pughtown Road Spring City, PA 19475	Chester	South Coventry Township	French Creek EV
PAI011508015	Medical Venture Properties (NG), LLC P. O. Box 218 Willow Street, PA 17584	Chester	New Garden Township	White Clay Creek EV
PAI011508016	Coatesville Property Associates Five Tower Bridge Suite 750 Barr Harbor Drive West Conshohocken, PA 19428	Chester	City of Coatesville	West Branch Brandywine Creek HQ-TSF-MF
PAI011508017	Elisa Rogers 525 Avondale Road Wayne, PA 19087	Chester	Tredyffrin Township	Valley Creek EV
PAI012308001	Randolph B. Bates 1835 Middletown Road Gradyville, PA 19039	Delaware	Edgmont Township	Ridley Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032108007	Fish and Boat Commission 1601 Elmerton Avenue Harrisburg, PA 17106-7000	Cumberland	North Newton Township	Big Spring Creek EV-CWF
PAI030708001	Chestnut Flats Wind, LLC One South Broad Street 30th Floor Philadelphia, PA 19107	Blair	Logan Township	Mill Run-Dry Gap Run HQ-CWF
PAI030708002	Pineroft Associate Resources, LLC 5506 Sixth Avenue Rear Altoona, PA 16602	Blair	Antis Township	UNT to Sandy Run HQ-CWF
PAI030507003	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Bedford	Hopewell Township	Bank Run-Yellow Creek HQ-CWF
PAI030507002	Ryan Clark 257 Town Hill Road New Enterprise, PA 16664	Bedford	South Woodbury Township	Yellow Creek HQ

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408003	Kent Rishel Krislund Camp and Conference Center P. O. Box 116 Madisonburg, PA 16852	Centre	Miles and Walker Townships	Roaring Run EV
PAI041408004	Jess Burkholder Burkholder's Country Market 165 Burkholder Lane Spring Mill, PA 16875	Centre	Penn Township	Elk Creek EV

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408005	Thomas F. Songer Benjamin Heights Torrion Group, LP 1951 Pine Hall Drive Suite 150 State College, PA 16801	Centre	Harris Township	Spring Creek HQ-CWF

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

Venango County Conservation District: Venango County Conservation District, 1793 Cherrytree Road, Franklin, PA 16323, (814) 676-2832.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI066108001	Oil Creek Township 16835 Shreve Run Road Pleasantville, PA 16341	Venango	Oil Creek Township	UNT Pine Creek HQ-CWF UNT Pine Creek CWF UNT West Pithole Creek CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 3808501, Public Water Supply.

Applicant	Gretna Springs
Municipality	West Cornwall Township
County	Lebanon
Responsible Official	Gretna Springs, President 5 Maple Avenue Manheim, PA 17545
Type of Facility	Public Water Supply
Consulting Engineer	David J. Gettle Kohl Bros., Inc. P. O. Box 350 Myerstown, PA 17067
Application Received:	January 29, 2008
Description of Action	Construction of Well No. 3 as a new source of supply to replace Well No. 1.

Permit No. 6708502, Public Water Supply.

Applicant	Delta Borough
Municipality	Peach Bottom Township
County	York
Responsible Official	Delta Borough, Borough Council President 101 College Avenue P. O. Box 278 Delta, PA 17314
Type of Facility	Public Water Supply

Consulting Engineer Charles A. Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George Street
York, PA 17401

Application Received: March 3, 2008

Description of Action New Well DR-2

MINOR AMENDMENT

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

Application No. 364W14-MA4, Minor Amendment.

Applicant **Hawthorn Borough Water Authority**

Township or Borough Hawthorn Borough
Clarion County

Responsible Official Michael Malak, P. E.
Senate Engineering Company
U-PARC, 420 William Pitt Way
Pittsburgh, PA 15238-1330

Type of Facility Public Water Supply

Application Received Date March 7, 2008

Description of Action The Oakridge Waterline
Extension project, Phase III

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific

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

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

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

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

Kardon Park Site, Borough Downingtown and East Caln Township, **Chester County**. Paul Stratman, P. E., P.G. Advance GeoService Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380 on behalf of Steve Sullins, Borough of Downingtown, 6 West Lancaster Avenue, Downingtown, PA 19335 has submitted a Notice of Intent to Remediate. Groundwater and soil at site has been impacted by release of inorganics. The future use of the site will be for recreational use. A summary of the Notice of Intent to Remediate was reported to have been published in the *Daily Local New* on March 6, 2008.

Reba Brown Senior Residence, City of Philadelphia, **Philadelphia County**. Eric Poulson, P. E., Poulson & Associates, LLC, 5 Camby Chase, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of PAH's. The future use of the property is for senior housing apartments.

Kearney Elementary School, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleinfelder East, Inc., 800 East Washington Street, West Chester, PA 19380 on behalf of Francine Locke, School District of Philadelphia, 440 North Broad Street, 3rd Floor, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of lead and unleaded gasoline.

56 West Lincoln Highway, Middletown Township/Pennel Borough, **Bucks County**. Charlene Drake, React Environmental Professional Services Group, 6901 Kinrossing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Chris Neill, Primax Property, LLC, 1065 East Moreland Street, 4th Floor, Charlotte, NC 28204 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by the release of inorganics. The future use of the site will be commercial.

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

Former SOLIDA Property—Sewage Treatment Plant Area, Oakland Township, Susquehanna County. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 50 East North Temple Street, 12 Floor, Salt Lake City, UT 84150-6320), concerning the remediation of soils found to have been contaminated with lead and copper in an area that was covered with historical fill. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. A summary of the Notice of Intent to Remediate was published in *The Scranton Times* on March 3, 2008.

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

Former Cole Steel Facility, Spring Garden Township, **York County.** CDM, Inc., Raritan Plaza I, Raritan Center, Edison, NJ 08818, on behalf of Cresticon, Inc., 1840 Century City Park East, Los Angeles, CA 90067-2199, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, semi-VOCs and metals. The applicant seeks to remediate the site to meet the Site-Specific Standard.

Former Trimen Industries, Oxford Township, **Adams County.** BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of R & R Byproducts, Inc., P. O. Box 291, York, PA 17405, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The property owner intends to use the property to process and recycle onsite stockpiles of spent foundry sands that remain from previous operations of the site. The site will be remediated to the Statewide Health Standard.

Standard Steel, LLC, Machine Shop No. 1, Burnham Borough, **Mifflin County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum products and PAHs. The applicant seeks to remediate the site to a combination of the Statewide Health and Site-Specific Standards.

Standard Steel, LLC, Residual Waste Landfill, Derry Township, **Mifflin County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum products, VOCs and Chromium. The applicant seeks to remediate the site to a combination of the Statewide Health and Site-Specific Standards.

Steven Ohmsman Residence, Wyomissing Borough, **Berks County.** Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518, on behalf of Steven Ohmsman, 115 Grandview Boulevard, Reading, PA 19609 and Santilli Oil Company, 240 Franklin Street, Shoemakersville, PA 19555, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The applicant seeks to remediate the site to meet the Statewide Health Standard.

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

Cohen Auto Parts, Athens Township, **Bradford County,** Teeter Environmental Services Inc. on behalf of Todd Campbell, TOGEMCO, 615 South Main Street,

Athens, PA 18810 has submitted a Notice of Intent to Remediate soil contaminated with lead. The applicant proposes to remediate the site to meet the Site-Specific Standard. The intended future use of the property is nonresidential.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR090 SW001C. Lane Construction Corporation, 1 Rutgers Road, Pittsburgh, PA 15205. City of Pittsburgh/Crafton Plant, 1601 Chartiers Valley Lane, Pittsburgh, PA 15205. An application of Determination of Applicability for the general permit for beneficial use of asphalt plant residues was received in the Regional Office on March 14, 2008.

General Permit Application No. WMGR090 SW001D. Lane Construction Corporation, 1 Rutgers Road, Pittsburgh, PA 15205. Springdale Plant, 1000 Sherosky Way, Springdale, PA 15144. An application of Determination of Applicability for the general permit for beneficial use of asphalt plant residues was received in the Regional Office on March 14, 2008.

Comments concerning the application should be directed to David Eberle, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the Department of Environmental Protection (Department) Southwest Regional Office at (412) 442-4000. TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101680. Waste Management Disposal Services, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County.** This application is for the Minor Modification of the Geocomposite material used within the leachate detection zone of the liner system at the GROWS North Landfill. The application was received by the Southeast Regional Office on March 11, 2008.

Permit application deemed administratively complete Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 100955. Clinton County Solid Waste Authority, 264 Landfill Lane, P. O. Box 209, McElhattan, PA 17748-0209, for the Wayne Township Landfill located in Wayne Township, **Clinton County**. The permit application for a major modification to expand the northside of the landfill was deemed administratively complete by the Williamsport Regional Office on March 13, 2008.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office (570) 327-3740. TDD users may contact the Department of Environmental Protection through the Pennsylvania Relay Service (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

21-05035A: Hempt Brothers, Inc. (P. O. Box 278, Camp Hill, PA 17001) for construction of recycled asphalt pavement processing equipment at their Locust Point Asphalt Plant in Silver Spring Township, **Cumberland County**.

21-05053A: PPL Renewable Energy, LLC—Community Refuse Service, Inc.—Landfill Project (Two North Ninth Street, Allentown, PA 18101-1179) for a landfill gas to energy project at the Cumberland County Landfill in Hopewell Township, **Cumberland County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

63-00650B: Reaxis Inc. (941 Robinson Highway, McDonald, PA 15057) for installation of a 3,200 gallon reactor with packed bed scrubber at the McDonald Plant in Robinson Township, **Washington County**.

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

37-012B: Dunbar Asphalt Products, Inc. (P. O. Box 477, Wheatland, PA 16161) for modification of a plan approval to increase production and change the No. 2 fuel oil sulfur limit at the Hillsville Hot Mix Batch Asphalt Plant in Mahoning Township, **Lawrence County**.

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

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

23-0003J: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) for modification of previously issued Plan Approval No. PA-23-0003E for a clean fuel project and upgrade of an existing FCCU at their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This modification will result in NOx emission increase of 39 tpy. The Plan Approval and

Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

40-305-027B: Mountaintop Anthracite, Inc. (1550 Crestwood Drive, Mountaintop, PA 18707) for modification and operation of an anthracite coal processing operations at their facility in Wright Township, **Luzerne County**. By this application the company has proposed to increase production beyond the current production limit of 200 tpd from an anthracite coal drying, screening and packaging plant. The coal at a rate of 15 tph will be process through dryer and other equipment for packaging. The PM emissions from the dryer and fugitive PM emissions from the plant equipment will be controlled by baghouses. Expected PM emission rate will be less than 0.02 grain/dscf from each baghouse. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

39-302-193: St. Luke's Hospital (1736 Hamilton Street, Allentown, PA 18104) for installation of three No. 4 fuel oil/natural gas-fired boilers at their facility in the City of Allentown, **Lehigh County**. The facility is a non-Title V (State-only) facility. Each boiler will utilize flue gas recirculation to reduce NOx emissions. The operation of all three boilers will result in total potential emissions of 23.46 tpy of PM, 73.2 tpy of NOx, 14.16 tpy of CO and 55.2 tpy of SO₂. The boilers are subject to Subpart Dc of the Federal Standards of Performance for New Stationary Sources for Small Industrial-Commercial-Institutional Steam Generating Units. The Plan Approval will include emission restrictions, stack testing, monitoring, reporting, work practices and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements.

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

07-03055A: Advanced Metals Processing—PA, LLC (734 Jackson Street, State College, PA 16803) for construction of a scrap nonferrous metal delacquering oven, remelting oven and ancillary equipment in Hollidaysburg Borough, **Blair County**. The facility's estimated potential annual emissions are expected to be 33.8 tons VOCs, 7.24 tons PM, 7.11 tons of CO, 8.46 tons of NOx, 0.05 ton of SO₂ and 0.35 ton of HAPs. The plan approval will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source will be subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for HAPs for Secondary Aluminum Production for area sources.

28-05011B: Waste Management Disposal Services of PA, Inc. (9446 Letzberg Road, Greencastle, PA 17225-9317) to expand the existing landfill and the landfill gas collection system at their existing Mountain View Reclamation facility in Antrim and Montgomery Townships, **Franklin County**. This expansion is anticipated to increase landfill gas generation rates. This facility's expected annual emissions will be approximately 179.1 tons

of CO, 71.7 tons of NOx, 33.6 tons of PM, 30.5 tons of SOx, 24.8 tons of VOC and 9.6 tons of HAPs, in the year 2029. This plan approval will be incorporated into the existing Title V Permit at a later date. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

08-00002E: E.I. duPont de Nemours & Co., Inc. (R. D. 1, Box 15, Towanda, PA 18848) for the construction of a two roll corona film treater in North Towanda Township, **Bradford County**.

The facility in which the corona film treater will be located is a major (Title V) facility for which a Title V operating permit (08-00002) has been issued.

The ozone emissions from the corona film treater will be controlled by two catalytic ozone decomposers. The resultant emission of ozone is not expected to exceed .03 tpy.

The Department of Environmental Protection's (Department) review of the information submitted by E.I. duPont de Nemours & Co., Inc. indicates that the proposed corona film treater will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the construction of the corona film treater. Additionally, if the Department determines that the corona film treater is operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following its construction, the Department intends to incorporate the plan approval conditions into Title V Operating Permit 08-00002 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

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

1. The ozone emissions from each of the two corona treatment units incorporated in the corona film treater shall be controlled by a catalytic ozone decomposer.
2. The ozone concentration in the exhaust of the catalytic ozone decomposers shall not exceed .2 parts per million.
3. The catalytic ozone decomposers shall each be equipped with instrumentation to continuously monitor the ozone concentration in the decomposer's exhaust as well as with an alarm which will sound if the ozone concentration in the decomposer exhaust exceeds .1 parts per million and an interlock system which will prevent the respective corona treatment unit from energizing if the ozone concentration in the decomposer exhaust exceeds .2 parts per million or if air flow to the ozone decomposer has not been established.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

PA-65-00713B: Greenridge Reclamation, LLC (R. D. 1, Box 717, East Huntingdon Landfill Road, Scottsdale, PA 15683) for control of additional landfill gas production at their existing facility in East Huntingdon Township, **Westmoreland County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Greenridge Reclamation, LLC (R. D. 1, Box 717, East Huntingdon Landfill Road, Scottsdale, PA 15683) to control additional landfill gas (LFG) production at their existing facility located in East Huntingdon Township, Westmoreland County. This approval will authorize an increase in the allowable LFG throughput for the Evaporation/Flare System from 3,500 cfm to 5,000 cfm but does not authorize any increase in landfill capacity or waste acceptance rates. Emission rates from the enclosed flare will be as stated in the Special Conditions to follow.

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

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

In order for the Department to assure compliance with all applicable standards, the Department proposes to place the following General and Special Conditions on the Plan Approval:

General Conditions

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

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

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

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

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

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

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established pursuant to this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

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

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

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

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

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to

continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

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

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

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapter B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

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

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

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

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

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

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

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

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

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

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

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

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

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the Air Pollution Control Act or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

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

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

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

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

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

(i) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

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

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

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

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any

combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Special Conditions

1. This Plan Approval authorizes an increase in the maximum rate of landfill gas combusted by the LES and the Enclosed Flare at the Greenridge Reclamation, LLC municipal solid waste landfill facility located in East Huntingdon Township, Westmoreland County. (25 Pa. Code § 127.12b)

2. The Owner/Operator shall comply with the requirements of 25 Pa. Code § 123.31 regarding malodorous emissions.

3. The Owner/Operator shall comply with the requirements of 25 Pa. Code §§ 123.1 and 123.2 regarding fugitive emissions.

4. The Owner/Operator shall operate the Enclosed Flare with no visible flame or visible emissions except for periods not to exceed a total of 5 minutes during any consecutive 2 hour period. In addition, per 25 Pa. Code § 123.41, visible emissions from the Enclosed Flare shall not equal or exceed 20% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal or exceed 60% opacity at any time. This Condition shall replace Condition No. 006, section E, I of TV-65-00713. (25 Pa. Code § 127.12b)

5. The total volume of landfill gas combusted by the LES, the Enclosed Flare, and/or the Emergency Candle Flare shall not exceed 115 mmBtu/hr based on 5,000 standard cubic feet per minute at a methane concentration of 55%. This Condition shall replace Condition No. 011, section E, I of TV-65-00713. (25 Pa. Code § 127.12b)

6. Emissions from the Enclosed Flare shall be limited as follows. This Condition shall replace Condition No. 003, section E, I of TV-65-00713: (25 Pa. Code § 127.12b)

Pollutant	Lb/mmBtu	Lb/Hr	Ton/Yr
			in any consecutive 12-month period
NOx	0.06	9.0	39.42
CO	0.20	30.0	131.40

7. Stack testing to determine the mass emission rate of NOx and CO shall be conducted within 180 days of issuance of this approval and at a minimum of once every 5 years thereafter. This Condition shall replace Condition No. 010, section D, II of TV-65-00713: (25 Pa. Code §§ 127.12b and 139.11)

a. All stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the most current version of the Department's Source Testing Manual.

b. The Owner/Operator shall submit two copies of a pretest protocol to the Department's Regional Air Quality Manager and one copy a pretest protocol to the Division of Source Testing and Monitoring for review at least 60 days prior to performance of any stack test.

c. Under 25 Pa. Code Chapter 139, the Owner/Operator shall notify the Regional Air Quality Manager and the Division of Source Testing and Monitoring at least 15 days prior to any stack test so that an observer may be

present at the time of the test. Notification shall not be made without prior receipt of a test protocol acceptance letter from the Department.

d. All relevant operating parameters of the Enclosed Flare shall be recorded at appropriate intervals throughout the duration of the stack test. Operating data recorded shall be sufficient to establish that the Enclosed Flare is operating at the maximum routine operating condition. A discussion of the recorded operating parameters and values shall be included in the stack test report.

e. Under 25 Pa. Code Chapter 139, within 15 calendar days after completion of the onsite testing portion of an emission test program, if a complete test report has not been submitted, an electronic mail notification shall be sent to the Regional Air Quality Manager and the Division of Source Testing and Monitoring indicating the completion date of onsite testing.

f. The Owner/Operator shall submit two copies of the stack test report to the Department's Regional Air Quality Manager and one copy to the Division of Source Testing and Monitoring within 60 days of the completion of testing.

g. Under 25 Pa. Code Chapter 139, a complete test report shall include a summary report. At a minimum, the summary report shall include the following:

1. Permit numbers and conditions which are the basis for the evaluation.
2. A summary of the emission results indicating if each pollutant measured is within permitted limits.
3. A statement of compliance or noncompliance signed by the Owner/Operator.

a. Under 25 Pa. Code Chapter 139, all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

8. The Enclosed Flare shall be operated to; either reduce NMOC, VOC and HAP emissions by 98%; or reduce the outlet NMOC, VOC and HAP concentration to less than 20 ppmv. Compliance with this Condition shall be determined by maintaining the operating temperature of the Enclosed Flare at 1,500° F or greater. This Condition shall replace Condition No. 010, section E, I of TV-65-00713. (25 Pa. Code § 127.12b)

9. The Owner/Operator shall perform a daily inspection of the Facility for the presence of malodorous emissions, visible emissions and fugitive emissions. Records each inspection shall be maintained in a log and include any corrective actions taken. (25 Pa. Code § 127.12b)

10. All logs and required records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12b)

11. All requirements, other than those specifically replaced by reference in this approval, of TV-65-00713 shall remain in effect. (25 Pa. Code § 127.12b)

12. Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met: (25 Pa. Code § 127.12b)

a. Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit,

or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

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

c. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a revision to the Title V Operating Permit (TVOP), at least 60 days prior to the expiration date of the Plan Approval.

d. The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

e. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required.

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

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

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

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

Mark R. Grog, P. E.
Environmental Engineer Manager
(412) 442-4163

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

AMS 07203: Verizon PA, Inc.—Market Central Office (900 Race Street, Philadelphia, PA 19107) for installation of one 1,500 kilowatt emergency generator, and three 1,547 kilowatt emergency generators in the City of Philadelphia, **Philadelphia County**. Four emergency generators can burn diesel, kerosene or No. 2 fuel oil. The potential emissions from the facility will be limited to less than 25 tons per rolling 12-month period of NOx. The plan approval will contain operating, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

AMS 08010: Verizon—PA, Inc.—Sherwood Central Office (5650 Chestnut Street, Philadelphia, PA 19131) for installation of two 200 kilowatt emergency generators and one 750 kilowatt emergency generator in the City of Philadelphia, **Philadelphia County**. Three emergency generators can burn diesel, kerosene or No. 2 fuel oil. There will be a potential annual emission increase of 10.1 tons of NOx for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

22-05011: PPL Martins Creek, LLC (Two North Ninth Street, Allentown, PA 18101-1179) for operation of a combustion turbine site in the City of Harrisburg, **Dauphin County**. The facility's major source of emissions is attributed to the operation of four combustion turbines firing No. 2 fuel oil, which primarily emit NOx. The Title V Operating Permit will contain fuel usage restrictions, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the Title V operating permit issued in 2003.

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

30-00110: Equitrans, LP (200 Allegheny Center Mall, Pittsburgh, PA 15222) for operation of Natural Gas Transmission Station at Pratt Station No. 47 in Waynesburg Borough, **Greene County**. This is a Title V renewal.

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.

09-00104: Daniel C. Tanney, Inc. (3268 Clive Avenue, Bensalem, PA 19020) for operation of a fabricated metal products manufacturing plant in Bensalem Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility does not have the potential to exceed major facility threshold levels; therefore the facility is a Natural Minor. This action is a renewal of the

State-only Operating Permit. The initial permit was issued on September 24, 2003. There are no new sources at the facility and there are no new applicable regulations for the facility. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

40-00063: Kappa Graphics, LP (50 Rock Street, Pittston, PA 18604) for operation of lithographic printing presses at their facility in Hughestown Borough, **Luzerne County**. This facility is currently operating under Operating Permits 40-320-021 and 40-320-011. All permit requirements shall be included in the new State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

01-05004: Reliant Energy Mid-Atlantic Power Holdings, LLC, Hamilton Station (121 Champion Way, Suite 200, Cannonsburg, PA 15317) for renewal of their synthetic minor operating permit in Hamilton Township, **Adams County** issued in October 2003.

01-05006: Reliant Energy Mid-Atlantic Power Holdings, LLC, Orrtanna Station (121 Champion Way, Suite 200, Cannonsburg, PA 15317) for renewal of their synthetic minor operating permit in Highland Township, **Adams County** issued in September 2003.

06-03028: Berks Can Co., Inc. (3723 Pottsville Pike, Reading, PA 19605) for operation of a three piece can manufacturing facility in Muhlenberg Township, **Berks County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

21-05010: Reliant Energy Mid-Atlantic Power Holdings, LLC, Mountain Station (121 Champion Way, Suite 200, Cannonsburg, PA 15317) for renewal of the synthetic minor operating permit in South Middletown Township, **Cumberland County** issued in August 2003.

67-03043: Envirite of Pennsylvania, Inc. (730 Vogelsong Road, York, PA 17404) for renewal of their State-only operating permit for their waste treatment plant in the City of York, **York County** issued in April 2003.

67-05028: Reliant Energy Mid-Atlantic Power Holdings, LLC—Tolna Station (121 Champion Way, Suite 200, Cannonsburg, PA 15317) for renewal of their synthetic minor operating permit in Hopewell Township, **York County** issued in August 2003.

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

41-00046: Pennsylvania College of Technology (One College Avenue, Williamsport, PA 17701) for the operation of a college in the City of Williamsport, **Lycoming County**.

The facility incorporates 23 natural gas/No. 2 fuel oil-fired boilers and water heaters (with a total combined heat input of 102.75 mmBtu/hr), 40 natural gas-fired heaters and boilers (with a total combined heat input of 14.46 mmBtu/hr), 5 natural gas-fired emergency generators (195, 136, 102, 85 and 60 brake horsepower), two diesel fuel-fired emergency generators (350 and 335 brake horsepower), 9 solvent parts washers, eight paint spray booths, 10 printing presses and four natural gas-fired heat treat ovens. The PM emissions from the eight paint spray booths are controlled by panel filters.

The air contaminant emissions from the facility are not expected to exceed 90.14 tons of SO_x, 37.24 tons of NO_x, 20.88 tons of CO, 14.29 tons of VOCs and 4.18 tons of HAPs per year.

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

The Department of Environmental Protection proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 41-302-035, issued on July 12, 1994, for the operation of two 14.646 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers. These conditions include:

1. Conditions limiting the No. 2 fuel oil and diesel fuel used at the facility to No. 2 fuel oil and diesel fuel to which no reclaimed/reprocessed oil, waste oil or other waste materials have been added.

2. Conditions limiting the fuel used in the facility's 23 natural gas/No. 2 fuel oil-fired boilers and water heaters to natural gas and No. 2 fuel oil, the fuel used in the facility's 40 natural gas-fired heaters and boilers, five natural gas-fired emergency generators, the heaters associated with five of the facility's paint spray booths and the facility's 4 heat treat ovens to natural gas and the fuel used in the facility's two diesel fuel-fired emergency generators to diesel fuel.

3. Conditions limiting the total combined amount of No. 2 fuel oil used in all sources at the entire facility to no more than 2,500,000 gallons in any 12-consecutive month period and requiring the maintenance, and annual reporting, of records of the amount of No. 2 fuel oil used each month.

4. Conditions limiting the total combined NO_x emissions from the facility's seven emergency generators to less than 2.75 tons during any ozone season.

5. Conditions limiting the operation of the seven emergency generators to no more than 500 hours each in any 12-consecutive month period and requiring the maintenance of records of the number of hours each generator operates each month.

6. A condition limiting the total combined VOC emissions from the facility's solvent parts washers to less than 2.7 tons in any 12-consecutive month period.

7. A condition requiring the maintenance of records of the total combined amount of solvent added to the solvent parts washers each month.

8. A condition prohibiting the use, in the solvent parts washers, of any halogenated solvent or solvent to which a VHAP has intentionally been added.

9. Conditions limiting the total combined VOC emissions from five of the facility's eight spray booths to less than 2.7 tons in any 12-consecutive month period and the

total combined VHAP emissions to less than 1.0 ton in any 12-consecutive month period and requiring the maintenance of records of the identity, amount, VOC content and VHAP content of the materials used in the booths each month.

10. Conditions limiting the total combined VOC emissions from two of the facility's eight spray booths to less than 2.7 tons in any 12-consecutive month period and the total combined VHAP emissions to less than 1.0 ton in any 12-consecutive month period and requiring the maintenance of records of the identity, amount, VOC content and VHAP content of the materials used in the booths each month.

11. Conditions limiting the VOC emissions from one of the facility's eight spray booths to no more than 3 pounds per hour or 15 pounds per day and less than 2.7 tons in any 12-consecutive month period and the VHAP emissions to less than 1.0 ton in any 12-consecutive month period and requiring the maintenance of records of the identity, amount, VOC content and VHAP content of the materials used in the booths each month as well as the number of hours the booth is used each month.

12. Conditions requiring the facility's eight spray booths to be equipped with panel filters and instrumentation to monitor the pressure differential across the filters on a continuous basis.

13. Conditions prohibiting the facility's eight spray booths, 10 printing presses and four heat treat ovens from being used for purposes other than instructional purposes.

14. Conditions limiting the total combined VOC emissions from the facility's 10 printing presses to less than 2.7 tons in any 12-consecutive month period and the total combined VHAP emissions to less than 1.0 ton in any 12-consecutive month period and requiring the maintenance of records of the identity, amount, VOC content and VHAP content of the materials used in the printing presses each month.

15. A condition prohibiting the facility's four heat treat ovens from processing any material coated or treated with a VOC-containing material or VHAP-containing material.

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

63-00624: Golden Eagle Construction Co. (P. O. Box 945, Uniontown, PA 15401) for operation of asphalt manufacturing at Eighty Four Plant in North Strabane Township, **Washington County**. This is State-only renewal.

63-00895: Ensinger (365 Meadowlands Boulevard, Washington, PA 15301) operates a nylon production unit. The facility consists of an afterburner attached to a sandbed and a smog-hog eliminator with fabric collector. Emissions from this facility shall not exceed 100 tons of SO₂, 100 tons of NO_x, 100 tons of PM₁₀, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

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

10-00286: Portersville Sales & Testing (P. O. Box 131, 1406 Perry Highway, Portersville, PA 16051) for renewal of the State-only Operating Permit for their manufacturing facility in Portersville Borough, **Butler County**. The facility is a Natural Minor. The primary

sources at the facility include a boiler, paint spray bay, shot blast room, grit blaster and a parts cleaning station.

25-00961: National Fabricators and Machining, Inc. (9209 West Main Road, North East, PA 16428) for reissuance of a Natural Minor Permit to operate an industrial machinery fabricating facility in Township of North East, **Erie County**. Emissions sources associated with this facility include spray booth, heat stress oven, welding operation, torch cutting, 24 space heaters and two safety klean parts cleaners. This facility is natural minor because the emissions of pollutants are less than Title V threshold.

61-00149: Christian Life Academy (P. O. Box 207, 224 South Main Street, Seneca, PA 16346) to issue a renewal of the State-only Operating Permit for the Tri-Fuel Boiler at their school in Cranberry Township, **Venango County**. The facility is a Natural Minor.

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

S07-004: North Philadelphia Health System—St. Joseph's Hospital (1601 West Girard Avenue, Philadelphia, PA 19130) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 200 Horsepower boilers, one 25 horsepower boiler and one 565 kW emergency generator.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water

Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code

Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

32040102 and NPDES No. PA0249491. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, revision of an existing bituminous surface and auger mine for a land use change on a portion of the site from forestland to pastureland/land occasionally cut for hay in Center Township, **Indiana County**, affecting 201.2 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 10, 2008.

32030101 and NPDES No. PA0249378. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, permit renewal for a bituminous surface mine in Montgomery Township, **Indiana County**, affecting 182.2 acres. Receiving streams: Cush Creek and UNT to Cush Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 10, 2008.

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

24010101 and NPDES Permit No. PA0241857. FSMR, Inc. (P. O. Box 203, Brockway, PA 15824). Transfer of an existing bituminous surface strip, auger and clay removal operation in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: UNT "G" to Mead Run, UNTs "2" and "3" to Johnson Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Energy Resources, Inc. Application received March 10, 2008.

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

54830103R5 and PA0613398. K & K Coal Company, (133 Valley Furnace Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 160.0 acres, receiving stream: UNT to East Branch Schuylkill River. Application received March 7, 2008.

54920203R3. B-D Mining Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing operation in Mahanoy Township and Shenandoah Borough, **Schuylkill County** affecting 86.0 acres, receiving stream: none. Application received March 14, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

45950301C10 and NPDES Permit No. PA0223506. Bill Barry Excavating, Inc., (R. R. 3, Box 3271, Cresco, PA 19326), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Barrett Township, **Monroe County**, receiving stream: UNT to Cranberry Creek, classified for the following use: HQ-CWF. Application received March 14, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E39-482. K & M Associates, Inc., 496 Lone Lane, Allentown, PA 18104, in Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road-crossing of a tributary to Cedar Creek (HQ-CWF) consisting of twin 8' by 4.5' concrete box culverts and to fill a de minimis area of PEM wetlands equal to 0.03 acre. The activities are associated with Rabenold Farms residential development. The project is located on the north side of Schantz Road at the intersection of Schantz Road (T-527) and Crocks Road (T-498) (Allentown West, PA Quadrangle N: 13.1 inches; W: 10.5 inches).

E45-522. PPL—Attention: Mark Richel, 2 North Nine Street Genn 3, Allentown, PA 18101, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two utility line crossings under Swiftwater Creek associated with Rabenold Farms residential development. The project is located on the north side of Schantz Road at the intersection of Schantz Road (T-527) and Crocks Road (T-498) (Allentown West, PA Quadrangle N: 13.1 inches; W: 10.5 inches).

E45-517. Stewart H. Martin, Jr., R. R. 2, Box 2750, Canadensis, PA 18325, in Barrett Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a steel I-beam bridge, having a 24-foot span and a 5-foot underclearance across Stoney Run (EV) and to place fill in 0.02 acre of PSS wetlands adjacent to Stoney Run. The project is located on the eastern side of Lower Ceese Hill Road approximately 2.4 miles northeast of its intersection with SR 0447 (Skytop, PA Quadrangle N: 10.8 inches; W: 11.1 inches).

E40-676. Crystal Penn Ridge, LLC, 1247 Sussex Turnpike, Randolph, NJ 07869, in Butler, Dennison and Foster Townships, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain 26 road crossings in tributaries to Oley Creek (CWF) and Nescopeck Creek (HQ-CWF) and in approximately 0.64 acre of wetlands for the purpose of providing access to a proposed 1,504-unit planned residential development known as Crystal Penn Ridge. Work also includes numerous sanitary sewer,

water, electric and telecommunication utility line stream and wetland crossings in the previously mentioned waters. The project is located on the east side of SR 0309 adjacent to Beech Mountain Lakes residential community, approximately 0.8 mile south of the intersection of Interstate 80 and SR 0309 (Freeland, PA Quadrangle N: 9.3 inches; W: 6.0 inches).

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

E67-846: City of York, Farquhar Park Pool, 1 Marketway West, 3rd Floor Planning, York, PA 17401-1231, City of York, York County, ACOE Baltimore District.

To construct and maintain an 8.0-foot wide single span prefabricated steel pedestrian bridge with a normal span of 65.0 feet across Willis Run (WWF), to install and maintain a 6.0-inch steel pipe encasement for a gas line in Willis Run (WWF), and to replace and expand existing parking facilities, and construct sidewalks and new stormwater facilities in the floodplain of Willis Run (WWF) (York, PA Quadrangle N: 17 inches; W: 16 inches, Latitude 39° 58' 07"; Longitude: 76° 44' 23"). The project is located at 542 North Newberry Street in the City of York, York County.

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

E02-1576. Redevelopment Authority of Allegheny County, 425 Sixth Street, Suite 800, Pittsburgh, PA 15219. To place and maintain fill along the right bank and in the flood plain in Rankin, Swissvale, Munhall and Whitaker Boroughs, **Allegheny County, Pittsburgh ACOE District** (Pittsburgh East, PA Quadrangle N: 6.6 inches; W: 1.9 inches, Latitude: 40° 24' 41"; Longitude: 79° 53' 19"). The applicant proposes to place and maintain fill for an approximate length of 4,800 feet and an average width of 900 feet along the right bank and in the floodplain of Monongahela River (WWF) located just downstream of the Rankin Bridge for the purpose of elevating the floodplain to redevelop a 194-acre site

located on the both banks of said river. The project includes demolition of trestle of the Hot Metal Bridge.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

D15-077EA. Heritage Building Group, Inc., 2500 York Road, Jamison, PA 18929. Parkesburg Borough, **Chester County, ACOE Philadelphia District.**

Project proposes to: (1) breach and remove Crystal Springs Dam across a tributary to Buck Run (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. Dam removal will restore approximately 300 feet of stream; (2) construct and maintain a 5.0-foot high by 20.0-foot wide reinforced concrete box culvert within the tributary to Buck Run. In-stream length of the culvert is 99.0 feet; (3) construct and maintain a 4-foot wide by 20-foot long pedestrian bridge spanning a tributary to Buck Run (TSF). Construction of the pedestrian bridge will cause temporary impacts to approximately 0.03-acre of Palustrine Emergent Wetland. Impacts 2 and 3 are eligible for authorization by means of the Department of Environmental Protection's General Permit Number 7. The project is located approximately 250 feet southeast of the intersection of Sadsbury Road and Church Street (SR 10) (Parkesburg, PA Quadrangle Latitude: 39° 58' 00"; Longitude: 75° 54' 52").

D40-099EA. Land Manager Supervisor, P. O. Box 220, Dallas, PA 18612. Salem Township, **Luzerne County, ACOE Baltimore District.**

Project proposes to breach and remove Intake Dam across Little Shickshinny Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 100 feet of stream channel. The dam is located approximately 2,800 feet west of the intersection of US 11 and Shickshinny Valley Road (SR 4004) (Shickshinny, PA Quadrangle Latitude: 41° 09' 04"; Longitude: 76° 09' 40").

ACTIONS

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have

submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0051811 (Industrial Waste)	Lehigh County Authority (Green Hills Pumping Station) P. O. Box 3348 1053 Spruce Street Allentown, PA 18106	South Whitehall Township Lehigh County	UNT to Little Cedar Creek 02C	Y
PA0051799 (Minor Sewage)	Lehigh Carbon Community College 4525 Education Park Drive Schnecksville, PA 18078	North Whitehall Township Lehigh County	Tributary to Jordan Creek 2C	Y
PA0063088	Karl A. and Linda L. Landon 2020 Raubsville Road Hellertown, PA 18055	Northampton County Williams Township	UNT to East Branch Saucon Creek Watershed 2C HQ-CWF	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>
PA0081833 (Sew)	SK Part II, LTD Peach Bottom Inn 6085 Delta Road Delta, PA 17314	York County Peach Bottom Township	Scott Creek 7-I	Y
PA0080187 (IW)	Dauphin Meadows, Inc. 3035 Route 209 Millersburg, PA 17061	Dauphin County Washington Township	Wisconisco Creek 6-C	Y
PA0084166 (IW)	City of Lebanon Authority 2311 Ridgeview Road Lebanon, PA 17042	Lebanon County Swatara Township	UNT of Swatara Creek 7-D	Y
PA0085171 (Sew)	Lyons Borough Municipal Authority 316 South Kemp Street P. O. Box 131 Lyon Station, PA 19536	Berks County Lyons Borough	Sacony Creek 3-B	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0246646 (Sew)	Copart Auto Auction 8 Park Drive Grantville, PA 17028	Lebanon County East Hanover Township	UNT of Swatara Creek 7-D	Y
PA0021776 (Sew)	Fairfield Municipal Authority 180 Water Street Extended P. O. Box 705 Fairfield, PA 17320	Adams County Hamiltonban Township	Spring Run Creek 13-D	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0228672 (Sewage)	Muddy Run Regional Authority Glen Hope STP P. O. Box 474 Madera, PA 16661	Glen Hope Borough Township Clearfield County	Clearfield Creek CWF	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
PA0098876 Industrial Waste	YMCA of Pittsburgh South Hills YMCA 51 McMurray Road Upper St. Clair, PA 15241	Allegheny County Upper St. Clair Township	McLaughlin Run	Y
PA0217816 Sewage	Regina Lambie Nazimek P. O. Box 896 Connellsville, PA 15425	Westmoreland County East Huntingdon Township	UNT of Jacobs Creek	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0210714	Mark D. and Wendy J. Watts 3383 Church Street Reynoldsville, PA 15851	Winslow Township Jefferson County	UNT to Fehley Run 17-C	Y
PA0239071	ABECO, Inc. P. O. Box 265 Clarion, PA 16214	Paint Township Clarion County	UNT to Clarion River 17-B	Y
PA0238899	Oil Creek Plastics, Inc. 45619 State Highway 27 P. O. Box 385 Titusville, PA 16354-0385	Oil Creek Township Crawford County	UNT to Pine Creek 16-E	Y

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

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

NPDES Permit No. PA0087483, Industrial Waste, **Elizabethtown Area Water Authority**, Five Municipal Drive, Elizabethtown, PA 17022. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge from a facility known as the Cornwall Quarry Water Transfer Pump Station Discharge to a UNT of Conewago Creek in Watershed 7-G.

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

PA0229253, Sewerage (4952), **Karthus-Burnside Joint Sewer Authority**, P. O. Box 97, Karthus, PA 16845. The proposed facility is located in Karthus Township, **Clearfield County**.

Description of Proposed Activity: A permit has been issued for coverage under an NPDES permit for the discharge of treated sewage in Karthus Township, Clearfield County. The facility is proposed to serve Karthus Township, Clearfield County and Burnside Township, Centre County. A Water Quality Management Permit for construction of the facility will be submitted to the Department of Environmental Protection (Department) under separate cover.

The receiving stream for Outfall 001, the West Branch of the Susquehanna River, is in the State Water Plan Watershed 8D and is classified for: WWF. The nearest public water supply surface water intake, owned by Pennsylvania American Water Company, is located on the Susquehanna River approximately 120 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.115 mgd and are as follows:

<i>Parameter</i>	<i>Average</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Maximum (mg/l)</i>
Flow	Monitor and Report	
Fecal Coliforms	Monitor and Report	
(5-1 to 9-30)	200/100 ml	
(10-1 to 4-30)	2,000/100 ml	
C-BOD ₅	25	50
Total Suspended Solids	30	60
Total Chlorine Residual	0.50	1.64
pH	Within the Range of 6.0 to 9.0	

Chesapeake Bay Tributary Strategy Nutrient Requirements:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	5,625*
Net Total Phosphorus		Report	0*

* 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's 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 on the permit effective date. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit through the expiration date of the permit.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR.

PA0229245, Sewage, SIC 4952, **Ryan B. Corl**, 3083 Jodi Lane, Dover, PA 16873. This proposed facility is located in Goshen Township, **Clearfield County**.

Description of Proposed Activity: The applicant proposes the construction and operation of a small flow treatment facility serving the Shawville Post Office and several adjacent apartments.

The receiving stream, the West Branch Susquehanna River, is in the State Water Plan Watershed 08C and is classified for: WWF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the West Branch Susquehanna River is 152 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0009 mgd.

<i>Parameter</i>	<i>Average</i>	<i>Average</i>	<i>Maximum</i>	<i>Instantaneous</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	<i>Daily (mg/l)</i>	<i>Maximum mg/l</i>
pH	Within the Range of 6.0 to 9.0 Standard Units			
CBOD ₅	10			20
TSS	10			20
Total Cl ² Residual	1.0			3.2
Fecal Coliforms	200 colonies/100 ml and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested			

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

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

WQM Permit No. 6407404, Sewerage, **Wayne Economic Development Corporation (WEDCO)**, 303 Commercial Street, Suite 109, Honesdale, PA 18431. This proposed facility is located in Sterling Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for construction of a new 35,000 gpd wastewater treatment plant and sewage pump station to serve the Sterling Business Park.

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

WQM Permit No. WQG01070801, Sewage, **Richard A. Huber, Jr.**, 112 West 9th Street, Altoona, PA 16601. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single-family residence on Woomer Road.

WQM Permit No. 2104402 Amendment 07-1, Sewage, **Silver Spring Township Authority**, 31 East Main Street, New Kingstown, PA 17072. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Amendment approval for the construction/modification of sewerage facilities consisting of replacing pumps in station and construction of about 4,355 feet of 10-inch diameter force main replacing the 6-inch diameter force main. Existing manhole at connection to gravity sewer in Roadway Drive is replaced with drop manhole.

WQM Permit No. 0107405, Sewage, **Fairfield Municipal Authority**, P. O. Box 705, Fairfield, PA 17320. This proposed facility is located in Hamiltonban Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of flow equalization, screening and grit removal, a Hydroxyl (ActiveCell) Biological Treatment System with a pre-anoxic zone, Locus active cell aeration and postanoxic zone, chemical addition aerobic sludge digestion and UV disinfection.

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

WQM Permit No. 1707405, Sewerage, SIC 4952, **Ryan Corl**, 3083 Jodi Lane, Dover, PA 16873. This proposed facility is located in Goshen Township, **Clearfield County**.

Description of Proposed Action/Activity: A Water Quality Management Permit has been issued for the construction and operation of a Small Flow Treatment Facility (SFTF) serving three apartments and the Post Office in Shawville. The SFTF will consist of a septic tank, dual peat-biofilters, an erosion chlorinator and a chlorine contact tank. The system will be designed to treat 935 gpd.

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

WQM Permit No. 3285201-A2, Industrial Waste, **EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748-8009. This existing facility is located in Center and Blacklick Townships, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance to upgrades to industrial wastewater treatment plant.

WQM Permit No. 463S028-A2, Sewerage, **Westmoreland Fayette Municipal Sewer Authority**, P. O. Box 126, Scottdale, PA 15683. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Letter amendment issuance for installation of sodium bisulfite dechlorination system.

WQM Permit No. 9040S-A1, Sewerage, **Gilmary Diocesan Center**, 601 Flaugherly Run Road, Coraopolis, PA 15108-3899. This existing facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Letter amendment issuance for installation of permanent dechlorination facilities at the sewage treatment plant.

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

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

WQM Permit No. 6507404, Sewerage, **Thomas and Sandra Usher Camp**, 2345 Route 381, Rector, PA 15658. This proposed facility is located in Cook and Ligonier Townships, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of several small flow land application treatment systems.

WQM Permit No. 6371406-A2, Sewerage, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314. This existing facility is located in Fallowfield Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sludge pumping building and sludge dewatering centrifuge.

WQM Permit No. 6506405, Sewerage, **Penn Township Sewage Authority**, 1032 Nike Site Road, Irwin, PA 15642. This proposed facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of pump station and force main to convey flow from Fox Run Development. Also, construction and operation of Harrison City Export Road Interceptor to handle build out in watershed.

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

WQM Permit No. WQG028313, Sewerage, **Union Township Sewer and Disposal Authority**, 1910 Davies Avenue, New Castle, PA 16101. This proposed facility is located in Union Township, **Lawrence County**.

Description of Proposed Action/Activity: A single 17 Lot Residential Subdivision.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907002	Alex Yuchkovski P. O. Box 754 Richboro, PA 18954	Bucks	Solebury Township	Tributary Aquetong Creek HQ-WWF
PAI010907024	Richard D. Zaveta, Jr., Inc. 4030 Skyron Drive Doylestown, PA 18902	Bucks	Buckingham Township	UNT Paunacussing Creek HQ-CWF
PAI010908002	99 Warrington, LLC 28 Somers Road Hampden, MA 10136	Bucks	Warrington Township	Little Neshaminy Creek WWF, MF
PAI011508001	Pohlig Builders, Inc. 274 Lancaster Avenue Suite 100 Malvern, PA 19355-3255	Chester	Willistown Township	Ridley Creek HQ-TSF
PAI011508003	Larry Fondren 1223 Yellow Springs Road Malvern, PA 19355	Chester	Tredyffrin Township	Valley Creek EV
PAI012307004	White Horse Village, Inc. 535 Gradyville Road Newtown Square, PA 19073-2815	Delaware	Edgmont Township	Ridley Creek HQ-TSF
PAI014607005	Federal Highway Administration 21400 Ridgetop Circle Sterling, VA 20166	Montgomery	Upper Merion Township	Valley Creek EV

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bensalem Township Bucks County	PAG200090030462	Philadelphia Park 3331 Street Road No. 200 Bensalem, PA 19020	Neshaminy and Poquessing Creeks WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000908003	USS Real Estate One Ben Fairless Drive Fairless Hills, PA 19030	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Buckingham Township Bucks County	PAG2000906010	Buckingham Township P. O. Box 413 Buckingham, PA 18912	Pine Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000908014	Epuron, LLC One Liberty Place 16450 Market Street 36th Floor Philadelphia, PA 19103	Scotts Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG2000908013	826 Newtown Associates, LP 101 Eisenhower Parkway Roseland, NJ 07068	UNT Lake Luxembourg CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG2000908015	John W. Trauger 2201 Upper Stump Road Perkasie, PA 18944	UNT North Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAR109D717R	Zaveta Construction 4030 Skyron Drive Doylestown, PA 18901	UNT Pidcock Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000908004	Team Toyota 746 East Lincoln Highway Langhorne, PA 19047	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000908002	George School 1690 Newtown- Langhorne Road Newtown, PA 18940	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000908020	Quakertown Community School District 600 Park Avenue Quakertown, PA 18951	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG2001507060	Southeastern Pennsylvania Transit Authority 1234 Market Street 12th Floor Philadelphia, PA 19107	Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG2001507069	Delaware Valley Realty, LLC 722 Yorklyn Road Suite 350 Hockessin, DE 19707	UNT West Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Sadsbury Township Atglen Borough Chester County and Sadsbury Township and Christiana Borough Lancaster County	PAG2001507077	Pennsylvania Water Main 4 Wellington Boulevard Wyomissing, PA 19610	UNT East Branch Octoraro Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Middletown Township Delaware County	PAG2002308002	Riddle Memorial Hospital 1068 West Baltimore Pike Media, PA 19063	Granite Run Tributary TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Marple Township Delaware County	PAG2002308007	Delaware County Community College 901 Media Line Road Media, PA 19063	Tributary Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004607154	Linfield Corporate Center, LP 1030 West Germantown Pike East Norriton, PA 19403	Brook Evans Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004607172	Philadelphia Suburban Development Co. 100 Ross Road Suite 200 King of Prussia, PA 19406	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107025	PAKTF, LP 6439 Lindbergh Boulevard Philadelphia, PA 19142	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107044	CNR Associates, LP 1950 Bensalem Road Suite 205 Bensalem, PA 19020	Delaware River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107052	Hunter Roberts Construction Group 1717 Arch Street Suite 3410 Philadelphia, PA 19103	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107053	Saint Joseph's University 5600 City Avenue Philadelphia, PA 19131-1395	Tidal Schuylkill River Watershed WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015108004	Chew and Wister, LP 111 Presidential Boulevard Suite 209 Bala Cynwyd, PA 19004-1013	Tookany, Tacony and Frankford Creeks WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hampden Township Cumberland County	PAG2002103007R	Triple Crown Corp. Mark Disanto 5351 Jaycee Avenue Harrisburg, PA 17112	Sears Run WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Lower Paxton Township Dauphin County	PAG2002208015	Bottling Group, LLC 941 Dana Drive Harrisburg, PA 17109	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002208006	Liberty Place, LLC 3029 North Front Street Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Muhlenberg Township Berks County	PAG2000608003	Rosario Marchio New Vision Builders, Inc. 4166 Hill Terrace Drive Sinking Spring, PA 19608	Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000607081	Ronald Smith P. O. Box 202 Morgantown, PA 19543	Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Ontelaunee Township Berks County	PAG2000607042	William Round Berks Products Corp. P. O. Box 9000 Wyomissing, PA 19610	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Heidelberg Township Berks County	PAG2000603047R	John Smith Forino Co., LP 555 Mountainhome Road Sinking Spring, PA 19607	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
East Pennsboro Township Cumberland County	PAG2002107035	Daniel Jorich Jorich Land Development, Inc. 1620 Mountain Road Dauphin, PA 17018	UNT to Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Hamilton Township Franklin County	PAG2002807022	Route 30 Commons Harold Brake Brake Concrete P. O. Box 275 St. Thomas, PA 17252	Back Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Hamilton Township Franklin County	PAG2002803007R	Whiskey Run Edwin Martin D-111 Group 826 Tallow Hill Road Chambersburg, PA 17202	Back Creek TSF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Greene Township Franklin County	PAR10M145RR	Scot Green Estates Terry Wagner Scot Green Estates, Inc. P. O. Box 400 Scotland, PA 17254	Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Hamilton Township Franklin County	PAR10M124RR1	Warm Springs Ridge Joe Myers 160 Ram Drive Hanover, PA 17331	UNT to Conococheague Creek CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

<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>
Antrim Township Franklin County	PAG2002808010	Cedar Brook S & A Homes 2966 Philadelphia Avenue Chambersburg, PA 17201	UNT to Conococheague Creek WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Silver Spring Township Cumberland County	PAG2002107026	Silver Spring Township Authority James Stevens P. O. Box 1001 New Kingstown, PA 17072	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Buffalo Township Perry County	PAG2035008001	John L. Brodish 632 Center Road Newport, PA 17074	Board Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
York Township York County	PAG2006708003	Dennis Flickinger 1601 Kenneth Road P. O. Box 7764 York, PA 17404	UNT to East Branch Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAG2006707090	Wayne K. McCullough 3280 Fissels Church Road P. O. Box 128 Glen Rock, PA 17327	South Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006707070	Joe A. Myers 160 Ram Drive Hanover, PA 17331	Plum Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bedford Township Bedford County	PAG20005040083	Real Partners Development 300 Orchard Avenue Altoona, PA 16602	UNT to Brush Creek WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3
York Township York County	PAG2006707069	York Township Recreation Department Debra Hatley 190 Oak Road Dallastown, PA 17313	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Fairview Township York County	PAG2006708024	Girish Patel SKHK, LLC 300 Commerce Drive New Cumberland, PA 17070	Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006707091	York Township Water and Sewer Authority 190 Oak Road Dallastown, PA 17313	South Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Freedom Township Blair County	PAG2000708003	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 02451	South Dry Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5

<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>
Silver Spring Township Cumberland County	PAG2002107041	Mike Willis Cumberland Valley School District 6746 Carlisle Pike Mechanicsburg, PA 17050	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Juniata Township Huntingdon County	PAG2003108002	Barry Filson R. D. 1 School House Road Hesston, PA 16647	UNT to Hawn's Run-Raystown Lake WWF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-1627 (814) 627-1627
Allegheny Township Blair County	PAG2000708005	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648	UNT to Sugar Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
East Manchester Township York County	PAG2006707066	Richard Dreher 100 Colliery Road Dickinson City, PA 18519	UNT to Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Clearfield County Lawrence Township	PAG2001708001	Department of Transportation District 2-0 P. O. Box 342 Clearfield, PA 16830-0342	West Branch of Susquehanna River	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Lawrence Township	PAG2001708003	KCL Enterprises, Inc. P. O. Box 21 Curwensville, PA 16833	West Branch of Susquehanna River	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Butler County Butler Township	PAG2001007018	Butler County Community College P. O. Box 1203 Butler, PA 16003-1203	UNT Connoquenessing Creek WWF	Butler Conservation District (724) 284-5270
Madison Township Clarion County	PAG2101608004	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Catfish Run WWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bradford Township McKean County	PAR148303	Georgia Pacific Corrugated II, LLC One Owens Way Bradford, PA 16701	UNT to the East Branch Tunungwant Creek	DEP—NWRO Water Management 230 Chestnut Street Meadvile, 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>
Blair County Logan Township	PAG043869	Richard A. Huber, Jr. 112 West 9th Street Altoona, PA 16601	UNT Little Juniata River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<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>
Sewickley Heights Borough Allegheny County	PAG046360	Margaret Piernik 5991 Fox Hollow North Ridgeville, OH 44039	UNT to Kilbuck Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Waterford Township Erie County	PAG048492	Thomas A. Platz 12704 Smedley Road Waterford, PA 16441	UNT to French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Brokenstraw Township Warren County	PAG048336	Robert M. Manera 1470 Brown Hill Road Youngsville, PA 16371	Indian Camp Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Greene Township Erie County	PAG048915	David A. Quick 8832 Wattsburg Road Erie, PA 16509	UNT to Four Mile Creek 15-FM	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springfield Township Montgomery County	PAG050011	BP North America 1 West Pennsylvania Avenue Suite 440 Towson, MD 21204	Wissahickon Creek 3F	Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970
Upper Gwynedd Township Montgomery County	PAG050079	Sunoco, Inc. R & M 350 Eagleview Boulevard Suite 300 Exton, PA 19341	Wissahickon Creek 3F	Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970
Lower Merion Township Montgomery County	PAG050080	Righters Ferry Associates, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Schuylkill River 3F	Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970
East Rockhill Township Bucks County	PAG050083	Stan Duda Stan's Amoco 2450 Three Mile Run Perkasie, PA 18944	UNT of East Branch of Perkiomen Creek	Southeast Regional Office Water Management 2 East Main Street Norristown, PA 19401 (484) 250-5970

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. 8906WMA, Minor Amendment, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
204 East Sunbury Street
Shamokin, PA 17872
Kingston Township

County **Luzerne**

Type of Facility Public Water System
(Meadowcrest well 4 contact time)

Consulting Engineer CET Engineering Services
1240 North Mountain Road
Harrisburg, PA

Permit to Construct February 28, 2008
Issued

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

Applicant **Pennsylvania American Water**
800 West Hersheypark Drive
Hershey, PA 17033
Hamilton Township

County **Monroe**

Type of Facility PWS

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

Permit to Construct March 11, 2008
Issued

Permit No. 5401508-T1, Minor Amendment, Public Water Supply.

Applicant **Hazleton Area Water Company**
410 West Mine Street
Hazleton, PA 18201
West Penn Township

County **Schuylkill**

Type of Facility Bulk Water Hauling Facility

Consulting Engineer James Palumbo, P. E.
Quad Three Group, Inc.
72 Glenmaura National
Boulevard
Moosic, PA 18507

Permit to Construct March 10, 2008
Issued

Permit No. 3908502, Public Water Supply.
Applicant **Nestle Waters North America, Inc.**

Upper Macungie Township

County **Lehigh**

Type of Facility Bottling Plant

Consulting Engineer Edward Davis, P. E.
Forino Company, LP
555 Mountain Home Road
Sinking Spring, PA

Permit to Construct March 4, 2008
Issued

Permit No. 3480046, Operations Permit, Public Water Supply.

Applicant **Bethlehem Authority**
10 East Church Street
Bethlehem, PA 18018
Lehigh Township

County **Northampton**

Type of Facility PWS

Consulting Engineer Phillip McLachlan, P. E.
Malcolm Pirnie, Inc.
111 South Independence
Mall-East
Suite 1010
Philadelphia, PA 19107

Permit to Operate March 5, 2008
Issued

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

Permit No. 3607512, Public Water Supply.

Applicant **David L. Fite Reality, LTD**

Municipality Providence Township

County **Lancaster**

Type of Facility This project is for a new water system to serve a proposed development. The water system will consist of one well, disinfection, 6,000-gallon underground concrete tank, booster pumps and 4-inch distribution system.

Consulting Engineer Charles A. Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George Street
York, PA 17401

Permit to Construct March 13, 2008
Issued

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

Hughesville Borough Authority, Public Water Supply, **Lycoming County**. The Source Water Protection (SWP) report for Hughesville Borough Authority has been approved on March 18, 2008. **Hughesville Borough Authority** personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part, by a SWP grant (L. Richard Adams, (570) 321-6581).

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

Permit No. 4300503-T1-MA2, Public Water Supply.
 Applicant **Aqua Pennsylvania, Inc.**
 Borough or Township City of Farrell
 County **Mercer County**
 Type of Facility Public Water Supply
 Consulting Engineer Peter J. Kusky, P. E.
 Division Engineer, Aqua PA, Inc.
 6650 South Avenue
 Boardman, OH 44512
 Permit to Construct March 12, 2008
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Paradise Township	P. O. Box 40 2 Township Drive Paradise, PA 17562	Lancaster County

Plan Description: The approved plan provides for a small flow treatment plant with a discharge to Pequea Creek to handle 2,000 gpd flow equalized for the National Toy Train Museum. The new system will resolve an onlot malfunction at the site. The ID number for this minor plan revision is A3-36943-170-3s and the APS number is 629218. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner, the Train Collectors' Association.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Earl Township	157 West Metzler Road Brownstown, PA 17508	Lancaster

Plan Description: The approved Special Study provides a revised implementation schedule (dated April, 2007) for sewer projects to serve the Oregon Pike Developments, the Village of Talmage and the Conestoga View Area. The previous implementation schedules for these areas were identified in the township's Act 537 Plan Update that was approved by the Department of Environmental Protection (Department) on March 9, 2005. The Department's review of the sewage facilities update revision has not identified

any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location: 565 Mud Run Road in Huntington Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Huntington Township	P. O. Box 247 York Springs, PA 17372	Adams

Plan Description: The approved plan provides the installation of a small flow treatment facility to serve one new single-family residence. The name of the project is Robert Van Vliet and the Department of Environmental Protection (Department) Code No. is A3-01920-159-3s. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority or owner as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conewago Township	490 Copenhaffer Road York, PA 17404	York County

Plan Description: The approved plan, in the name of Norma Bair, provides for a Small Flow Treatment Facility to serve an existing single-family residence. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the Owner.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bloomfield Township	422 Twin Ridge Road New Enterprise, PA 16664	Bedford County

Plan Description: The Department of Environmental Protection has completed a review of the Health by Choice proposed official plan revision for six one-room overnight cabins served by an individual onlot sewage disposal system and a central water supply. The proposed plan was to be located on the west side of State Road 867 2.15 miles south of the intersection with State Road 868 in Bloomfield Township, Bedford County. The proposed plan was disapproved because the Completeness Checklist was not completed and signed by the Township official. Therefore, the requirements of 25 Pa. Code § 71.53(b) cannot be met for this submission and the project cannot be considered deemed approved by the Township.

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

**Public Notice of Proposed Consent Order and
Agreement**

Bottle House Site City of Allentown, Lehigh County

Under section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (35 P. S. § 6020.1113) (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has entered into de minimis settlements in the form of a Consent Order and Agreement (CO & A) with BASF Corporation; ConocoPhillips Company; E.I. du Pont De Nemours & Company; Georgia Gulf Corporation; Graver Technologies; Hoffmann-La Roche Inc.; Lyondell Chemical Company; Merck & Co., Inc.; Pharmacia Corporation; Nissan Chemical Industries, Ltd. and its subsidiaries Nissan Chemical America Corporation and Nissan Chemical Houston Corporation; NOVA Chemicals Corporation; Olin Corporation; Omnova Solutions Inc.; PolyOne Corporation; A. Schulman, Inc.; Stepan Company; and Syntex AgriBusiness, Inc. (Settlors). The CO & A's address the investigation and removal of hazardous substances that were left on the Bottle House Site (Site) by the Settlers. The Settlers will reimburse the Department their portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 401—451 North Front Street, Allentown, Lehigh County and consists of a large three-story brick building that was the former bottling house for the Neuweiler Brewery. Brewery operations ceased at this site in the late 1960's. The Site then became an industrial property being utilized as a warehouse and manufacturing facility, which is surrounded on three sides by family residences and by a community recreational area on the fourth side. The operations resulted in large quantities of hazardous substances and or contaminants being stored in the building. The Department alleges that the Settlers sent nominal amounts of hazardous substances and/or contaminants to the Site. The Department initiated a prompt interim response action under the HSCA on September 27, 1999. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous substances and/or contaminants that were present on the site. The response was completed on April 28, 2000, at a cost of \$1,563,183.46.

The settlements proposed in each of the CO & A's referenced above would resolve certain potential claims of the Department solely against the Settlers, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of the Hazardous Sites Cleanup Act. The proposed settlements would require the Settlers to pay the Department the amounts listed below for their portion of the response costs.

<i>Settlor</i>	<i>Amount</i>
BASF Corporation	\$ 57,449.00
ConocoPhillips Company	\$ 13,867.00
E.I. du Pont De Nemours & Company	\$ 13,867.00
Georgia Gulf Corporation	\$ 10,908.00
Graver Technologies	\$ 15,848.00

<i>Settlor</i>	<i>Amount</i>
Hoffmann-La Roche, Inc.	\$ 19,810.00
Lyondell Chemical Company	\$ 15,848.00
Merck & Co., Inc.	\$ 9,905.00
Pharmacia Corporation	\$ 21,791.00
Nissan Chemical Industries, Ltd.	\$ 55,468.00
NOVA Chemicals Corporation	\$ 3,962.00
Olin Corporation	\$ 9,905.00
Omnova Solutions, Inc.	\$ 57,449.00
PolyOne Corporation	\$ 79,240.00
A. Schulman, Inc.	\$ 13,867.00
Stepan Company	\$ 25,753.00
Syntex AgriBusiness, Inc.	\$ 13,867.00

The specific terms of the settlements are set forth in the CO & A's between the Department and the Settlers, which is available for public review and comment. The Department will receive and consider comments relating to the CO & A's for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO & A's if the comments concerning the CO & A's disclose facts or considerations which indicate that the CO & A's are inappropriate, improper or not in the public interest. After the public comment period, the Department's settlement with the Settlers shall be effective upon the date that the Department notifies the Settlers, in writing, that the CO & A's are final and effective in its present form and that the Department has filed a response to significant written comments to the CO & A's, or that no such comments were received.

Copies of the CO & A's are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Karen Unruh, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Karen Unruh at (570) 826-2511. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

**LAND RECYCLING AND
ENVIRONMENTAL REMEDIATION**

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results

which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Goulds Pumps Ashland Foundry, Ashland and Butler Townships, **Schuylkill County**. ENSR, Corp., 2 Technology Park Drive, Westford, MA 01886 has submitted a Remedial Action Report package (on behalf of their client, ITT Goulds Pumps, 500 East Centre Street, Ashland, PA 17921), concerning the remediation of soils and groundwater found to have been impacted by lubricating oil as a result of a drum blow-down incident. The report was submitted to document attainment of the Residential Statewide Health Standard for soils and groundwater.

Goulds Pumps Ashland Foundry, Ashland and Butler Townships, **Schuylkill County**. ENSR, Corp., 2 Technology Park Drive, Westford, MA 01886, has submitted a Remedial Investigation Report/Final Report package (on behalf of their client, ITT Goulds Pumps, 500 East Centre Street, Ashland, PA 17921), concerning the remediation of soils and groundwater found to have been impacted by petroleum constituents and metals. The applicant has proposed Site-Specific Standard remediation of the soils and groundwater for metals and the Statewide Health Standard for soils and groundwater for the remaining petroleum related constituents. The report was submitted to document attainment of the Statewide Health Standard and the Site-Specific Standard for both matrixes.

PPL Gas Utilities Corp-Former Bangor MGP Site, Borough of Bangor, **Northampton County**. John J. Mahfood, Project Manager, Corporate Environmental Solutions, LLC, 260 Miller Run Road, Bridgeville, PA 15017 has submitted a Remedial Investigation Report (on behalf of his client, PPL Gas Utilities Corporation, 2 North Ninth Street, Allentown, PA 18101), concerning the characterization of soils/groundwater impacted by polycyclic aromatic hydrocarbons, benzene, ethyl benzene and xylenes associated with the manufacturing of coal gas. The report was submitted in partial fulfillment of the Site-Specific Standard. A public notice regarding the submittal of the Remedial Investigation Report was published in the *Easton Express Times* on February 14, 2008.

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

Ralph Heimer Property, 232 South Allen Street, State College, PA, State College Borough, **Centre County**. Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 on behalf of Ralph Heimer, Jacamar Enterprises, Inc., 426 East College Avenue, State College, PA 16801 has submitted a Final Report concerning remediation of site soil contaminated with 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:

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

PPL Gas Utilities Corp.—Former Bangor MGP Site, Borough of Bangor, **Northampton County**. John J. Mahfood, Project Manager, Corporate Environmental Solutions, LLC, 260 Miller Run Road, Bridgeville, PA 15017 submitted a Remedial Investigation Report (on behalf of his client, PPL Gas Utilities Corporation, 2 North Ninth Street, Allentown, PA 18101), concerning the characterization of soils/groundwater impacted by polycyclic aromatic hydrocarbons, benzene, ethyl benzene and xylenes associated with the manufacturing of coal gas. The report was submitted in partial fulfillment of the Site-Specific Standard and was approved on March 17, 2008.

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

BRT, Inc., Accidental Gasoline Release, East Lampeter Township, **Lancaster County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Wawa, Inc., 260 West Baltimore Pike, Media, PA 19063-5620 and BRT, Inc., 813 North Octorara Trail, Parkesburg, PA 19365, submitted a final report concerning remediation of surface water contaminated with gasoline. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 11, 2008.

Harman Stove Company, Jackson Township, **Dauphin County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Harman Stove Company, 352 Mountain House Road, Halifax, PA 17032, submitted a final report concerning remediation of site soils contaminated with paint waste and xylene. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 12, 2008.

Columbia Gas of Pennsylvania Service Center, Gettysburg Borough, **Adams County**. ENSR, 2 Technology Park Drive, Westford, MA 01866-3140, on behalf of Columbia Gas of Pennsylvania, 1020 North Hartley Street, York, PA 17404 and NiSource Corporate Services Company, 300 Frieberg Parkway, Westborough, MA 01581-3900, submitted a Cleanup Plan concerning remediation of site soils and groundwater contaminated with coal tar and PAHs. The plan was approved by the Department of Environmental Protection on March 12, 2008. The applicant seeks to remediate the site to the Site-Specific Standard.

Glen-Gery Corporation, Lower Heidelberg Site, Lower Heidelberg Township, **Berks County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Glen-Gery Corporation, Mid-Atlantic Plant, 423 South Pottsville Pike, Shoemakersville, PA 19555, submitted a Final Report concerning remediation of site soils and groundwater contaminated with arsenic and lead. The final report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 17, 2008.

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

Metzger Estate, Muncy Township, **Lycoming County**, Chambers Environmental Group, Inc., 620 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Andrea Bower, Attorney for Metzger Estate, 426 Broad Street, Montoursville, PA 17754 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 14, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit No. 301077. Clean Harbors PPM, LLC, 4105 Whitaker Avenue, Philadelphia, PA 19124, City of Philadelphia, **Philadelphia County**. This permit was issued for a 10-year renewal for continued operations of the residual waste transfer facility known as Clean Harbors PPM, LLC located in Philadelphia County. The permit was issued by the Southeast Regional Office on March 7, 2008.

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

Permit No. 101217. Northern Tier Solid Waste Authority, P. O. Box 162, 200 Tioga Street, Wellsboro, PA 16901-0162, located in Delmar Township, **Tioga County**. A permit reissuance was issued for the change of ownership from Casella Waste Management to Northern Tier Solid Waste Authority and the name change from the Wellsboro Area Transfer Station to the Tiadaghton Area Transfer Station. This permit reissuance was issued by the Williamsport Regional Office on March 3, 2008.

Persons interested in reviewing the permit should contact David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3653. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

09-301-125GP: Allied Crematory, LLC (854 Bristol Pike, Bensalem, PA 19020) on March 13, 2008, to operate a human crematory in Bensalem Township, **Bucks County**.

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

48-329-007GP9: Grand Central Sanitary Landfill, Inc. (910 West Pennsylvania Avenue, Pen Argyl, PA 18072) on March 12, 2008, to install and operate two Diesel I/C Engines at their site at the Turnpike Site in Planifield Township, **Northampton County**.

45-310-050GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 14, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in Tobyhanna Township, **Monroe County**.

45-329-007GP9: Tobyhanna Army Depot (11 Hap Arnold Boulevard, Tobyhanna, PA 18466) on March 14, 2008, to install and operate a Diesel I/C Engine at their site in Coolbaugh Township, **Monroe County**.

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

GP-10-284A: Seneca Landfill, Inc. (Hartman Road, Mars, PA 16046) on March 13, 2008, for a Portable Nonmetallic Mineral Processing Plant consisting of an Extac Crusher and Vibratory Screen BAQ/GPA/GP-3 in Jackson and Lancaster Townships, **Butler County**.

GP-20-288A: Suburban Heating Oil Partners, LLC (16717 State Highway, Saegertown, PA 16433) on March 11, 2008, for a 20,000 gallon gasoline storage tank BAQ/GPA/GP-2 in Hayfield Township, **Crawford County**.

GP-61-213A: Rock Well Petroleum—US, Inc. (Highway 36, Pleasantville, PA 16314) on March 11, 2008, for a Caterpillar Engine BAQ/GPA/GP-11 in Allegheny Township, **Venango County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0186B: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) on March 13, 2008, for modification of a Bulk Material Handling System (Source ID: 101), to have the option of unloading by means of self-unloading vessels in Falls Township, **Bucks County**. The only pollutants of concern from this operation are PM and HAP emissions. The use of self-unloading vessels will increase the potential-to-emit of total PM emissions from the Bulk Material Handling System from 73.32 tpy to 74.60 tpy. Likewise, PM10 emissions will increase from 19.98 tpy to 20.59 tpy and total HAP emissions will increase from 9.88 tpy to 10.0 tpy. This facility will continue to be a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers and barriers, as needed. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

66-310-013: Airport Sand & Gravel Co., Inc. (500 Swetland Lane, West Wyoming, PA 18644) on March 18, 2008, to install a crushing operation with water sprays at their facility to be in Nicholson Township, **Wyoming County**.

54-303-019: Lehigh Asphalt Paving & Construction Co. (P. O. Box 549, Tamaqua, PA 18252) on March 5, 2008, to construct a batch asphalt plant with RAP and WDLF at their facility in West Penn Township, **Schuylkill County**.

39-399-059: GEO Specialty Chemicals, Inc. (2409 North Cedar Crest Boulevard, PA 18104) on March 17, 2008, to revise operational terms listed in the Title V Operating Permit No. 39-00024 for the existing formaldehyde plant catalytic incinerator in South Whitehall Township, **Lehigh County**.

39-309-072: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on March 17, 2008, to replace/install an air cleaning device (fabric collector) for the H1-H4 homogenizing silos in Whitehall Township, **Lehigh County**.

39-309-071: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) on March 17, 2008, to replace/install the induced draft fan for cement kiln No. 2 in Whitehall Township, **Lehigh County**.

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

21-05052A: Valk Manufacturing Co. (66 East Main Street, P. O. Box 428, New Kingstown, PA 17072-0428) on March 12, 2008, for a snow plow and blade manufacturing operation in Silver Spring Township, **Cumberland County**.

22-03002A: Conopco—d/b/a UnileverBestfoods North America (523 South 17th Street, Harrisburg, PA 17104-2220) to permit burning of No. 6 fuel oil in their two boilers at their site in the City of Harrisburg, **Dauphin County**.

31-05018A: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on March 17, 2008, to remove a redundant continuous emissions monitoring requirement in the existing permit for the facility in Todd Township, **Huntingdon County**.

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

24-119A: Advanced Heat Treating, Inc. (1059 Trout Run Road, City of Saint Marys, PA 15857) on March 11, 2008, to replace an existing mist eliminator with a Smog Hog type electrostatic precipitator at their facility site in the City of Saint Marys, **Elk County**. This is not a Title V facility.

27-033B: National Forest Products, LTD (South Forest Street, Marienville, PA 16239) on March 10, 2008, to construct a surface coating operation in Jenks Township, **Forest County**.

37-243E: INMETCO (One INMETCO Drive, Ellwood City, PA 16117) on March 10, 2008, to install two additional chambers to an existing inplant baghouse in Ellwood City Borough, **Lawrence County**. The baghouse will increase its capacity from 67,450 scfm to 87,060 scfm. This is a Title V facility.

42-215A: Kane Area School District (6965 Route 321, Kane, PA 16735) on March 12, 2008, to install a Bio-Mass Fuel-Fired Boiler with a multicyclone control

device for Particulate Equipment at their Kane facility in the Township of Kane, **McKean County**.

61-004D: Electralloy (175 Main Street, Oil City, PA 16301) on March 12, 2008, to install a new fabric filter to replace the existing scrubber to control emissions from the electric arc furnace and AOD vessels at their facility in the Borough of Oil City, **Venango County**. The facility currently has a Title V permit which was issued October 31, 2002.

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.

09-0124B: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 01742) on March 13, 2008, for the natural gas-fired 550 Mw combined cycle electric generating facility at Falls Township, **Bucks County**. This plan approval was modified.

46-0014F: Knoll, Inc. (1235 Water Street, P. O. Box 157, East Greenville, PA 18041) on March 11, 2008, to operate a cyclone dust collector in Upper Hanover Township, **Montgomery County**.

09-0024C: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on March 11, 2008, to operate a landfill in Tullytown Borough, **Bucks County**.

09-0110B: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on March 11, 2008, to operate a material handling system in Bristol Township, **Bucks County**.

15-0077: Hanson Aggregates PA, Inc. (P. O. Box 231, Easton, PA 18044) On March 11, 2008, to operate a crusher in East Caln Township, **Chester County**.

46-0035D: SmithKline Beecham—d/b/a Glaxo-SmithKline (709 Swedeland Road, King of Prussia, PA 19406) on March 11, 2008, to operate an incinerator in Upper Merion Township, **Montgomery County**.

46-0221: Upper Moreland Hatboro Joint Sewer Authority (P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090) on March 11, 2008, to operate a tri-mer odor scrubbers in Upper Moreland Township, **Montgomery County**.

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

06-03134: Dietrich's Specialty Processing, LLC (61 Vanguard Drive, Reading, PA 19606) on March 23, 2008, to install new food processing dryers at their plant in Exeter Township, **Berks County**. This plan approval was extended.

38-05027A: Reading Materials, Inc.—Lebanon Materials Division (P. O. Box 1467, Skippack, PA 19474-1467) on February 12, 2008, to convert the existing rotary dryer burner to be capable of burning No. 2 fuel oil, No. 4 fuel oil and On-Specification Waste Derived Liquid Fuel in addition to natural gas in North Annville Township, **Lebanon County**. This plan approval was extended.

67-02004: P.H. Glatfelter Co. (228 South Main Street, Spring Grove, PA 17362) on February 24, 2008, to operate three power boilers controlled by an electrostatic precipitator, a lime calciner controlled by a Venturi scrubber and a softwood fiber line and causticizing area to be controlled by a regenerative thermal oxidizer in Spring Grove Borough, **York County**. This plan approval was extended.

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

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on March 14, 2008, to extend the deadline for the performance of VOC stack testing on the Nos. 1 and 2 dryers and glue containment area of a paper machine (paper machine No. 1) while the machine is manufacturing tissue paper, or other light stock paper products and the deadline for the performance of PM, NOx, CO and VOC stack testing on a second paper machine (paper machine No. 2) both while the machine is manufacturing paper towel, or other heavy stock paper products, and while it is manufacturing tissue paper, or other light stock paper products, to July 27, 2008, as well as to extend the authorization to operate the respective two paper machines on a temporary basis to July 12, 2008, in Castanea Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

03-00189: Glacial Sand & Gravel Co., Bridgeburg River Plant (P. O. Box 1022, Kittanning, PA, 16201-5022) on March 5, 2008, for an administrative amendment of its operating permit to revise the permit contact name and telephone number at their facility in East Franklin Township, **Armstrong County**.

04-00699F: NGC Industries, Inc., d/b/a/ National Gypsum Co. (2001 Rexford Road, Charlotte, NC 28211) on February 13, 2008, for installation of a 120 ton per hour Cage Mill at Shippingport Plant in Shippingport Borough, **Beaver County**. This is a Plan Approval Extension.

04-00725A: Pennsylvania Biodiesel, Inc. (Northgate Industrial Park, 759 Northgate Circle, New Castle, PA 16105) on March 13, 2008, for an extension of the Plan Approval for the construction and temporary operation of a biodiesel manufacturing plant located in Potter Township, **Beaver County**.

30-00099E: Allegheny Energy Supply Company, 800 Cabin Hill Drive, Greensburg, PA 15601, on March 13, 2008, to allow the combustion of Powder River Basin Coal at the Hatfield Ferry Power Station located in Monongahela Township, **Greene County** has been extended to July 13, 2008, to allow the Department of Environmental Protection time to review the stack test. This is a Plan Approval Extension.

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

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

06-05033: Texas Eastern Transmission, LP (2601 Market Place, Suite 400, Harrisburg, PA 17110-9363) on March 13, 2008, to operate a natural gas transmission compressor station at the Bernville Compressor Station in North Heidelberg Township, **Berks County**. This is a renewal of the Title V operating permit.

21-05003: Carlisle Tire & Wheel Company (621 North College Street, Carlisle, PA 17013-1877) on March 5, 2008, to operate their specialty tire manufacturing facility in Carlisle Borough, **Cumberland County**. This is a renewal of the Title V Operating Permit.

21-05026: Carlisle Syntec, Inc. (P. O. Box 7000, Carlisle, PA 17013-0925) on March 5, 2008, to operate their synthetic rubber roofing manufacturing plant in Carlisle Borough, **Cumberland County**. This is a renewal of the Title V Operating Permit.

36-05024: Bigbee Steel & Tank Company (1 Highland Road, Stoystown, PA 15563) on March 10, 2008, to operate their steel storage tank manufacturing facility in Rapho Township, **Lancaster County**. This is a renewal of the Title V Operating Permit.

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.

46-00054: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001-3720) on March 13, 2008, for operation of a hospital in Abington Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.99 tpy of NOx. There have been no changes since the permit was last issued on March 13, 2007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00150: Montgomery County SPCA (1059 Sweiford Road, Perkiomenville, PA 18074) on March 13, 2008, for a renewal of their State-only (Natural Minor) Operating Permit, in Upper Frederick Township, **Montgomery County**. The Montgomery County SPCA operates and maintains an animal crematorium, from which the main pollutants emitted are NOx and PM. The actual emission rates of NOx and PM from the crematorium are each less than 1 tpy. No changes have occurred at the facility since the permit was originally issued on December 3, 2002. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00084: Jane Latta, VMD (725 East Washington Street, West Chester, PA 19380) March 13, 2008, for renewal of the State-only (Natural Minor) Operating Permit in West Goshen Township, **Chester County**. Jane Latta, VMD, operates and maintains an animal crematorium, from which the main pollutants emitted are NOx and PM. The actual emission rates of NOx and PM from the crematorium are each less than 1 tpy. No changes have occurred since the permit was amended on June 22, 2007. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00191: Bucks County Water and Sewer Authority (360 Green Street, Doylestown, PA 18901) on March 13, 2008, for a non-Title V Facility, State-only, Natural Minor Operating Permit in Doylestown Borough, **Bucks County**. The permit is for the operation of a wastewater treatment plant (WWTP) and associated packed bed wet scrubber to control odor (hydrogen sulfide) emissions. The facility's major emission point is an emergency generator that provides backup power for the WWTP. The emergency generator is limited to operating no more than 500 hours per year, such that the facility pollutant potential to emit for NOx (the main pollutant emitted at the facility) is less than 3 tpy. The permit will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-03097: Kore Mart Limited (P. O. Box 175, 7 Hill Drive, Hamburg, PA 19526-0175) on March 10, 2008, to operate their sand mold manufacturing facility in Tilden Township, **Berks County**.

67-03001: Frito Lay, Inc. (3553 Gillespie Drive, York, PA 17404-5803) on March 5, 2008, to operate their snack manufacturing facility in West Manchester Township, **York County**. This is a renewal of the facility's State-only operating permit.

67-05067: Persing Enterprises, Inc. (214 North Franklin Street, Red Lion, PA 17356-1503) on March 12, 2008, to operate their wood furniture manufacturing facility in Red Lion Borough, **York County**. This is a renewal of the State-only operating permit.

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

10-00234: Karns City Area School District (1446 Kittanning Pike, Karns City, PA 16041) on March 11, 2008, the Department of Environmental Protection reissued the Natural Minor Operating Permit for the operation of the facility's air contamination sources consisting of a two tri-fuel boilers rated at 5.20 mmBtu/hr and an emergency generator located in Fairview Township, **Butler County**.

20-00005: W. L. Dunn Construction Co. (180 North Franklin Street, Cochranon, PA 16314) on March 11, 2008, the Department of Environmental Protection reissued the Synthetic Minor Operating Permit for the operation of the facility's air contamination sources consisting of: an asphalt batch plant-liquid asphalt storage, natural gas drum dryer and storage piles; concrete mixing plant-unloading/loading sand/aggregate, storage bins, weigh hopper and mixer; and washer/crusher plant-storage, stock piling, screening and unloading/loading located in the East Fairfield Township, **Crawford County**.

42-00111: Ethan Allen Inc.—Eldred Division (3289 Route 446, Eldred, PA 16731) on March 10, 2008, the Department of Environmental Protection reissued the Natural Minor Operating Permit for the facility's air contamination sources consisting of: wood working opera-

tion, six (0.5 mmBtu/hr) ovens, seven spray booths and an emergency generator for the manufacturing of wood household furniture in the Borough of Eldred, **McKean 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.

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

48-00034: Lafayette College (Plant Operations Building, Easton, PA 18042) on March 12, 2008, to administratively amend the operating permit to derate two Nebraska boilers from 37.5 mmBtu/hr each to 29.5 mmBtu/hr.

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

01-03017: Premier Chemicals, LLC (300 Barr Harbor Drive, Suite 250, West Conshocken, PA 19428-2998) on March 7, 2008, for their milling facility in Menallen Township, **Adams County**. This State-only operating permit was administratively amended to permit the mill to run a variety of mineral ores at 10 tph. This is Revision No. 2.

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

10-00300: Spang and Co.—Magnetics Division (796 East Butler Road, East Butler, PA 16002) on March 13, 2008, for an administrative amendment to the facilities Natural Minor Operating Permit in East Butler Borough, **Butler County**. The facility is permitted to operate product lines which manufacture magnetic components and materials. This amendment was for a change of Responsible Official and Permit Contact Person.

42-004: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) on March 11, 2008, to revise the short-term emission limit for NOx for Boiler No. 5 contained in the RACT Operating Permit at the company's refinery in the City of Bradford, **McKean County**. The short-term emission limit for NOx was increased to 0.65 pound per million Btus. The 12-month rolling emission limit for NOx remains unchanged at 370.11 tpy.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

03-00170: Sylvan America, Inc. (199 Nolte Drive, Kittanning, PA 16201) De Minimis emission increase of 0.876 ton of NOx per year, 0.675 ton of CO per year and lesser amount of other pollutants resulting from the installation of a 2.0 mmBtu/hr gas-fired dryer on or about February 1, 2008, at the West Hills Spawn Plant located in East Franklin Township, **Armstrong County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

Permit Number: 30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to install 11 ventilation boreholes. Surface Acres Proposed 2.39. No additional discharges. Application received April 16, 2007. Permit issued March 10, 2008.

Permit Number: 32851601 and NPDES Permit No. PA0095966, P & N Company, (P. O. Box 332, Punxsutawney, PA 15767), to renew the permit for the Hillman Tipple in Banks Township, **Indiana County** and related NPDES permit. No additional discharges. Application received May 16, 2007. Permit issued March 12, 2008.

Permit Number: 56061301 and NPDES Permit No. PA0235709 and GP12-56061301-R1, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to operate the Kimberly Run Mine in Somerset Township, **Somerset County** a new underground mine and related NPDES permit. In addition, approval is authorized under General Permit BAQ-GAP/GP12 to screen, store and ship coal and is required to meet all applicable limitations, terms and conditions of authorization GP12-56061301-R1. Surface Acres Proposed 66.7, Underground Acres Proposed 2638.0, Subsidence Control Plan Acres Proposed 842.7. Receiving stream: Kimberly Run, classified for the following use: CWF. Application received December 22, 2006. Permit issued March 13, 2008.

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

56070102 and NPDES No. PA0262307, Godin Brothers, Inc., 128 Colton Drive, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 24.8 acres. Receiving stream: Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. This permit application includes a stream variance on Quemahoning Creek. The variance is for pond construc-

tion within 100' of Quemahoning Creek. Application received February 8, 2007. Permit issued March 10, 2008.

56060104 and NPDES No. PA0249963. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563-8184, commencement, operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 107.2 acres. Receiving streams: Hinson Run; UNT's to Hinson Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority, Border Dam Intake, on Stonycreek River. The application includes a stream encroachment to construct a haul road within the barrier area of/and across Hinson Run, approximately 1,500' upstream of its junction with Doe Valley Drive. The purpose of the haul road is to provide access to the proposed mine site. Application received March 29, 2006. Permit issued March 11, 2008.

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

26810123 and NPDES Permit No. PA0079740. Shenango, Inc. (200 Neville Road, Pittsburgh, PA 15225). NPDES renewal issued for continued treatment of a mine drainage discharge at a bituminous surface mining site located in Luzerne Township, **Fayette County**, affecting 793 acres. Receiving stream: UNT to Monongahela River. Application received February 22, 2007. Renewal issued March 10, 2008.

26713049 and NPDES Permit No. PA0119172. Shenango, Inc. (200 Neville Road, Pittsburgh, PA 15225). NPDES renewal issued for continued treatment of a mine drainage discharge at an existing bituminous surface mining site located in Luzerne Township, **Fayette County**, affecting 359.6 acres. Receiving streams: Minnow Run to the Monongahela River. Application received February 22, 2007. Renewal issued March 10, 2008.

3371BSM42 and NPDES Permit No. PA0251071. Shenango, Inc. (200 Neville Road, Pittsburgh, PA 15225). NPDES renewal issued for continued treatment of a mine drainage discharge at an existing bituminous surface mining site located in Luzerne Township, **Fayette County**, affecting 1,216.7 acres. Receiving stream: UNT to the Monongahela River. Application received February 22, 2007. Renewal issued March 10, 2008.

3373SM10 and NPDES Permit No. PA0251062. Shenango, Inc. (200 Neville Road, Pittsburgh, PA 15225). NPDES renewal issued for continued treatment of a mine drainage discharge at an existing bituminous surface mining site located in Luzerne Township, **Fayette County**, affecting 99.2 acres. Receiving stream: UNT to the Monongahela River. Application received February 22, 2007. Renewal issued March 10, 2008.

02070103 and NPDES Permit No. PA0251194. Collier Development Co., Inc. (Box 334, Presto, PA 15142). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Collier Township, **Allegheny County**, affecting 9.0 acres. Receiving stream: UNT "A" to Chartiers Creek. Application received November 13, 2007. Permit issued March 12, 2008.

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

17010114 and NPDES No. PA0243175. Forcey Coal, Inc. (P. O. Box 225, 475 Banian Road, Madera, PA 16661), permit renewal for reclamation only of a bituminous surface mine in Penn Township, **Clearfield County**,

affecting 128.0 acres. Receiving streams: UNT to Bell Run No. 1 to Bell Run. There are no potable water supply intakes within 10 miles downstream. Application received January 28, 2008. Permit issued March 4, 2008.

Noncoal Permits Actions

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

Permit No. 44070801. Adam K. Russler, 1057 River Road, McVeytown, PA 17051, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Bratton Township, **Mifflin County**, affecting 5 acres, receiving streams: UNT to Juniata River. Application received October 18, 2007. Permit issued March 11, 2008.

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

16970307. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803). Renewal of NPDES Permit No. PA0227609, Beaver, Richland and Licking Townships, **Clarion County**. Receiving stream: UNT to Turkey Run. Application received January 22, 2008. Permit issued March 11, 2008.

25900304. Wroblewski Sand & Gravel, Inc. (12907 Half Moon Road, Wattsburg, PA 16442). Transfer of an existing sand and gravel operation from Hoover Sand & Gravel Co., Inc. in Venango Township, **Erie County** affecting 49.3 acres. Receiving stream: West Branch of French Creek. Application received September 25, 2007. Permit issued March 7, 2008.

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

45880301C and NPDES Permit No. PA0594113. Tarheel Quarry, Inc., (2000 Highway 35, Morgan, NJ 08873), correction to add a new processing plant, stream crossing and mining area to an existing quarry operation in Tobyhanna Township, **Monroe County** affecting 406.0 acres, receiving stream: UNT to Lehigh River. Application received August 13, 2007. Correction issued March 13, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

21084111. Warrens Excavating & Drilling, Inc., P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is February 1, 2009. Permit issued March 3, 2008.

28084105. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Greene Township, **Franklin County**. Blasting activity permit end date is March 3, 2009. Permit issued March 3, 2008.

28084106. R & M Excavating, 403 Hilltop Road, Newburg, PA 17240-9202, blasting activity permit issued for residential development in Waynesboro Borough, **Franklin County**. Blasting activity permit end date is February 20, 2009. Permit issued March 6, 2008.

21084112. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 30, 2009. Permit issued March 6, 2008.

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

45084106. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for the Mt. Hollow Development in Stroud Township, **Monroe County** with an expiration date of March 9, 2009. Permit issued March 11, 2008.

48084104. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for commercial development in Glendon Borough, **Northampton County** with an expiration date of March 10, 2009. Permit issued March 11, 2008.

06084108. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of March 1, 2009. Permit issued March 13, 2008.

06084109. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Phoebe Berks Village in Lower Heidelberg Township, **Berks County** with an expiration date of December 30, 2008. Permit issued March 13, 2008.

15084105. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Uptown Worthington Project in East Whiteland Township, **Chester County** with an expiration date of January 25, 2009. Permit issued March 13, 2008.

22084103. Dyno-Nobel, Inc., (567 Main Street, Tremont, PA 17981), construction blasting for Hummelstown Cemetery in Hummelstown Borough, **Dauphin County** with an expiration date of March 30, 2009. Permit issued March 13, 2008.

23084101. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Riddle Hospital in Middletown Township, **Delaware County** with an expiration date of March 6, 2009. Permit issued March 13, 2008.

38084104. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for South Annville Sewer Extension in North Cornwall and South Annville Townships, **Lebanon County** with an expiration date of March 10, 2009. Permit issued March 13, 2008.

45084107. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Pickarski Mt. Hollow Project in Stroud Township, **Monroe County** with an expiration date of March 9, 2009. Permit issued March 13, 2008.

46084106. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Upland Square in West Pottsgrove Township, **Montgomery County** with an expiration date of March 8, 2009. Permit issued March 13, 2008.

67084108. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Friendship Estates in Warrington Township, **York County** with an expiration date of March 1, 2009. Permit issued March 13, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1020. Lansdale Borough, 1 Vine Street, Lansdale, PA 19446, Lansdale Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed construction of the Wissahickon Creek Infiltration Basin and Riparian Corridor Project within and along the Wissahickon Creek (TSF):

1. To modify, construct and maintain a 6-foot wide pedestrian trail within the floodplain. The trail will consist of two types of paving: macadam and boardwalk. Boardwalk will be situated in more environmentally sensitive areas to minimize impacts. An observation deck will also be constructed at two locations along the trail.

2. To construct and maintain a 7-foot wide by 40-foot long pedestrian bridge across the Wissahickon Creek.

3. To construct and maintain two pedestrian bridges along the pedestrian trail and within the floodway.

4. To construct and maintain two riprap-lined open channel swales and outfalls located along the Wissahickon Creek. Total length of swales will be approximately 265 linear feet.

The project will directly effect approximately 1,250 feet of the Wissahickon Creek floodway on both the easterly and westerly banks. The site is located along Norway Drive between Lakeview and Sycamore Drives (Lansdale, PA, Quadrangle N: 19.8 inches; W: 2.2 inches) in the Borough of Lansdale, Montgomery County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

E58-274. Jens C. Sorensen, R. R. 1, Box 1151, Nicholson, PA 18446. Lenox Township, **Susquehanna County**, United States Army Corps of Engineers Baltimore District.

To expand an existing pond from 0.71 acre to approximately 5 acres for the purpose of stabilizing hydrology and improving water quality within a disturbed wetland complex. The permittee is required to provide 0.58 acre of replacement wetlands. The project will impact 0.58 acre of PFO wetlands and approximately 300 feet of a tributary to Tunkhannock Creek (CWF) and is located on the south side of Township Road T463, approximately 0.6 mile west of SR 2016 (Lenoxville, PA Quadrangle N: 8.0 inches; W: 10.0 inches). (Subbasin: 4F)

E39-479. Eastern Environmental Development, Inc., 7785 Spring Creek Road, Macungie, PA 18062. Abandon Quarry Fill Placement Project in Little Lehigh Creek Watershed, Lower Macungie Township, Lehigh County, ACOE Philadelphia District (Allentown West, PA Quadrangle Latitude: 40° 31' 23.4"; Longitude: 75° 36' 06.1").

The permittee shall place and maintain fill in a 1.34-acre open water abandon quarry pit. All fill being placed within the abandoned quarry shall be deemed clean fill. The permittee and their agents shall perform the necessary due diligence to ensure all fill being placed has been determined clean. The project is located along the northwest right-of-way of Quarry Road approximately 0.7-mile southwest of SR 1011 and Quarry Road intersection. The Department of Environmental Protection has deemed the placement of fill in the 1.34-acre abandon quarry pit as the elimination of a threat to life and safety; as such no additional mitigation shall be required.

E39-481. Macungie Borough. Borough of Macungie Pedestrian Bridge Project across a UNT to Swabia Creek, Macungie Borough, **Lehigh County**, ACOE Philadelphia District (Allentown West, PA Quadrangle Latitude: 40° 31' 2"; Longitude: 75° 33' 11").

This permit authorizes the permittee to construct, operate and maintain a public pedestrian bridge across a UNT to Swabia Creek for improved public pedestrian safety along Lehigh Street. The public pedestrian bridge shall be constructed with a minimum span of 45-feet, width of 4-feet and underclearance of 7-feet. The project is located along the southern right-of-way of SR 2018 (Lehigh Street) approximately 0.4-mile west of SR 2017 (Brookside Road) and SR 2018 intersection.

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

E01-273: Franklin Township, Craig Hartley, 55 Scott School Road, Orrtanna, PA 17353, Franklin Township, **Adams County**, ACOE Baltimore District

To conduct various activities as follows:

1. To permanently impact 0.27 acre of a wetland to construct a wastewater treatment plant within the 100-year floodplain of, and to construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.62 inches; W: 9.50 inches, Latitude: 39° 51' 51"; Longitude: 77° 19' 03").

2. To construct and maintain an 8-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.93 inches; W: 9.50 inches, Latitude: 39° 51' 56"; Longitude: 77° 19' 01").

3. To construct and maintain a 10-inch diameter outfall pipe along a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.50 inches; W: 9.50 inches, Latitude: 39° 51' 48"; Longitude: 77° 19' 02").

4. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 20.75 inches; W: 9.75 inches, Latitude: 39° 51' 53"; Longitude: 77° 19' 09").

5. To construct and maintain an 8-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 21.25 inches; W: 9.87 inches, Latitude: 39° 52' 03"; Longitude: 77° 19' 11").

6. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Fairfield Quadrangle N: 21.50 inches; W: 10.75 inches, Latitude: 39° 52' 07"; Longitude: 77° 19' 34").

7. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Arendtsville Quadrangle N: 0.06 inch; W: 12.37 inches, Latitude: 39° 52' 31"; Longitude: 77° 20' 15").

8. To construct and maintain a 10-inch diameter sewer line in a UNT to Marsh Creek (CWF) (Arendtsville Quadrangle N: 0.25 inch; W: 12.50 inches, Latitude: 39° 55' 35"; Longitude: 77° 20' 19").

9. To construct and maintain an 8-inch diameter sewer line within the 100-year floodplain of and in Muskrat Run (CWF) (Arendtsville Quadrangle N: 1.37 inch, W: 15.12 inch, Latitude: 39° 52' 57"; Longitude: 77° 21' 26").

10. To construct and maintain an 8-inch diameter sewer line in a UNT to Muskrat Run (CWF) (Arendtsville Quadrangle N: 1.18 inches; W: 15.31 inches, Latitude: 39° 52' 53"; Longitude: 77° 21' 31").

11. To construct and maintain an 8-inch diameter sewer line in a UNT to Muskrat Run (CWF) (Arendtsville Quadrangle N: 1.06 inches; W: 15.31 inches, Latitude: 39° 52' 52"; Longitude: 77° 21' 31").

12. To construct and maintain an 8-inch diameter sewer line within the 100-year floodplain of and in a UNT to Muskrat Run (CWF) (Arendtsville Quadrangle N: 2.12 inches; W: 13.37 inches, Latitude: 39° 53' 13"; Longitude: 77° 20' 41").

All for the construction of a new wastewater treatment plant and its associated sewer lines in Franklin Township, Adams County.

E36-835: Marialice Hollinger, 50 College Avenue, P. O. Box 347, Elizabethtown, PA 17022-0347, Elizabethtown Borough, **Lancaster County**, ACOE Baltimore District.

To construct and maintain a: (1) 15-inch SLCPP pipe outfall and associated rip-rap protection; and (2) terraces and landscaping along and within the floodway of a UNT to Conoy Creek (TSF) (Elizabethtown, PA Quadrangle N: 4.1 inches; W: 14.2 inches, Latitude: 40° 08' 49.48"; Longitude: 76° 36' 5.85") to enhance the aesthetics of the property and improve maintenance of the corridor at a point just west of the intersection of College Avenue and South Hanover Street, off of College Avenue, in Elizabethtown Borough, Lancaster County.

E06-629: The Herman Development Company, John M. Herman, 3701 Perkiomen Avenue, Reading, PA 19606, Bethel Township, **Berks County**, ACOE Philadelphia Region.

To construct a 1,000,000.0-square-foot warehouse facility impacting 0.223 acre of PEM wetlands and 0.43 acre of PEM/PSS wetlands. To compensate for wetland impacts, the applicant proposes to construct and maintain 0.66 acre of replacement wetlands onsite. The project is located on the South Side of I-78, between exits 15 (Grimes) and 16 (Midway) (Bethel, PA Quadrangles N: 19.52 inches; W: 0.15 inch, Latitude: 40° 28' 57"; Longitude: 76° 15' 04") in Bethel Township, Berks County.

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

E02-584-A2. Hanson Aggregates PMA, Inc., 2200 Springfield Pike, Connellsville, PA 15425, in Harrison Township, **Allegheny County**; and Allegheny Township, **Westmoreland County**, Pittsburgh ACOE District (Freeport, PA Quadrangle N: 7.0 inches; W: 9.8 inches). To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 27.8 to 28.5 right and left descending bank in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County, with the following restrictions:

1. On the left descending bank, between mile points 28.0 to 28.5 (near side to River Forest Drive Residents):

a. Dredging is prohibited on Saturdays, Sundays and Federal Holidays but emergency maintenance is allowed.

b. Dredging is prohibited between Memorial Day and Labor Day.

c. During the times that dredging is authorized, actual dredging hours are restricted to 7 a.m. to 7 p.m. on Monday through Friday.

d. During the times that dredging is authorized, maintenance and daily start-up and shut-down activities are permitted from 6 a.m. to 8 p.m. on Monday through Friday.

e. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

2. On the right descending bank, between mile points 28.0 and 28.5 and between mile points 26.8 and 27.2 (far side from River Forest Residents):

a. Dredging is prohibited on Saturdays, Sundays and Federal Holidays.

b. Seasonal restrictions are not applicable.

c. During the times that dredging is authorized, actual dredging hours are restricted to 7 a.m. to 9 p.m. on Monday through Friday.

d. During the times that dredging is authorized, maintenance and daily start-up and shut-down activities are permitted from 6 a.m. to 10 p.m. on Monday through Friday.

e. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

3. On the right and left descending banks, between mile points 27.8 and 28.0 (Cove Area):

a. Seasonal, day and time restrictions are not applicable.

b. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

**January 31, 2008
Hanson Aggregates PMA, Inc.
Hoist Boat Operations
while Dredging Adjacent to the Residents
of the River Forest Community**

Best Practices to Minimize Noise Levels

The following are Best Practices to minimize noise levels from Hoist Boat Operations while dredging adjacent to the residents of the River Forest community (Allegheny Township, Westmoreland County).

In general, these Best Practices shall be followed during normal river flow conditions, which are the vast majority of the time. However, all of these Best Practices are subject to weather and river flow conditions, since the safety of our workers, the public and the equipment are of utmost importance and take precedence over the need to temporarily minimize noise. Hanson stresses marine safety above all other aspects. Weather and river conditions are subject to quickly changing conditions, for example, fog which reduces visibility, high water and high river flow conditions which greatly effect barge and towboat movements, and the like.

Best Practices to Minimize Noise Levels

1. New 'hospital grade' mufflers have been installed on the Hoist Boat, the tender boat and the towboat. It is important to maintain these mufflers in good working condition, to minimize noise levels.

2. A rebuilt clam-shell dredge bucket has been installed on the Hoist Boat. It is important to maintain this bucket in good working condition, to minimize noise impacts.

3. Instruct Hoist Boat operators and crew members to conduct the dredging operations in such a fashion as to limit impact noises. These include:

Minimizing steel to steel noise impacts, and

Minimize the drop height of aggregate from the bucket to the barge.

4. Maintain mooring devices (that is, bumpers and/or fenders) on the sides of the Hoist Boat, to minimize steel to steel noise impacts.

5. While traveling between the shoreline and the Hoist Boat in the tender boat, the tender boat shall that the route that is farthest away from the residents. This is subject to safety concerns.

6. While performing maintenance activities, limit loud intermittent and constant noises, as much as practical. This is subject to safety concerns.

7. While approaching and departing from the Hoist Boat and while making barge switches, the towboat pilot shall limit full engine noise (that is, throttle), as much as possible, to minimize noise levels. This is subject to safety concerns.

8. Barge movements shall be made away from the residents, as much as possible when the situation allows, to minimize noise levels. This is subject to safety concerns.

9. Keep engine compartment doors closed on the towboat, to minimize noise levels. This is subject to air cooling concerns associated with the efficient and safe operations of the engines.

10. Keep audio conversations (that is, loudspeakers) to the minimum allowable to be heard by the intended worker. This is subject to the applicable rules and regulations and safety concerns of the workers.

E02-919-A2. Tri-State River Products, Inc., P. O. Box 218, Beaver, PA 15009-0218, in Harrison Township, **Allegheny County**; and Allegheny Township, **Westmoreland County**, Pittsburgh ACOE District (Freeport, PA Quadrangle N: 7.0 inches; W: 9.8 inches). To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 27.8 to 28.5 right and left descending bank in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County, with the following restrictions:

1. On the left descending bank, between mile points 28.0 to 28.5 (near side to River Forest Drive Residents):

a. Dredging is prohibited on Saturdays, Sundays and Federal Holidays but emergency maintenance is allowed.

b. Dredging is prohibited between Memorial Day and Labor Day.

c. During the times that dredging is authorized, actual dredging hours are restricted to 7 a.m. to 7 p.m. on Monday through Friday.

d. During the times that dredging is authorized, maintenance and daily start-up and shut-down activities are permitted from 6 a.m. to 8 p.m. on Monday through Friday.

e. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

2. On the right descending bank, between mile points 28.0 and 28.5 and between mile points 26.8 and 27.2 (far side from River Forest Residents):

a. Dredging is prohibited on Saturdays, Sundays and Federal Holidays.

b. Seasonal restrictions are not applicable.

c. During the times that dredging is authorized, actual dredging hours are restricted to 7 a.m. to 9 p.m. on Monday through Friday.

d. During the times that dredging is authorized, maintenance and daily start-up and shut-down activities are permitted from 6 a.m. to 10 p.m. on Monday through Friday.

e. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

3. On the right and left descending banks, between mile points 27.8 and 28.0 (Cove Area):

a. Seasonal, day and time restrictions are not applicable.

b. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

**January 31, 2008
Hanson Aggregates PMA, Inc.
Hoist Boat Operations
while Dredging Adjacent to the Residents
of the River Forest Community**

Best Practices to Minimize Noise Levels

The following are Best Practices to minimize noise levels from Hoist Boat Operations while dredging adjacent to the residents of the River Forest community (Allegheny Township, Westmoreland County).

In general, these Best Practices shall be followed during normal river flow conditions, which are the vast majority of the time. However, all of these Best Practices are subject to weather and river flow conditions, since the safety of our workers, the public and the equipment are of utmost importance and take precedence over the need to temporarily minimize noise. Hanson stresses marine safety above all other aspects. Weather and river conditions are subject to quickly changing conditions, for example, fog which reduces visibility, high water and high river flow conditions which greatly effect barge and towboat movements, and the like.

Best Practices to Minimize Noise Levels

1. New 'hospital grade' mufflers have been installed on the Hoist Boat, the tender boat and the towboat. It is important to maintain these mufflers in good working condition, to minimize noise levels.

2. A rebuilt clam-shell dredge bucket has been installed on the Hoist Boat. It is important to maintain this bucket in good working condition, to minimize noise impacts.

3. Instruct Hoist Boat operators and crew members to conduct the dredging operations in such a fashion as to limit impact noises. These include:

Minimizing steel to steel noise impacts, and

Minimize the drop height of aggregate from the bucket to the barge.

4. Maintain mooring devices (that is, bumpers and/or fenders) on the sides of the Hoist Boat, to minimize steel to steel noise impacts.

5. While traveling between the shoreline and the Hoist Boat in the tender boat, the tender boat shall that the route that is farthest away from the residents. This is subject to safety concerns.

6. While performing maintenance activities, limit loud intermittent and constant noises, as much as practical. This is subject to safety concerns.

7. While approaching and departing from the Hoist Boat and while making barge switches, the towboat pilot shall limit full engine noise (that is, throttle), as much as possible, to minimize noise levels. This is subject to safety concerns.

8. Barge movements shall be made away from the residents, as much as possible when the situation allows, to minimize noise levels. This is subject to safety concerns.

9. Keep engine compartment doors closed on the towboat, to minimize noise levels. This is subject to air cooling concerns associated with the efficient and safe operations of the engines.

10. Keep audio conversations (that is loudspeakers) to the minimum allowable to be heard by the intended worker. This is subject to the applicable rules and regulations and safety concerns of the workers.

E02-1326-A2. Glacial Sand and Gravel Co., P. O. Box 1022, Kittanning, PA 16201, in Harrison Township, **Allegheny County**; and Allegheny Township, **Westmoreland County**, Pittsburgh ACOE District (Freeport, PA Quadrangle N: 7.0 inches; W: 9.8 inches). To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include Allegheny River Mile Points 27.8 to 28.5 right and left descending bank in Harrison Township, Allegheny County; and Allegheny Township, Westmoreland County, with the following restrictions:

1. On the left descending bank, between mile points 28.0 to 28.5 (near side to River Forest Drive Residents):

a. Dredging is prohibited on Saturdays, Sundays and Federal Holidays but emergency maintenance is allowed.

b. Dredging is prohibited between Memorial Day and Labor Day.

c. During the times that dredging is authorized, actual dredging hours are restricted to 7 a.m. to 7 p.m. on Monday through Friday.

d. During the times that dredging is authorized, maintenance and daily start-up and shut-down activities are permitted from 6 a.m. to 8 p.m. on Monday through Friday.

e. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

2. On the right descending bank, between mile points 28.0 and 28.5 and between mile points 26.8 and 27.2 (far side from River Forest Residents):

a. Dredging is prohibited on Saturdays, Sundays and Federal Holidays.

b. Seasonal restrictions are not applicable.

c. During the times that dredging is authorized, actual dredging hours are restricted to 7 a.m. to 9 p.m. on Monday through Friday.

d. During the times that dredging is authorized, maintenance and daily start-up and shut-down activities are permitted from 6 a.m. to 10 p.m. on Monday through Friday.

e. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

3. On the right and left descending banks, between mile points 27.8 and 28.0 (Cove Area):

a. Seasonal, day and time restrictions are not applicable.

b. Best Management Practices as outlined in the attached January 31, 2008, Hanson Aggregates PMA, Inc. Best Practices to Minimize Noise Levels shall be implemented and maintained.

**January 31, 2008
Hanson Aggregates PMA, Inc.
Hoist Boat Operations
while Dredging Adjacent to the Residents
of the River Forest Community**

Best Practices to Minimize Noise Levels

The following are Best Practices to minimize noise levels from Hoist Boat Operations while dredging adjacent to the residents of the River Forest community (Allegheny Township, Westmoreland County).

In general, these Best Practices shall be followed during normal river flow conditions, which are the vast majority of the time. However, all of these Best Practices are subject to weather and river flow conditions, since the safety of our workers, the public and the equipment are of utmost importance and take precedence over the need to temporarily minimize noise. Hanson stresses marine safety above all other aspects. Weather and river conditions are subject to quickly changing conditions, for example, fog which reduces visibility, high water and high river flow conditions which greatly effect barge and towboat movements, etc.

Best Practices to Minimize Noise Levels

1. New 'hospital grade' mufflers have been installed on the Hoist Boat, the tender boat and the towboat. It is important to maintain these mufflers in good working condition, to minimize noise levels.

2. A rebuilt clam-shell dredge bucket has been installed on the Hoist Boat. It is important to maintain this bucket in good working condition, to minimize noise impacts.

3. Instruct Hoist Boat operators and crew members to conduct the dredging operations in such a fashion as to limit impact noises. These include:

Minimizing steel to steel noise impacts, and

Minimize the drop height of aggregate from the bucket to the barge.

4. Maintain mooring devices (that is, bumpers and/or fenders) on the sides of the Hoist Boat, to minimize steel to steel noise impacts.

5. While traveling between the shoreline and the Hoist Boat in the tender boat, the tender boat shall that the route that is farthest away from the residents. This is subject to safety concerns.

6. While performing maintenance activities, limit loud intermittent and constant noises, as much as practical. This is subject to safety concerns.

7. While approaching and departing from the Hoist Boat and while making barge switches, the towboat pilot shall limit full engine noise (that is, throttle), as much as possible, to minimize noise levels. This is subject to safety concerns.

8. Barge movements shall be made away from the residents, as much as possible when the situation allows, to minimize noise levels. This is subject to safety concerns.

9. Keep engine compartment doors closed on the towboat, to minimize noise levels. This is subject to air cooling concerns associated with the efficient and safe operations of the engines.

10. Keep audio conversations (that is, loudspeakers) to the minimum allowable to be heard by the intended worker. This is subject to the applicable rules and regulations and safety concerns of the workers.

E63-601. Borough of Burgettstown, 1509 Main Street, Burgettstown, PA 15021. To construct a bridge in Burgettstown Borough, **Washington County**, Pittsburgh ACOE District (Burgettstown, PA Quadrangle N: 0.8 inch; W: 2.5 inches, Latitude: 40° 22' 46"; Longitude: 80° 23' 35"). To remove the existing structures and to construct and maintain a bridge having a normal clear span of 40 feet and an underclearance of 9.88 feet across Burgetts Fork of Raccoon Creek (WWF) located on Shady Avenue.

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

E20-565, Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301. SR 0089, Segment 0060, Offset 1165 over Church Run, in Oil Creek Township, **Crawford County**, ACOE Pittsburgh District (Titusville North, PA Quadrangle N: 41° 39' 2.69"; W: 79° 39' 20.5").

To remove the existing 96-inch by 55-foot-long CMP and to construct and maintain a 100-foot-long, 121-inch by 77-inch elliptical reinforced concrete culvert, to relocate 280 feet of Church Run (CWF) and to place and maintain fill in 0.037 acre of PEM/PSS wetlands all as part of a realignment of approximately 0.5 mile of SR 0089 approximately 1.5 miles NE of Titusville.

0.037 acre of wetland impacts will be deducted from the Department of Transportation District 1-0 wetland banking site at the Polk Wetland Replacement Area.

E33-229, P C Exploration, Inc., 502 Keystone Drive, Warrendale, PA 15086. Calvin Shaffer Road Across Rose Run in Perry Township, **Jefferson County**, ACOE Pittsburgh District (Valier, PA Quadrangle N: 40° 57' 17"; W: 79° 02' 42.6").

To install and maintain a 30-foot-long, 48-inch-arch culvert and a natural gas pipeline across Rose Run and de minimis impact to adjacent wetland on a driveway to serve as access for well plugging and a private access to property extending east from Harper Road approximately 0.4 mile south of SR 536.

SPECIAL NOTICES

Applicability for Beneficial Use of Coal Refuse Ash

Waroquier Coal Company, GFCC No. 17-07-03, Knox Township, Clearfield County (Lost Run to Clearfield Creek-Upper West Branch Watershed): The Department of Environmental Protection has received an application for a determination of applicability for beneficial use of coal refuse ash from Waroquier Coal Company proposing to beneficially use coal refuse ash in conjunction with baghouse waste lime to neutralize acidic overburden/spoil encountered during reclamation of abandoned mine lands at the Durandetta site located in Knox Township, Clearfield County. A copy of the application is available for review at the Moshannon District Office. Interested persons or municipalities may submit comments within 60-days recommending revisions to, approval of or disapproval of the application. Comments should be addressed to the Moshannon District Mining Office, 186 Enterprise Drive, Philipsburg, PA 16866. Contact John Varner, (814) 342-8200, DMO.

[Pa.B. Doc. No. 08-583. Filed for public inspection March 28, 2008, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision:

DEP ID: 257-3120-001. Title: Evaluation of Underground Storage Tank Liners. Description: Both State and Federal regulations require that internally-lined underground storage tanks with no other means of corrosion protection, be inspected 10 years after the lining installation and re-evaluated every 5 years thereafter. This guidance addresses regulatory requirements and industry procedures for documenting each lining evaluation, certifying evaluation results or findings, recordkeeping and reporting. Written Comments: The Department is seeking comments on draft technical guidance No. 257-3120-001. Interested persons may submit written comments on this draft technical guidance document by April 28, 2008. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments can be submitted to Charles Swokel, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8763, Harrisburg, PA 17105-8763; cswokel@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Charles Swokel at (717) 772-5599 or cswokel@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-584. Filed for public inspection March 28, 2008, 9:00 a.m.]

Availability of Technical Guidance*Draft Technical Guidance-Substantive Revision*

DEP ID: 562-2000-703. Title: Changes to Licenses, Bonds and Permits. Description: This document provides guidance to both Department of Environmental Protection (Department) personnel and mine operators concerning what documents or information need to be submitted and the necessary actions to be taken in the event of changes to a mining company's type of business organization, its ownership or its officers. The Bureau of Mining and Reclamation and the District Mining Office will coordinate bond change, license change and permit revision activities when initiated either by the operator or when required by the Department, and the Department will systematically require various types of information to assure that licenses, permits and bonds are properly revised following organizational, ownership or officer changes undergone by a mining company. Written Comments: The Department is seeking comments on the draft technical guidance No. 562-2000-703. Interested parties may submit written comments on this draft technical guidance document by April 28, 2008. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by regular mail or e-mail. A return name and address must be included in each regular mail or e-mail transmission. Written comments should be submitted to Bruce Carl, Department of Environmental Protection, Mineral Resources Management, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, P. O. Box 8461, Harrisburg, PA 17105, (717) 787-5103, brcarl@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to Bruce Carl, at (717) 787-5103 or brcarl@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-585. Filed for public inspection March 28, 2008, 9:00 a.m.]

Bituminous Underground Mine Openings and Boreholes; Notice of Proposed Bond Rate Guidelines for Sealing

The Department of Environmental Protection (Department) seeks comments on proposed revisions to its bond rate guidelines for sealing openings and boreholes at bituminous underground coal mining operations. The revisions will affect the amount of bond set aside to cover the costs of sealing of drifts, shafts, slopes and boreholes at underground coal mining operations, and the bond calculation procedures described in Technical Guidance Document "Conventional Bonding for Land Reclamation—Coal" (563) 2504-001.

Background

The proposed changes are necessary to bring bond amounts in line with the actual costs the Department would incur in sealing bituminous underground mine openings if an underground mine operator were to default on its reclamation obligations. In recent years, the Department has encountered several bond forfeiture cases, in which the bond amount set aside to complete sealing work was insufficient. More recently, the Department completed an evaluation, in which it compared engineers' estimates of the costs of sealing individual mine openings with the existing bond rate guidelines. The results of this evaluation indicated that the costs derived from engineers' estimates were significantly higher than the costs derived from the existing bond rate guidelines. One reason for this disparity is that the existing bond rate guidelines fail to account for variations in the depth of mine openings or the dimensions of seals. Another reason is that existing bond rate guidelines have not been updated recently to account for the effects of inflation.

Proposed Changes

Under this proposal the option to use the existing bond rate guidelines, described in the following table, will be eliminated.

<i>Existing Bond Rate Guidelines for Sealing Bituminous Underground Mine Openings</i>		
Nonhydraulic shaft seal—inert fill	10 ft. or less diameter	\$1,400
	11 to 15 ft. diameter	\$3,000
	16 to 20 ft. diameter	\$4,500
	21 to 25 ft. diameter	\$8,000
Hydraulic shaft seal w/bulkhead	10 ft. or less diameter	\$7,600
	11 to 15 ft. diameter	\$9,200
	16 to 20 ft. diameter	\$10,700
Nonhydraulic drift/slope seal	21 to 25 ft. diameter	\$14,200
	Any dimension	\$3,900
	Hydraulic drift/slope seal w/bulkhead	Any dimension
Borehole	12 in. or less diameter	\$1,500
	Larger than 12 in. diameter	\$2,000

Under the proposed approach, bond amounts for sealing drifts, shafts and slopes will be determined based on the actual amount of labor and materials required to complete the sealing of a bituminous underground opening and the units costs ascribed to performing individual components of that work. This approach is expected to bring the projected costs of sealing an individual mine opening more in line with the actual costs the Department would incur if it had to complete the work.

In developing the proposed approach, the Department reviewed sealing plans and cost estimates included in bituminous underground mine permit applications and contracts awarded for sealing abandoned mine openings. Based on this information, the Department identified five components that effectively describe the work performed during the course of sealing a drift or slope opening and five similar components that effectively describe all work involved in sealing a shaft opening. In the case of a drift or slope opening, the basic components of sealing work include mobilization, installation of security fencing, concrete work, masonry work and placement of fill and earthwork. In the case of a shaft opening, the basic components of sealing work include mobilization, installation of security fencing, placement of concrete, placement of aggregate and placement of fill and earthwork. Differences in work components reflect differences in the nature of mine openings and methods of seal installation (drifts and slope openings are horizontal to slightly inclined; shafts openings are vertical).

After establishing the basic components of the work, the Department gathered information needed to establish unit costs for each of the components. This information was obtained from sealing cost estimates submitted with recent permit applications, reclamation contracts, *Walker's Building Estimator's Reference Book*, the *Means Estimating Book* and labor rates maintained by the Department of Labor and Industry. As the final step, the Department adjusted the unit cost of each component to current dollars using labor rates compiled by the United States Department of Labor's Bureau of Labor Statistics (<http://www.bls.gov/cpi/>) and material cost indices, published in the *Engineering News Record*.

Using this approach, the Department developed the proposed bond rate guidelines presented in the following tables. The first table presents guidelines applicable to sealing of drift and slope openings and the second table presents guidelines applicable to sealing shaft openings. Except for mobilization costs, all guidelines are estab-

lished based on cost per unit length, cost per unit area or cost per unit volume. On this basis, the cost of performing each component of the work may be determined by multiplying the applicable unit cost times the dimensions of the opening or seal. The total cost of sealing a mine opening may then be determined by adding the costs of performing each of the individual components of the work.

<i>Proposed Unit Costs for Sealing Bituminous Underground Mine Drift and Slope Openings</i>	
Concrete Work	\$128.00/cy
Masonry Work	\$11.00 sq. ft.
Fill Material and Earthwork*	\$23.00/cy
Security Fencing	\$29.00/lf
Mobilization Cost	5% of total amount

<i>Proposed Unit Costs for Sealing Bituminous Underground Mine Shaft Openings</i>	
Concrete Material	\$96.00/cy
Aggregate Material	\$27.00/cy
Fill Material and Earthwork*	\$4.00/cy
Security Fencing	\$29.00/lf
Mobilization Cost	5% of total amount

* The difference in the final unit costs for the fill and earthwork of a slope or drift opening compared to the fill and earthwork of a shaft is due to differences in methods of fill placement (end dumping the fill material into a shaft versus equipment pushing the fill material into a drift or slope opening).

The Department followed a similar approach in developing revised bond rate guidelines for boreholes. Recent cost information was derived from sealing estimates included in permit applications and contracts for mine site reclamation. The compiled information included costs for sealing boreholes with diameters ranging from 2 inches to 24 inches and depths ranging from 378 to 980 feet. This information was subsequently evaluated to determine the optimal basis for establishing unit costs. Based on the results of this evaluation, the Department determined that bond rate guidelines for borehole sealing should be based on cost per foot of depth with a minimum

total cost per borehole. The unit cost figures derived from the analysis were subsequently adjusted to account for inflation. For purposes of establishing a minimum total amount per borehole, the Department decided to maintain the current guideline amounts of \$1,500 for boreholes 12 inches or less in diameter and \$2,000 for boreholes larger than 12 inches in diameter, which have been in use since 1983. The Department has analyzed these costs and has determined that they are still sufficient for establishing minimum amounts for sealing boreholes. The proposed bond rate guidelines for sealing boreholes are as follows:

<i>Proposed Unit Costs for Sealing Boreholes at Bituminous Underground Mines</i>			
	<i>Dimension</i>	<i>Unit Cost</i>	<i>Min. Cost per Hole</i>
Borehole	12 in. or less diameter	\$5.50/foot	\$1,500
	Larger than 12 in. diameter	\$5.50/foot	\$2,000

The changes to bond rate guidelines in this proposal will necessitate changes to Appendix D of Technical Guidance 563-2504-001. Those changes will be made the next time the technical guidance is opened for revision.

For background information and supporting documentation regarding the proposed bond rate guidelines, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

Effective Date

Final revisions to the bond rate guidelines for sealing mine openings will become effective upon publication in the *Pennsylvania Bulletin*.

Written Comments

Interested persons may submit written comments on the rates to be used for calculating the sealing costs for boreholes, shafts and mine openings by April 28, 2008. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Gregory Shuler, P. G., Bureau of Mining and Reclamation, P. O. Box 8461, Harrisburg, PA 17105-8461 or by e-mail at gshuler@state.pa.us. Questions regarding the proposed bond rates should be directed to Gregory Shuler at (717) 783-1199 or gshuler@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-586. Filed for public inspection March 28, 2008, 9:00 a.m.]

NOx Budget Trading Program; New Source Set-Aside 2008 NOx Allocations

Under 25 Pa. Code § 145.41(d) (relating to timing requirements for NOx allowance allocations), the Department of Environmental Protection (Department) is publishing the NOx allowance allocations from the new source set-aside for the 2008 control period (May 1, 2008, through September 30, 2008). The new source set-aside contains 2,542 NOx allowances, 1,920 of which are available for new sources after allocation corrections. For each NOx budget unit, Table 1 lists: 1) the NOx allowances applied for under the "request" column; 2) the maximum potential number of NOx allowances authorized by the regulation under the "maximum" column; and 3) the final NOx allocation under the "allocation" column.

New source operators are advised that this allocation is for one control period only.

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 may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service at (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 to 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 of the publication of this notice. 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. The Secretary to the Board should be contacted at (717) 787-3483 for additional information.

Questions concerning this notice should be directed to Jane Mahinske, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-8949, jmahinske@state.pa.us.

Table 1—2008 New Source Set-Aside Allocations

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Reliant Energy (Seward)	313	CFB1	697	697	697
Reliant Energy (Seward)	313	CFB2	697	697	697
FPL Energy (Marcus Hook)	55801	CT1	54	54	54
FPL Energy (Marcus Hook)	55801	CT2	54	54	54
FPL Energy (Marcus Hook)	55801	CT3	54	54	54

<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
FPL Energy (Marcus Hook)	55801	AB1	43	43	43
FPL Energy (Marcus Hook)	55801	AB2	43	43	43
FPL Energy (Marcus Hook)	55801	AB3	43	43	43
FPL Energy (Marcus Hook)	55801	AB4	43	43	43
Totals:			1,728	1,728	1,728

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-587. Filed for public inspection March 28, 2008, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for the Greene County 8-Hour Ozone Nonattainment Area; Notice of Revised Hearing Date and Public Comment Period

The Department of Environmental Protection (Department) is amending its proposed revision to the State Implementation Plan (SIP) published at 38 Pa.B. 1216 (March 8, 2008) to revise dates for the public comment period and public hearing for the Greene County 8-Hour Ozone Nonattainment Area.

The Department has reexamined the methodology used to predict future emissions from stationary point sources and found that the methodology used for the SIP revision for Greene County submitted January 25, 2007, to the United States Environmental Protection Agency (EPA) over-predicted future emissions of NOx from electric generating units. The Department is proposing a SIP revision that explains why the methodology was changed, what new methodology is being used for evaluation, and what the revised emission predictions are.

Public Hearing

The Department will hold a public hearing to receive comments on the proposed SIP revision only if a request for a public hearing is received from a member of the public. A request for a public hearing must be received by 4 p.m. on Monday, April 28, 2008. If a request for a public hearing is received by 4 p.m. on Monday, April 28, 2008, the public hearing will be held on Wednesday, April 30, 2008, at 1 p.m. at the Greene County Office Building, 93 East High Street, Waynesburg, PA 15370. If no request for public hearing is received by 4 p.m. on Monday, April 28, 2008, the hearing will be cancelled, and notice of the cancellation will be published on Tuesday, April 29, 2008, at 12 p.m., on the Department's web site at www.depweb.state.pa.us (DEP Keywords: Air Plans). Interested parties may also call (717) 787-9495 to find out if the hearing has been cancelled.

Public Comments

Persons interested in this proposed SIP revision are invited to submit written comments on the proposed SIP revision. The proposed SIP revision is available on the Department's web site at www.depweb.state.pa.us (choose Air Plans) or through the contact persons listed. Written comments must be received by the Department no later than May 2, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, ashulman@state.pa.us. Please use "Greene County Ozone SIP Revision" as the mail addressee or in the subject line.

Persons wishing to request a hearing or who wish to present testimony at a scheduled hearing should contact

Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, yhouse@state.pa.us to reserve a time. The Department will consider a request to present testimony at a scheduled hearing to be a request for a public hearing. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and who require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House by e-mail at yhouse@state.pa.us or by telephone at (717) 787-9495. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-588. Filed for public inspection March 28, 2008, 9:00 a.m.]

Water Resources Advisory Committee; Meeting Cancellation

The Water Resources Advisory Committee (WRAC) meeting scheduled for April 9, 2008, has been cancelled. The next meeting is scheduled for July 9, 2008, at 9:30 a.m., Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the April 9, 2008, meeting or the July 9, 2008, meeting may be directed to Phil Consonery, Bureau of Water Standards and Facility Regulation, (717) 772-2184, pconsonery@state.pa.us. The agenda and meeting materials for the July 9, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Public Participation).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-6744 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-589. Filed for public inspection March 28, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Abington Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Abington Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 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: 2.3.1.3(1), 2.5.1.8, 2.6.2(2), 5.2.2.2(2), 5.2.2.3(3) and 7.1.4 (relating to OR suite); 2.4.1.1 (4), 2.4.1.2(2) and 2.4.1.3(1) (relating to the PACU); 2.4.2.2 (relating to Phase II recovery area).

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the 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. 08-590. Filed for public inspection March 28, 2008, 9:00 a.m.]

Application of Heritage Valley Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Health System has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-591. Filed for public inspection March 28, 2008, 9:00 a.m.]

Application of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 7.2.1.14 (relating to horizontal doors).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact 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. 08-592. Filed for public inspection March 28, 2008, 9:00 a.m.]

Application of St. Luke's Miners Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Miners Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-593. Filed for public inspection March 28, 2008, 9:00 a.m.]

Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.1.2.5(1)a (relating to treatment rooms in the emergency department).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Decisions on Requests for Exceptions to Health Care Facility Regulations

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), effective June 6, 1998, the Department of Health (Department) has published in the *Pennsylvania Bulletin* all requests by entities licensed under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), for exceptions to regulations contained in 28 Pa. Code Part IV, Subparts B—G.

Section 51.33(d) provides that the Department will publish notice of all approved exceptions on a periodic basis. The Department has determined that it will publish notice of all exceptions, both approved and denied. The following list contains the decisions made on exception requests published in the *Pennsylvania Bulletin* from October, 2007 through February, 2008. Future publications of decisions on exception requests will appear on a quarterly basis.

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. 08-594. Filed for public inspection March 28, 2008, 9:00 a.m.]

Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 107.12 (relating to content of bylaws, rules and regulations).

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-595. Filed for public inspection March 28, 2008, 9:00 a.m.]

Requests for additional information on the exception requests and the Department's decision should be made to the relevant division of the Department. Inquiries regarding hospitals and ambulatory surgical facilities shall be addressed to the Division of Acute and Ambulatory Care, Susan Legros, Acting Director, Room 532, Health and Welfare Building, Harrisburg, PA 17120. Inquiries regarding long-term care facilities shall be addressed to the Division of Nursing Care Facilities, William Bordner, Director, Room 526, Health and Welfare Building, Harrisburg, PA 17120. Those persons requiring special assistance for speech and/or hearing impairment should call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

Hospitals

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Chambersburg Hospital	28 Pa. Code § 51.6(c)	staff I.D.	01/12/08	granted
Montgomery Hospital	28 Pa. Code § 51.23	PET scanner	10/20/07	granted
Robert Packer Hospital	28 Pa. Code § 51.23	PET scanning services	12/01/07	granted
Chestnut Hill Hospital	28 Pa. Code § 51.23	PET scanning services	01/12/08	granted
Butler Memorial Hospital	28 Pa. Code § 51.23	PET scanning services	01/12/08	granted
Jefferson Regional Medical Center	28 Pa. Code § 51.23	mobile PET scanning service	02/09/08	granted
Easton Hospital For the care of patients 24/7	28 Pa. Code § 101.31(7)	permanent on-site facilities	10/20/07	granted
Alle-Kiski Medical Center	28 Pa. Code § 101.31(7)	hospital requirements	12/01/07	granted
DSI of Bucks County	28 Pa. Code § 101.172	patient limits	10/20/07	denied
Magee-Womens Hospital	28 Pa. Code § 101.172	patient Limits	02/09/08	denied
Allegheny General Hospital	28 Pa. Code § 103.1	governing body-principle	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.1	governing body-principle	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.1	governing body-principle	12/01/07	granted
Allegheny General Hospital	28 Pa. Code § 103.3	governing body-bylaws	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.3	governing body-bylaws	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.3	GB bylaws	12/01/07	granted
Allegheny General Hospital	28 Pa. Code § 103.4	functions	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.4	functions	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.4	functions	12/01/07	granted
Highlands Hospital	28 Pa. Code § 103.4(3)	governance and management	01/12/08	DOH may not consider request
Allegheny General Hospital	28 Pa. Code § 103.5	other functions	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.5	other functions	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.5	other functions	12/01/07	granted
Allegheny General Hospital	28 Pa. Code § 103.8	conflicts of interest	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.8	conflicts of interest	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.8	conflicts of interest	12/01/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.9	self-dealing prohibition	12/01/07	granted
Allegheny General Hospital	28 Pa. Code § 103.9	self-dealing prohibition	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.9	self-dealing prohibition	12/01/07	granted
Allegheny General Hospital	28 Pa. Code § 103.10	disclosure requirements	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 103.10	disclosure requirements	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.10	disclosure requirements	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.31	CEO	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.32	qualifications of CEO	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.33	responsibilities	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.34	personnel policies and practices	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 103.35	job descriptions	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 107.1	medical staff—principle	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 107.1	medical staff principle	12/01/07	granted
St. Catherine Medical Center	28 Pa. Code § 107.2	medical staff membership—chiropractors	12/01/07	denied
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 107.11	medical staff bylaws	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 107.11	medical staff bylaws	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 107.23	one chair/vice chair	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 107.23	one chair/vice chair	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 107.25	MS executive committee	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 107.25	MS executive committee	12/01/07	granted
The Western Pennsylvania Hospital West Penn Campus	28 Pa. Code § 107.26	additional committees	12/01/07	granted
Western Pennsylvania Hospital—Forbes Regional Campus (The)	28 Pa. Code § 107.26	additional committees	12/01/07	granted
Select Specialty—Pittsburgh/UPMC	28 Pa. Code § 107.26(b)(2)	tissue committee	01/12/08	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Geisinger Healthsouth Rehabilitation Hospital	28 Pa. Code § 107.26(b)(6)	radiation safety committee	10/20/07	not necessary
Select Specialty Hospital—Pittsburgh UPMC Inc.	28 Pa. Code § 107.32	medical staff meetings	02/09/08	granted
Geisinger Medical Center	28 Pa. Code § 107.65	automatic stop drug orders	10/20/07	not necessary
Jefferson Regional Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	04/14/07	granted
Meadville Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	04/14/07	granted
UPMC Presbyterian Shadyside	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	04/14/07	granted
UPMC St. Margaret	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	05/05/07	granted
Windber Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	05/12/07	granted
Northeastern Hospital (Temple East)	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	05/26/07/	granted
Altoona Regional Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	07/07/07	granted
Armstrong County Memorial Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/06/07	granted
Chambersburg Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/06/07	granted
Muncy Valley Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/06/07	granted
Reading Hospital and Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/20/07	granted
Williamsport Hospital and Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	10/27/07	granted
St. Mary Medical Center	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	11/03/07	granted
St. Luke's Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	11/17/07	granted
Chester County Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	12/15/07	granted
Kane Community Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	12/15/07	granted
Moses Taylor Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	12/29/07	granted
Abington Memorial Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	12/29/07	granted
Montgomery Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	01/26/08	granted
Hospital of the University of Pennsylvania	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/02/08	granted
Main Line Hospital Bryn Mawr	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/09/08	granted
St. Luke's Quakertown Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/09/08	granted
Lower Bucks Hospital	28 Pa. Code § 123.25(2)	regulations for control of anesthetic explosion hazards	02/09/08	granted
Gettysburg Hospital	28 Pa. Code § 127.31(b)	P/P—procedures at an outpt site for inpts	10/20/07	granted
Cannonsburg General Hospital	28 Pa. Code § 127.32	radiology—written orders	10/20/07	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Magee-Womens Hospital	28 Pa. Code § 137.11	facilities and equipment	02/09/08	denied
Somerset Hospital	28 Pa. Code § 138.15	high risk cardiac cath	12/01/07	granted
Somerset Hospital	28 Pa. Code § 138.18(b)	EPS studies	12/01/07	granted
Clearfield Hospital	28 Pa. Code § 153.1	5.2.1.1 corridor width	09/08/07	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	2.1.3.1 treatment room square footage	05/12/07	granted
Jameson Memorial Hospital	28 Pa. Code § 153.1	3.1.1.2 dining room square footage	10/06/07	granted
Sewickley Valley Hospital	28 Pa. Code § 153.1	numerous requests	10/20/07	granted in part/not necessary
Edgewood Surgical Hospital	28 Pa. Code § 153.1	5.5.8.5 patient holding; 5.5.5.4 patient holding; 5.5.8.11 clean storage	10/20/07	granted in part/not necessary in part
Evangelical Community Hospital	28 Pa. Code § 153.1	5.4.1.2(2) patient prep and recovery	10/27/07	denied
Brownsville Tri-County Hospital	28 Pa. Code § 153.1	3.1.1.1(1) max number of Beds per room; 3.1.1.5(1) handwashing in toilet room; 3.1.5.9(3) special bathing facilities; 5.1.3.7(1)(a) exam room space requirements; 5.1.3.7(5)(e) decontamination capability; 5.1.3.9(4) scrub stations; 5.1.3.9(9) housekeeping room; 5.5.3.4 patient toilet; 5.5.8.3(1) handwashing stations in procedure room; 5.11.2.5 support areas for staff; 6.2.2.11 vending devices; 2.1.1.5(3) toilet room	12/01/07	granted in part/not necessary in part
Williamsport Hospital and Medical Center	28 Pa. Code § 153.1	3.7—5.2.1.1 corridor width	12/01/07	not needed
Healthsouth Hospital of Pittsburgh	28 Pa. Code § 153.1	5.7.2.4(1) hand washing	12/01/07	granted
Altoona Hospital	28 Pa. Code § 153.1	5.1.3.8(1) airborne isolation; 5.1.3.8(3)(a—d) secured holding area	12/01/07	granted
Alle-Kiski Medical Center	28 Pa. Code § 153.1	3.9—2.3.1.1(1)(2) square footage; 2.3.1.3 vacuum; 2.3.2 patient holding; 2.3.3.3 patient toilet	12/01/07	granted
Alle-Kiski Medical Center	28 Pa. Code § 153.1	3.9—2.5 support areas for patients	12/01/07	granted
Robert Packer Hospital	28 Pa. Code § 153.1	5.3.3.2 post anesthetic care units	12/01/07	granted
Select Specialty Hospital of Johnstown	28 Pa. Code § 153.1	3.1.1.5(2) hand washing in patient rooms; 3.1.5.9(2) central bathing rooms-toilets	12/01/07	granted
DuBois Regional Medical Center	28 Pa. Code § 153.1	3.1—2.1.1.1 treatment rooms; 3.1-5.2.11 corridor width; 3.1-5.2.14 door width	12/08/07	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Delaware Valley Nephrology and Hypertension Associates,	28 Pa. Code § 153.1	3.1-2 vacuum outlets for PACU bays 3.7-2.3.3 image viewer in OR; 3.7-2.4.2.1(1) Phase II recovery 3.7-2.5.1 restricted corridor control station 3.7-2.5.7.4 stretcher storage 3.7-2.6.2(2) one way traffic out of locker room 3.7-2.6.3 staff shower	12/29/07	withdrawn
Hypertension Nephrology Associates, P.C.	28 Pa. Code § 153.1	3.1-2 vacuum outlets for PAUC bays 3.7-2.3.3 image viewer in OR; 3.7-2.4.2.1(1) Phase II recovery 3.7-2.5.1 restricted corridor control station 3.7-2.5.7.4 stretcher storage; 3.7-2.6.2(2) one way traffic out of locker room 3.7-2.6.3 staff shower	12/29/07	withdrawn
Children's Hospital of Philadelphia	28 Pa. Code § 153.1	2.1.3.4.6.1(2) NICU Space requirements	12/29/07	granted
Best Impression Surgical Center	28 Pa. Code § 153.1	9.5 OR outlets	01/12/08	granted
SAM Surgery Center	28 Pa. Code § 153.1	3.7-2.4.2.1(1) Phase II recovery 3.7-2.5.7.4 stretcher storage; 3.7-2.4.1.1(4) pediatric recovery area	01/12/08	granted
Valley Square Plastic Surgery Center	28 Pa. Code § 153.1	3.7-2.4.2.1 Phase II recovery	01/12/08	denied
Clearfield Hospital	28 Pa. Code § 153.1	2.1.3.1 space requirement	01/26/08	granted
St. Luke's Hospital	28 Pa. Code § 153.1	3.1-2.3.1 laboratory work	02/16/08	granted
Dubois Regional Medical Center	28 Pa. Code § 153.1	3.1-2.1.3.1 (minimum floor area)	01/26/08	granted
The Children's Institute	28 Pa. Code § 153.1	2.1.1.2 hand washing station 2.1.1.3 documentation space 2.1.7.5 soiled holding 2.2 and 2.3 imaging and laboratory services 4.1.4 public toilets 4.2.3. medical record storage	01/26/08	granted /denied/not necessary in part
Muncy Valley Hospital	28 Pa. Code § 153.1	5.6.4.3 (handwashing stats) 5.6.4.4 (dose administration area) 5.6.4.5(1) (consultation area) 5.6.4.5(2) (patient holding area) 5.6.4.5(3) (medical staff offices) 5.6.4.5(5) (computer room) 5.6.4.5(6) (soiled workroom)	02/16/08	granted
Ambulatory Surgical Facilities				
Main Line Endoscopy Center West	28 Pa. Code § 551.3	PS3 patients	10/20/07	granted
South Hills Endoscopy Center	28 Pa. Code § 551.3	PS3 patients	10/20/07	granted
Zitelli and Broadland A.S.F. South	28 Pa. Code § 551.3	PS3 and PS4 patients	10/20/07	granted/denied
Hypertension—Nephrology Associates, PC	28 Pa. Code § 551.3	PS3 and PS4 patients	12/01/07	granted
Valley View Surgical Center	28 Pa. Code § 551.3	PS3 patients	12/01/07	granted
Endoscopy Center of Bucks County	28 Pa. Code § 551.3	PS3 patients	12/01/07	granted
Eynon Surgery Center	28 Pa. Code § 551.3	PS3 patients	12/01/07	granted
Regional Gastroenterology Associates of Lancaster, LTD	28 Pa. Code § 551.3(ii)	PS3 patients	01/12/08	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Three Rivers Endoscopy Center	28 Pa. Code § 551.3	PS3 patients	01/12/08	granted
Delaware Valley Nephrology and Hypertension Associates, PC	28 Pa. Code § 551.3	PS3 and PS4 patients	12/01/07	granted
Brandywine Valley Endoscopy Center	28 Pa. Code § 551.3	PS3 patients	01/12/08	granted
Reading Endoscopy Center, LLC	28 Pa. Code § 551.3	PS3 patients	02/16/08	granted
Memorial Hospital Outpatient Endoscopy Center	28 Pa. Code § 551.3	PS3 patients	01/19/08	granted
PGC Endoscopy Center, Inc.	28 Pa. Code § 551.3	PS3 patients	01/26/08	granted
Abington Memorial Hospital	28 Pa. Code § 551.3	anesthesia limitations	02/09/08	withdrawn
Apple Hill Surgical Center	28 Pa. Code § 551.21(d)	criteria for surgery— laparoscopic procedures	09/15/07	granted
Carlisle Outpatient Surgery Center	28 Pa. Code § 551.21(d)	criteria for surgery— laparoscopic procedures	02/16/08	granted
The Reading Hospital SurgiCenter Spring Ridge	28 Pa. Code § 551.21(d)	criteria for surgery— laparoscopic procedures	01/12/08	denied
The Pain and Surgical Center of Langhorne	28 Pa. Code § 551.31(a)	Class B facility/propofol	01/19/08	granted
Surgery Center of Pennsylvania Hospital	28 Pa. Code § 553.1	governing body	10/20/07	granted
Abington Memorial Hospital	28 Pa. Code § 553.1	governing body	12/01/07	granted
Heritage Valley Surgery Center	28 Pa. Code § 553.1	governing body	02/16/08	granted
Heritage Valley Surgery Center	28 Pa. Code § 553.3	responsibilities	02/16/08	not necessary
Heritage Valley Surgery Center	28 Pa. Code § 553.4	other functions	02/16/08	not necessary
Bux-Mont Endoscopy Center	28 Pa. Code § 553.31	administrative policies	01/26/08	granted
Lowry Surgicenter	28 Pa. Code § 553.31	administrative policies	01/26/08	granted
Bux-Mont Endoscopy Center	28 Pa. Code § 553.31	administrative policies	01/26/08	granted
Heritage Valley Surgery Center	28 Pa. Code § 553.31	administrative policies	02/16/08	not necessary
Surgery Center at Edgeworth Commons	28 Pa. Code § 553.31(a)	full time administrator	10/20/07	granted
Penn Medicine At Radnor Endoscopy Facility	28 Pa. Code § 553.31(a)	full-time administrator	01/26/08	denied
Carlisle Outpatient Surgery Center	28 Pa. Code § 553.31(a)	full-time administrator	02/09/08	granted
Abington Memorial Hospital	28 Pa. Code § 553.31(b)	administrative policies/ procedure	12/01/07	granted
Surgery Center of Pennsylvania Hospital	28 Pa. Code § 553.31(a)(b)	full person in charge— administrative policies	10/20/07	granted/ denied
Abington Memorial Hospital	28 Pa. Code § 555.1	medical staff	12/01/07	granted
Heritage Valley Surgery Center	28 Pa. Code § 555.1	medical staff	03/01/08	granted
Surgery Center of Pennsylvania Hospital	28 Pa. Code § 555.1—555.4	medical staff	10/20/07	granted/ denied
Hertiage Valley Surgery Center	28 Pa. Code § 555.3	requirements for membership and privileges	02/16/08	not necessary
Heritage Valley Surgery Center	28 Pa. Code § 555.4	clinical activities and duties of physican assistants and certified registered nurse practitioners	02/16/08	not necessary
Center for Reproductive Surgery Center	28 Pa. Code § 555.25(d)	anesthesia	02/16/08	denied

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Northeast Regional Surgery Center	28 Pa. Code § 555.31(a)	anesthesia services—propofol	12/01/07	granted
Temple University School of	28 Pa. Code § 555.31(a)	anesthesia services—propofol	07/21/07	granted
Heritage Valley Surgery Center	28 Pa. Code § 557.1	quality assurance	05/16/08	denied
Abington Memorial Hospital	28 Pa. Code § 557.1	quality assurance	12/01/07	granted
Heritage Valley Surgery Center	28 Pa. Code § 557.1	quality assurance	03/08/08	granted
Abington Memorial Hospital	28 Pa. Code § 557.2	quality assurance	12/01/07	granted
Surgery Center of Pennsylvania Hospital	28 Pa. Code § 557.2	quality assurance	10/20/07	granted
SmartHealth Norwin Hills Outpatient Center	28 Pa. Code § 557.3(f)	quality assurance committee	09/29/07	granted
Lowry Surgicenter	28 Pa. Code § 559.2	director of nursing	01/26/08	granted
Reading Endoscopy Center, LLC	28 Pa. Code § 559.2	director of nursing	01/12/08	granted
Surgery Center of Pennsylvania Hospital	28 Pa. Code § 563.1	medical records	10/20/07	granted
SmartHealth Norwin Hills Outpatient Center	28 Pa. Code § 563.2(a)	medical records service	09/29/07	granted
Heritage Valley Surgery Center	28 Pa. Code § 567.2(2)	infection control	02/16/08	granted
Southwestern Pennsylvania Eye Surgery Center	28 Pa. Code § 569.1	fire, safety and disaster	02/16/08	granted
Saint Vincent Surgery Center	28 Pa. Code § 569.1	fire, safety and disaster	02/16/08	granted
Center for the Surgical Arts	28 Pa. Code § 569.1	fire, safety and disaster	02/16/08	granted
PRISM Center for Spine and Pain Care	28 Pa. Code § 569.1	fire, safety and disaster	02/16/08	granted
Heritage Valley Surgery Center	28 Pa. Code § 569.1	fire, safety and disaster	02/16/08	granted
Turk's Head Surgery Center	28 Pa. Code § 569.1	fire, safety and disaster	02/16/08	granted
Reading Hospital SurgiCenter at Spring Ridge, The	28 Pa. Code § 569.35	general safety precautions	09/29/07	granted
Hamot Surgery Center	28 Pa. Code § 569.35	general safety precautions	10/06/07	granted
North East Surgery Center	28 Pa. Code § 569.35	general safety precautions	10/06/07	granted
Foot and Ankle Surgical Center, LLC	28 Pa. Code § 569.35	general safety precautions	10/06/07	granted
Huntingdon Valley Surgery Center	28 Pa. Code § 569.35	general safety precautions	10/20/07	granted
Susquehanna Surgery Center	28 Pa. Code § 569.35	general safety precautions	10/27/07	granted
Fairgrounds Surgical Center	28 Pa. Code § 569.35	general safety precautions	10/27/07	granted
OSS Ambulatory Surgery Center	28 Pa. Code § 569.35	general safety precautions	11/03/07	granted
Philadelphia Surgi-Center, Inc.	28 Pa. Code § 569.35	general safety precautions	11/03/07	granted
York Adams Pain Specialists, P.C.	28 Pa. Code § 569.35	general safety precautions	12/08/07	granted
Abington Surgical Center	28 Pa. Code § 569.35	general safety precautions	12/29/07	granted
Hazleton Ambulatory Surgical Center, LLC	28 Pa. Code § 569.35	general safety precautions	12/29/07	granted
Hanover SurgiCenter	28 Pa. Code § 569.35	general safety precautions	01/12/08	granted
Ridley Crossing Surgical Center	28 Pa. Code § 569.35	general safety precautions	01/12/08	granted
Carlisle Outpatient Surgery Center	28 Pa. Code § 569.35	fire, safety and disaster	02/16/08	granted
Mount Nittany Surgical Center	28 Pa. Code § 569.35	fire, safety and disaster	02/23/08	granted
Plastic Surgical Associates of Johnstown, Inc	28 Pa. Code § 569.35	fire, safety and disaster	03/08/08	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Ophthalmology Surgery Institute of Central PA	28 Pa. Code § 569.35	fire, safety and disaster	03/08/08	granted
Northwood Surgery Center	28 Pa. Code § 569.35	fire, safety and disaster	03/15/08	granted
UPMC St. Margaret Harmar Outpatient Center	28 Pa. Code § 569.35	general safety precautions	05/05/07	granted
Surgical Center of York	28 Pa. Code § 569.35	general safety precautions	08/04/07	granted
RMS Lifeline Interventional Access Center	28 Pa. Code § 571.1	3.7-2.4.2.1(1) Phase II recovery 3.7-2.5.1 restricted corridor control station; 3.7-2.5.7.4 stretcher storage	01/19/08	granted
Surgery Center of Pennsylvania Hospital	28 Pa. Code § 571.1	2.3.1.3(a) OR size	12/01/07	granted
GSH Outpatient Surgery Center	28 Pa. Code numerous	for hospital-based ASF	10/20/07	granted/not necessary/ denied
Nursing Care Facilities				
Menno Haven, Inc.	28 Pa. Code § 201.3	definitions	12/07/07	granted
Bethlen Home of the	28 Pa. Code § 201.3	definitions	12/08/07	granted
Elm Terrace Garden	28 Pa. Code § 201.3	definitions	02/16/08	granted
Maple Winds Care Center	28 Pa. Code § 201.18(e)	management	10/20/07	granted-temp
Longwood at Oakmont	28 Pa. Code § 205.6(a)	function of building	10/13/07	granted
Reformed Presbyterian	28 Pa. Code § 205.6(a)	function of building	10/20/07	granted
Wellington Terrace	28 Pa. Code § 205.6(a)	function of building	10/20/07	granted
Baldock Health Care Center	28 Pa. Code § 205.6(a)	function of building	12/01/07	granted
LaFayette Manor, Inc.	28 Pa. Code § 205.6(a)	function of building	12/07/07	granted
Harston Hall	28 Pa. Code § 205.6(a)	function of building	01/12/08	granted
Lakeside at Willow Valley	28 Pa. Code § 205.6(a)	function of building	01/12/08	granted
Kinkora Pythian Home	28 Pa. Code § 205.6(a)	function of building	01/12/08	granted
Beaumont at Bryn Mawr	28 Pa. Code § 205.6(a)	function of building	02/02/08	granted
Saint Mary's East	28 Pa. Code § 205.6(a)	function of building	02/16/08	granted
Hanover Hall	28 Pa. Code § 205.6(a)	function of building	02/23/08	granted
Sherwood Oaks	28 Pa. Code § 205.10(c)	doors	02/02/08	granted
Moravian Manor	28 Pa. Code § 205.10(d)	doors	02/09/08	granted
The Pavilion at BRMC	28 Pa. Code § 205.19(b)	windows and windowsills	12/08/07	granted
Sacred Heart Hospital	28 Pa. Code § 205.21(a)	special care room	12/22/07	granted
Sacred Heart Hospital	28 Pa. Code § 205.24(a)	dining room	12/22/07	granted
Sacred Heart Hospital	28 Pa. Code § 205.25(b)	kitchen	12/22/07	granted
Misericordia Convalescent	28 Pa. Code § 205.26(e)	laundry	02/09/08	granted
Sacred Heart Hospital	28 Pa. Code § 205.27	lounge and rec. rooms	12/22/07	granted
Sacred Heart Hospital	28 Pa. Code § 205.31	storage	12/22/07	granted
John Heinz, Sr. Rehab Care	28 Pa. Code § 205.31	storage	02/16/08	granted
Sacred Heart Hospital	28 Pa. Code § 205.32(a)	janitor closet	12/22/07	granted
Sacred Heart Hospital	28 Pa. Code § 205.33(a)	utility room	12/22/07	granted
Evangelical Manor	28 Pa. Code § 205.33(a)	utility room	01/12/08	granted-temp
Sacred Heart Hospital	28 Pa. Code § 205.36(h)	bathing facilities	12/22/07	granted
Fair Winds Manor	28 Pa. Code § 205.36(h)	bathing facilities	02/02/08	granted
Moravian Manor	28 Pa. Code § 205.36(h)	bathing facilities	02/09/08	granted

<i>Facility Name</i>	<i>Regulation</i>	<i>Relating to</i>	<i>Request Published</i>	<i>Decision</i>
Sacred Heart Hospital	28 Pa. Code § 205.66(a)	special ventilation	12/22/07	granted
The Mennonite Home	28 Pa. Code § 205.67(j)(k)	electrical requirements	01/12/08	granted

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-596. Filed for public inspection March 28, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and 205.36(h) (relating to function of building; and bathing facilities).

The Inn at Freedom Village
35 Freedom Boulevard
West Brandywine, PA 19320
FAC ID 105502

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.25(a) and 205.31 (relating to kitchen; and storage).

The Hollinger Group
Shepherdstown Road
Mechanicsburg, PA 17055

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-597. Filed for public inspection March 28, 2008, 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 reauthoriza-

tion; and terms and conditions of participation) and 7 CFR 246.12, 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 April 1, 2008, through June 30, 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	\$2.55
12 oz. Evaporated Milk	\$1.17
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.11
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.67
8 oz. Kosher Infant Cereal	\$1.89
1 doz. Grade A Eggs	\$2.22
1 lb. Fresh Carrots	\$1.03
14 to 16 oz. Canned Carrots	\$1.03
1 lb. Cheese	\$7.58
1 lb. Kosher Cheese	\$7.80
1 lb. Dry Beans or Peas	\$1.68
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.89
15 to 18 oz. Peanut Butter	\$3.04
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.97
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.00
4 oz. Gerber Infant Juice	\$0.67
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.49
16 oz. Alimentum Advance Powder Formula	\$24.07
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.20
13 oz. Isomil Advance Concentrate Formula	\$4.59
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.69
12.9 oz. Isomil Advance Powder Formula	\$13.79
12.9 oz. Isomil Go & Grow Soy	\$12.01
24 oz. Isomil Go & Grow Soy	\$21.50
13 oz. Isomil with Iron Concentrate Formula	\$4.34
12.9 oz. Isomil with Iron Powder Formula	\$12.41
32 oz. Isomil DF Ready-to-Feed Formula	\$5.91
13 oz. Nutramigen Lipil Concentrate Formula	\$6.68
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.55
16 oz. Nutramigen Lipil Powder Formula	\$24.06
8 oz. Pediasure Ready-to-Feed Formula	\$1.71
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.75
13 oz. Similac Advance Concentrate Formula	\$4.11
32 oz. Similac Advance Ready-to-Feed Formula	\$5.95
12.9 oz. Similac Advance Powder Formula	\$12.57

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Go & Grow Milk	\$11.85
24 oz. Similac Go & Grow Milk	\$21.21
13 oz. Similac with Iron Concentrate Formula ...	\$3.99
32 oz. Similac with Iron Ready-to-Feed Formula .	\$5.33
12.9 oz. Similac with Iron Powder Formula	\$12.14
13 oz. Similac Sensitive Concentrate Formula ...	\$4.60
32 oz. Similac Sensitive Ready-to-Feed Formula .	\$5.66
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$5.68
12.9 oz. Similac Sensitive Powder	\$13.92
12.8 oz. Similac Neosure Advance Powder Formula	\$14.31
32 oz. Similac Neosure Advance RTF Formula ...	\$7.05

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 (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 April 1, 2008, through June 30, 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	\$2.36
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.10
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.11
1 lb. Fresh Carrots	\$0.98
14 to 16 oz. Canned Carrots	\$0.91
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.47
1 oz. Adult WIC Cereal	\$0.27
8 oz. Gerber Infant Cereal	\$1.89
15 to 18 oz. Peanut Butter	\$2.70
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.71
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$0.93
4 oz. Gerber Infant Juice	\$0.67
13 oz. Isomil Advance Concentrate Formula	\$4.59
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$5.69
12.9 oz. Isomil Advance Powder Formula	\$13.79
13 oz. Similac Advance Concentrate Formula ...	\$4.11
32 oz. Similac Advance Ready-to-Feed Formula ..	\$5.95
12.9 oz. Similac Advance Powder Formula	\$12.57

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 April 1, 2008, through June 30, 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	\$2.55
12 oz. Evaporated Milk	\$1.33
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.17
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.70
8 oz. Kosher Infant Cereal	\$1.95
1 doz. Grade A Eggs	\$2.27
1 lb. Fresh Carrots	\$1.03
14 to 16 oz. Canned Carrots	\$1.05
1 lb. Cheese	\$7.58
1 lb. Kosher Cheese	\$8.78
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$1.95
15 to 18 oz. Peanut Butter	\$3.04
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.06
4 oz. Gerber Infant Juice	\$0.70
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.98
16 oz. Alimentum Advance Powder Formula	\$25.58
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.75
13 oz. Isomil Advance Concentrate Formula	\$4.71
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$5.87
12.9 oz. Isomil Advance Powder Formula	\$14.12
12.9 oz. Isomil Go & Grow Soy	\$12.06
24 oz. Isomil Go & Grow Soy	\$21.59
13 oz. Isomil with Iron Concentrate Formula ...	\$4.58
12.9 oz. Isomil with Iron Powder Formula	\$13.22
32 oz. Isomil DF Ready-to-Feed Formula	\$6.04
13 oz. Nutramigen Lipil Concentrate Formula ...	\$6.95
32 oz. Nutramigen Lipil Ready-to-Feed Formula ..	\$8.76
16 oz. Nutramigen Lipil Powder Formula	\$25.65
8 oz. Pediasure Ready-to-Feed Formula	\$1.96
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.99
13 oz. Similac Advance Concentrate Formula	\$4.28
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.08
12.9 oz. Similac Advance Powder Formula	\$13.07
12.9 oz. Similac Go & Grow Milk	\$11.85
24 oz. Similac Go & Grow Milk	\$21.21
13 oz. Similac with Iron Concentrate Formula ...	\$4.03
32 oz. Similac with Iron Ready-to-Feed Formula .	\$5.33
12.9 oz. Similac with Iron Powder Formula	\$12.57
13 oz. Similac Sensitive Concentrate Formula ...	\$4.96
32 oz. Similac Sensitive Ready-to-Feed Formula..	\$5.89
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.02
12.9 oz. Similac Sensitive Powder	\$14.35
12.8 oz. Similac Neosure Advance Powder Formula	\$15.13
32 oz. Similac Neosure Advance RTF Formula ...	\$7.29

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 April 1, 2008, through June 30, 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	\$2.36
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.24
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.18
1 lb. Fresh Carrots	\$1.00
14 to 16 oz. Canned Carrots	\$0.95
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.65
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.95
15 to 18 oz. Peanut Butter	\$2.70
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.84
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$0.99
4 oz. Gerber Infant Juice	\$0.70
13 oz. Isomil Advance Concentrate Formula	\$4.71
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$5.87
12.9 oz. Isomil Advance Powder Formula	\$14.12
13 oz. Similac Advance Concentrate Formula ...	\$4.28
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.08
12.9 oz. Similac Advance Powder Formula	\$13.07

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 April 1, 2008, through June 30, 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	\$2.55
12 oz. Evaporated Milk	\$1.33
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.17
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.73
8 oz. Kosher Infant Cereal	\$2.08
1 doz. Grade A Eggs	\$2.29
1 lb. Fresh Carrots	\$1.04
14 to 16 oz. Canned Carrots	\$1.05
1 lb. Cheese	\$7.58
1 lb. Kosher Cheese	\$8.78

Maximum Allowable Price

<i>Description</i>	<i>Maximum Allowable Price</i>
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$2.08
15 to 18 oz. Peanut Butter	\$3.04
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.06
4 oz. Gerber Infant Juice	\$0.73
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.98
16 oz. Alimentum Advance Powder Formula	\$25.70
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.75
13 oz. Isomil Advance Concentrate Formula	\$5.19
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$7.04
12.9 oz. Isomil Advance Powder Formula	\$15.32
12.9 oz. Isomil Go & Grow Soy	\$12.06
24 oz. Isomil Go & Grow Soy	\$21.59
13 oz. Isomil with Iron Concentrate Formula ...	\$5.15
12.9 oz. Isomil with Iron Powder Formula	\$14.04
32 oz. Isomil DF Ready-to-Feed Formula	\$7.80
13 oz. Nutramigen Lipil Concentrate Formula ...	\$7.42
32 oz. Nutramigen Lipil Ready-to-Feed Formula .	\$8.76
16 oz. Nutramigen Lipil Powder Formula	\$27.01
8 oz. Pediasure Ready-to-Feed Formula	\$2.46
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.50
13 oz. Similac Advance Concentrate Formula ...	\$4.92
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.84
12.9 oz. Similac Advance Powder Formula	\$14.30
12.9 oz. Similac Go & Grow Milk	\$11.85
24 oz. Similac Go & Grow Milk	\$21.21
13 oz. Similac with Iron Concentrate Formula ...	\$4.38
32 oz. Similac with Iron Ready-to-Feed Formula .	\$6.62
12.9 oz. Similac with Iron Powder Formula	\$13.94
13 oz. Similac Sensitive Concentrate Formula ...	\$4.96
32 oz. Similac Sensitive Ready-to-Feed Formula ..	\$6.31
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$7.14
12.9 oz. Similac Sensitive Powder	\$14.40
12.8 oz. Similac Neosure Advance Powder Formula	\$15.13
32 oz. Similac Neosure Advance RTF Formula ...	\$8.79

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 April 1, 2008, through June 30, 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	\$2.36
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41

<i>Description</i>	<i>Competitive Prices</i>
12 oz. Evaporated Milk	\$1.25
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.18
1 lb. Fresh Carrots	\$1.03
14 to 16 oz. Canned Carrots	\$0.95
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.65
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$2.08
15 to 18 oz. Peanut Butter	\$2.70
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$0.99
4 oz. Gerber Infant Juice	\$0.73
13 oz. Isomil Advance Concentrate Formula	\$5.19
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$7.04
12.9 oz. Isomil Advance Powder Formula	\$15.32
13 oz. Similac Advance Concentrate Formula	\$4.92
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.84
12.9 oz. Similac Advance Powder Formula	\$14.30

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 April 1, 2008, through June 30, 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	\$2.55
12 oz. Evaporated Milk	\$1.27
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.15
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.70
8 oz. Kosher Infant Cereal	\$1.93
1 doz. Grade A Eggs	\$2.40
1 lb. Fresh Carrots	\$1.04
14 to 16 oz. Canned Carrots	\$1.04
1 lb. Cheese	\$7.84
1 lb. Kosher Cheese	\$7.80
1 lb. Dry Beans or Peas	\$1.82
1 oz. Adult WIC Cereal	\$0.31
8 oz. Gerber Infant Cereal	\$1.93
15 to 18 oz. Peanut Butter	\$3.22
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.14
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.18
4 oz. Gerber Infant Juice	\$0.70
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.74
16 oz. Alimentum Advance Powder Formula	\$24.95
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$13.70
13 oz. Isomil Advance Concentrate Formula	\$4.65
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$5.71

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Isomil Advance Powder Formula	\$13.98
12.9 oz. Isomil Go & Grow Soy	\$12.20
24 oz. Isomil Go & Grow Soy	\$21.84
13 oz. Isomil with Iron Concentrate Formula	\$4.39
12.9 oz. Isomil with Iron Powder Formula	\$12.65
32 oz. Isomil DF Ready-to-Feed Formula	\$6.02
13 oz. Nutramigen Lipil Concentrate Formula ...	\$6.83
32 oz. Nutramigen Lipil Ready-to-Feed Formula ..	\$8.59
16 oz. Nutramigen Lipil Powder Formula	\$24.78
8 oz. Pediasure Ready-to-Feed Formula	\$1.76
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.83
13 oz. Similac Advance Concentrate Formula	\$4.22
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.04
12.9 oz. Similac Advance Powder Formula	\$12.95
12.9 oz. Similac Go & Grow Milk	\$12.02
24 oz. Similac Go & Grow Milk	\$21.51
13 oz. Similac with Iron Concentrate Formula ...	\$4.03
32 oz. Similac with Iron Ready-to-Feed Formula ..	\$5.35
12.9 oz. Similac with Iron Powder Formula	\$12.37
13 oz. Similac Sensitive Concentrate Formula ...	\$4.70
32 oz. Similac Sensitive Ready-to-Feed Formula ..	\$5.81
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$5.85
12.9 oz. Similac Sensitive Powder	\$14.15
12.8 oz. Similac Neosure Advance Powder Formula	\$14.86
32 oz. Similac Neosure Advance RTF 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 April 1, 2008, through June 30, 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	\$2.40
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.41
12 oz. Evaporated Milk	\$1.17
16 oz. Dry Milk	\$5.69
1 doz. Grade A Eggs	\$2.29
1 lb. Fresh Carrots	\$1.01
14 to 16 oz. Canned Carrots	\$0.95
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$7.73
1 lb. Dry Beans or Peas	\$1.58
1 oz. Adult WIC Cereal	\$0.28
8 oz. Gerber Infant Cereal	\$1.93
15 to 18 oz. Peanut Butter	\$2.85
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.83
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.06
4 oz. Gerber Infant Juice	\$0.70
13 oz. Isomil Advance Concentrate Formula	\$4.65

<i>Description</i>	<i>Competitive Prices</i>
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$5.71
12.9 oz. Isomil Advance Powder Formula	\$13.98
13 oz. Similac Advance Concentrate Formula	\$4.22
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.04
12.9 oz. Similac Advance Powder Formula	\$12.95

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 April 1, 2008, through June 30, 2008, the maximum allowable prices the Department will pay Type 2 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	\$2.55
12 oz. Evaporated Milk	\$1.35
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.21
1/2 gal. Kosher Milk	\$3.05
4 oz. Kosher Infant Juice	\$0.74
8 oz. Kosher Infant Cereal	\$2.08
1 doz. Grade A Eggs	\$2.40
1 lb. Fresh Carrots	\$1.09
14 to 16 oz. Canned Carrots	\$1.09
1 lb. Cheese	\$7.84
1 lb. Kosher Cheese	\$8.78
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.08
15 to 18 oz. Peanut Butter	\$3.22
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.16
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.18
4 oz. Gerber Infant Juice	\$0.74
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.28
16 oz. Alimentum Advance Powder Formula	\$26.20
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$14.40
13 oz. Isomil Advance Concentrate Formula	\$4.99
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$6.16
12.9 oz. Isomil Advance Powder Formula	\$14.74
12.9 oz. Isomil Go & Grow Soy	\$12.58
24 oz. Isomil Go & Grow Soy	\$22.46
13 oz. Isomil with Iron Concentrate Formula	\$4.76
12.9 oz. Isomil with Iron Powder Formula	\$13.61
32 oz. Isomil DF Ready-to-Feed Formula	\$6.04
13 oz. Nutramigen Lipil Concentrate Formula ...	\$7.15
32 oz. Nutramigen Lipil Ready-to-Feed Formula ..	\$8.76
16 oz. Nutramigen Lipil Powder Formula	\$26.09
8 oz. Pediasure Ready-to-Feed Formula	\$2.07
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.11
13 oz. Similac Advance Concentrate Formula	\$4.48
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.39
12.9 oz. Similac Advance Powder Formula	\$13.75

<i>Description</i>	<i>Maximum Allowable Price</i>
12.9 oz. Similac Go & Grow Milk	\$12.42
24 oz. Similac Go & Grow Milk	\$22.16
13 oz. Similac with Iron Concentrate Formula ...	\$4.14
32 oz. Similac with Iron Ready-to-Feed Formula ..	\$5.53
12.9 oz. Similac with Iron Powder Formula	\$12.96
13 oz. Similac Sensitive Concentrate Formula ...	\$4.96
32 oz. Similac Sensitive Ready-to-Feed Formula..	\$6.20
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Sensitive Powder	\$14.84
12.8 oz. Similac Neosure Advance Powder Formula	\$15.89
32 oz. Similac Neosure Advance RTF Formula ...	\$7.55

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 April 1, 2008, through June 30, 2008, the Competitive Prices for WIC Authorization for Type 2 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	\$2.40
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.64
12 oz. Evaporated Milk	\$1.27
16 oz. Dry Milk	\$5.79
1 doz. Grade A Eggs	\$2.29
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$0.97
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.61
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$2.08
15 to 18 oz. Peanut Butter	\$2.85
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.92
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.06
4 oz. Gerber Infant Juice	\$0.74
13 oz. Isomil Advance Concentrate Formula	\$4.99
32 oz. Isomil Advance Ready-to-Feed Formula ...	\$6.16
12.9 oz. Isomil Advance Powder Formula	\$14.74
13 oz. Similac Advance Concentrate Formula	\$4.48
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.39
12.9 oz. Similac Advance Powder Formula	\$13.75

Maximum Allowable Prices and Competitive Prices for Type 3 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 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2008, through June 30, 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	\$2.55
12 oz. Evaporated Milk	\$1.35
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.28
1/2 gal. Kosher Milk	\$3.27
4 oz. Kosher Infant Juice	\$0.78
8 oz. Kosher Infant Cereal	\$2.23
1 doz. Grade A Eggs	\$2.40
1 lb. Fresh Carrots	\$1.09
14 to 16 oz. Canned Carrots	\$1.09
1 lb. Cheese	\$7.84
1 lb. Kosher Cheese	\$8.90
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.23
15 to 18 oz. Peanut Butter	\$3.22
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.16
6 oz. Cans Juice	\$1.53
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.18
4 oz. Gerber Infant Juice	\$0.78
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.79
16 oz. Alimentum Advance Powder Formula	\$28.68
12.8 oz. EnfaCare LIPIL w/ Iron Powder Formula	\$16.44
13 oz. Isomil Advance Concentrate Formula	\$5.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.84
12.9 oz. Isomil Advance Powder Formula	\$16.59
12.9 oz. Isomil Go & Grow Soy	\$14.44
24 oz. Isomil Go & Grow Soy	\$25.85
13 oz. Isomil with Iron Concentrate Formula	\$5.79
12.9 oz. Isomil with Iron Powder Formula	\$15.31
32 oz. Isomil DF Ready-to-Feed Formula	\$7.83
13 oz. Nutramigen Lipil Concentrate Formula	\$8.22
32 oz. Nutramigen Lipil Ready-to-Feed Formula ..	\$10.42
16 oz. Nutramigen Lipil Powder Formula	\$28.85
8 oz. PediaSure Ready-to-Feed Formula	\$2.51
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.50
13 oz. Similac Advance Concentrate Formula	\$5.32
32 oz. Similac Advance Ready-to-Feed Formula ..	\$7.66
12.9 oz. Similac Advance Powder Formula	\$15.72
12.9 oz. Similac Go & Grow Milk	\$14.35
24 oz. Similac Go & Grow Milk	\$25.49
13 oz. Similac with Iron Concentrate Formula	\$5.31
32 oz. Similac with Iron Ready-to-Feed Formula ..	\$7.53
12.9 oz. Similac with Iron Powder Formula	\$15.41
13 oz. Similac Sensitive Concentrate Formula	\$5.74
32 oz. Similac Sensitive Ready-to-Feed Formula ..	\$8.02
32 oz. Similac Sensitive RS Ready-to-Feed Formula	\$8.03
12.9 oz. Similac Sensitive Powder	\$16.55
12.8 oz. Similac Neosure Advance Powder Formula	\$18.28
32 oz. Similac Neosure Advance RTF Formula	\$9.51

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 April 1, 2008, through June 30, 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	\$2.53
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.88
12 oz. Evaporated Milk	\$1.27
16 oz. Dry Milk	\$5.91
1 doz. Grade A Eggs	\$2.29
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.03
1 lb. Cheese	\$6.69
1 lb. Kosher Cheese	\$8.67
1 lb. Dry Beans or Peas	\$1.61
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.23
15 to 18 oz. Peanut Butter	\$2.85
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.92
6 to 6.5 oz. Chunk Light Tuna Packed in Water ..	\$1.06
4 oz. Gerber Infant Juice	\$0.78
13 oz. Isomil Advance Concentrate Formula	\$5.74
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.84
12.9 oz. Isomil Advance Powder Formula	\$16.59
13 oz. Similac Advance Concentrate Formula	\$5.32
32 oz. Similac Advance Ready-to-Feed Formula ..	\$7.66
12.9 oz. Similac Advance Powder Formula	\$15.72

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. 08-598. Filed for public inspection March 28, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cash On The Spot 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 On The Spot.

2. *Price:* The price of a Pennsylvania Cash On The Spot instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Cash On The Spot instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Money Bag symbol (MNYBAG), Bell symbol (BELL), Chest symbol (CHEST), Clover symbol (CLOVER), Coins symbol (COINS), Diamond symbol (DMND), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Horse Shoe symbol (SHOE), 7 symbol (SVN), Wallet symbol (WALLET) and a Cash symbol (CASH).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$40, \$50, \$100 and \$500. The player can win up to 6 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Cash On The Spot instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$500 (FIV HUN) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(b) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$100 (ONE HUN) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$50\$ (FIFTY) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$40\$ (FORTY) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$20\$ (TWENTY) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$2⁰⁰ (TWO DOL) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(i) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of \$1⁰⁰ (ONE DOL) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$1.

(j) Holders of tickets with a play symbol of Cash (CASH), and a prize symbol of FREE (TICKET) appearing in the prize area under that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Cash On The Spot instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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>Get A "Cash" Symbol Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
FREE	FREE \$1 TICKET	11.54	1,040,000
\$1	\$1	75	160,000
\$1 × 2	\$2	33.33	360,000
\$2	\$2	33.33	360,000
\$1 × 5	\$5	75	160,000
\$5	\$5	75	160,000
\$2 × 5	\$10	300	40,000
\$5 × 2	\$10	300	40,000
\$10	\$10	300	40,000
(\$2 × 5) + \$10	\$20	1,500	8,000
\$5 × 4	\$20	1,500	8,000
\$10 × 2	\$20	1,500	8,000
\$20	\$20	750	16,000
\$10 × 4	\$40	2,400	5,000
\$20 × 2	\$40	2,400	5,000
\$40	\$40	2,400	5,000
(\$10 × 5) + \$50	\$100	12,000	1,000
\$50 × 2	\$100	12,000	1,000
\$100	\$100	10,909	1,100
\$500	\$500	24,000	500

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 On The Spot 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 On The Spot, prize money from winning Pennsylvania Cash On The Spot 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 On The Spot 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 On The Spot or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-599. Filed for public inspection March 28, 2008, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Elizabethtown v. DEP; EHB Doc. No. 2008-068-L

Borough of Elizabethtown has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Borough of Elizabethtown for a facility in Donegal Township, Lancaster County.

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

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

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

THOMAS W. RENWAND,
Acting Chairman

[Pa.B. Doc. No. 08-600. Filed for public inspection March 28, 2008, 9:00 a.m.]

Hampden Township v. DEP; EHB Doc. No. 2008-075-L

Hampden Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Hampden Township for a facility in Hampden Township, Cumberland County.

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

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

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

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 08-601. Filed for public inspection March 28, 2008, 9:00 a.m.]

University Area Joint Authority v. DEP; EHB Doc. No. 2008-077-L

University Area Joint Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to University Area Joint Authority for a facility in Beaver and College Townships, Centre County.

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

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

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

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 08-602. Filed for public inspection March 28, 2008, 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, PA 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 or you can obtain a copy from their web site, www.irrc.state.pa.us.

Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
7-408	Environmental Quality Board Permit Streamlining	3/14/08	4/17/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-603. Filed for public inspection March 28, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control

KnightBrook, LLC has filed an application to acquire control of Northwestern Insurance Company, a Pennsylvania domiciled stock casualty insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-604. Filed for public inspection March 28, 2008, 9:00 a.m.]

Farmington Casualty Company, The Automobile Insurance Company of Hartford, CT, The Charter Oak Fire Insurance Company, The Phoenix Insurance Company, The Travelers Indemnity Company, The Travelers Indemnity Company of America; Homeowners; Rate and Rule Revision; Rate Filing

On March 14, 2008, the Insurance Department (Department) received from Farmington Casualty Company, The Automobile Insurance Company of Hartford, CT, The Charter Oak Fire Insurance Company, The Phoenix Insurance Company, The Travelers Indemnity Company and The Travelers Indemnity Company of America a filing for a rate level and rule change for homeowners insurance.

The companies request an overall 2.9% increase amounting to \$4,842,682 annually, to be effective August 19, 2008, for renewal business only.

Unless formal administrative action is taken prior to April 13, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Michael P. McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-605. Filed for public inspection March 28, 2008, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board on Tuesday, April 8, 2008, 10:30 a.m. to be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 08-606. Filed for public inspection March 28, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
March 13, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Exergy Group, LLC
(2006.0295.00); C-20077664; A-311246*

Default Order

On April 23, 2007, the Law Bureau Prosecutory Staff filed a Formal Complaint against Exergy Group, LLC (the Respondent), a reseller of toll services carrier certificated at A-311246. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2005 Annual Report was due. The Complaint charged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2005 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2005 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was not served because it was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2005 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506, and 3301. Based on Respondent's failure to file its 2005 Annual Report and upon our inability to serve the Complaint, we conclude that revocation of Exergy Group, LLC's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

3. Exergy Group, LLC immediately cease providing service to any new customers and, within 10 days of the entry date of this Order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day comment period established pursuant to Ordering Paragraph No. 2, above.

4. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate of public convenience held by Exergy Group, LLC at A-311246 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-607. Filed for public inspection March 28, 2008, 9:00 a.m.]

Gas Service

A-2008-2029743. Allegheny Land and Exploration, Inc. Application of Allegheny Land and Exploration, Inc., for approval of the right to begin to supply Gas Transporting or Conveying Service by Pipeline to the public in Elk, Pleasant, Sheffield and Cherry Grove Townships, Warren County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 14, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Allegheny Land and Exploration, Inc.

Through and By Counsel: Norman J. Kennard, Esquire, Kennard Law Offices, LLC, 116 Pine Street, 5th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-608. Filed for public inspection March 28, 2008, 9:00 a.m.]

Rescission Orders

Public Meeting held
March 13, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Budget Phone, Inc.
(2006.0295.00); C-20077742; A-311159*

Rescission Order

On December 3, 2007, the Commission entered a Default Order at this docket against Budget Phone, Inc. (Budget), a competitive local exchange carrier certificated at A-311159, for failure to file its 2005 Telecommunications Relay Service Annual Access Line Summary Report and Annual Tracking Report. The Default Order was published December 22, 2007, at 37 Pa.B. 6886. On December 18, 2007, however, Budget had submitted its 2005 Telecommunications Relay Service Annual Access Line Summary Report and Annual Tracking Report.

By letter dated February 25, 2008, Budget's new consultant, Technologies Management, Inc., submitted a check in the amount of \$250 payable to the Commonwealth of Pennsylvania to satisfy Budget's late fee for failure to file its 2005 Annual Report in a timely manner. The new consultant also advised that it will now be handling Budget's compliance reporting and assured the Commission that this will not occur again; *Therefore,*

It Is Ordered That:

1. The Default Order entered December 3, 2007, is hereby rescinded.

2. A copy of this Order be published in the *Pennsylvania Bulletin*.

Public Meeting held
March 13, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Business Discount Plan, Inc.
(2006.0295.00); C-20077684; A-310262*

Rescission Order

On November 30, 2007, the Commission entered a Default Order at this docket against Business Discount Plan, Inc. (Business Discount), a reseller of toll services certificated at A-310262, for failure to file its 2005 Annual Report. The Default Order was published December 22, 2007, at 37 Pa.B. 6872. On December 12, 2007, however, Business Discount submitted its 2005 Annual Report and subsequently on February 22, 2008, submitted a check in the amount of \$250 payable to the Commonwealth of Pennsylvania to satisfy its late fee for failure to file its 2005 Annual Report in a timely manner; *Therefore,*

It Is Ordered That:

1. The Default Order entered November 30, 2007, is hereby rescinded.

2. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-609. Filed for public inspection March 28, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 14, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-2008-2024337. Keith Solomon, t/a Solomon's Chariot (106 East Hortter Street, Philadelphia PA 19119)—persons, in paratransit service, from points in the City and County of Philadelphia, to all State and Federal Correctional Institutions, located in Pennsylvania, and return

A-2008-2024530. Premier Luxury Rentals, Inc. (790 East Market Street, Suite 380, West Chester, Chester County, PA 19382)—a corporation of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties of Bucks, Chester, Montgomery and Berks, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2025138. James Richard Diven (9 Wagon Wheel Lane, Mifflintown, Juniata County, PA 17059)—persons, in paratransit service, limited to those persons whose personal convictions prevent them from owning or operating motor vehicles, from points within an airline distance of 100 statute miles from the city limits of Mifflintown, Juniata County, to points in Pennsylvania, and return.

A-2008-2025280. Richard A. Topper (1031 Elwood Street, Narvon, Lancaster County, PA 17155)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania and return.

Applications of the following for approval to *begin* operating as *contract carriers* for transportation of *persons* as described under each application.

A-2008-2024161. Sarah Car Care, Inc. (7147 Lynford Street, Philadelphia, Philadelphia County, PA 19149), a corporation of the Commonwealth—contract carrier—

persons, for Logisticare Solutions, LLC, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-002008-2024551. Robina Shafqat (800 West Olney Avenue, Suite A, Philadelphia, PA 19111)—certificate of public convenience to begin to transport, as a contract carrier for LogistiCare Solutions, LLC (A-00123240), persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-2008-2020886. Always Moving, LLC (1618 South Broad Street, Philadelphia, PA 19145)—household goods in use, from points in the Townships of Abington, Cheltenham, East Norriton, Horsham, Lower Merion, Lower Moreland, Plymouth, Springfield, Upper Dublin, Upper Merion, Upper Moreland, West Norriton, Whitmarsh and Whitpain, all in Montgomery County; the Townships of Bensalem, Bristol, Buckingham, Doylestown, Falls, Lower Southampton, Northampton, Solebury, Upper Southampton, Warminster, Warrington and Warwick, all in Bucks County; the Townships of Aston, Bethel, Chadds Ford, Chester, Concord, Darby, Edgmont, Haverford, Lower Chichester, Marple, Middletown, Nether Providence, Newtown, Radnor, Ridley, Springfield, Thornbury, Tinicum, Upper Chichester, Upper Darby and Upper Providence, all in Delaware County, and the County of Philadelphia, to points in Pennsylvania.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00118059. Judith A. Blecher, t/a Blecher's Amish Taxi (921 Mt. Pleasant Road, Quarryville, Lancaster County, PA 17566)—for the discontinuance of service and cancellation of her certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, between points in the Borough of Quarryville, Lancaster County, and within an airline distance of 35 statute miles of the limits of said Borough, and from points in said territory, to points in Pennsylvania, and return, limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-610. Filed for public inspection March 28, 2008, 9:00 a.m.]

Telecommunications

A-2008-2029124. Verizon North, Inc. and MetroPCS Pennsylvania, LLC. Joint petition of Verizon North, Inc. and MetroPCS Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and MetroPCS Pennsylvania, LLC, by its counsel, filed on March 3, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and MetroPCS Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-611. Filed for public inspection March 28, 2008, 9:00 a.m.]

Telecommunications

A-2008-2029152. Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC. Joint petition of Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC, by its counsel, filed on February 29, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and MetroPCS Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-612. Filed for public inspection March 28, 2008, 9:00 a.m.]

Telecommunications

A-310018F7000. Verizon Pennsylvania, Inc. and Talk America, Inc. Joint petition of Verizon Pennsylvania, Inc. and Talk America, Inc. for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Talk America, Inc., by its counsel, filed on March 10, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Talk America, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-613. Filed for public inspection March 28, 2008, 9:00 a.m.]

Telecommunications

A-310922F7001. Verizon North, Inc. and Core Communications, Inc. Joint petition of Verizon North, Inc. and Core Communications, Inc. for approval of amendment No. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Core Communications, Inc., by its counsel, filed on March 3, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Core Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-614. Filed for public inspection March 28, 2008, 9:00 a.m.]

Telecommunications

A-2008-2029661. Verizon North, Inc. and Wholesale Carrier Services, Inc. Joint petition of Verizon North, Inc. and Wholesale Carrier Services, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Wholesale Carrier Services, Inc., by its counsel, filed on March 8, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Wholesale Carrier Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-615. Filed for public inspection March 28, 2008, 9:00 a.m.]

Wastewater Service

A-2008-2029736. 3 R Development. Application of 3 R Development for approval of the abandonment or discontinuance of wastewater service to the public in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 14, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: 3 R Development

Through and By Counsel: Timothy M. Maatta, Esquire, 513 Schoonmaker Avenue, Monessen, PA 15062

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-616. Filed for public inspection March 28, 2008, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bid

The Philadelphia Regional Port Authority (PRPA) will accept faxed bids for Project No. 08-028.P, Roofing Supplies, until 2 p.m. on Monday, March 31, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 24, 2008. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 08-617. Filed for public inspection March 28, 2008, 9:00 a.m.]

