

PENNSYLVANIA BULLETIN

Volume 38

Number 14

Saturday, April 5, 2008 • Harrisburg, PA

Pages 1575—1692

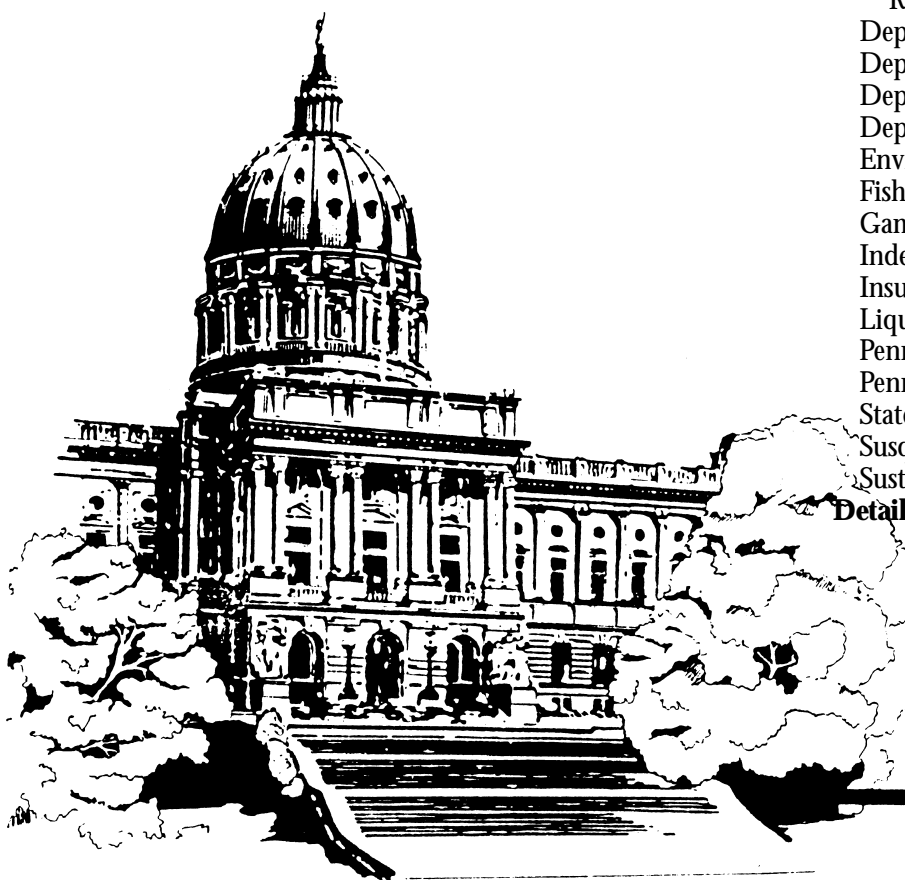
See Part II page 1665
for the Subject Index for
January—March 2008

Part I

Agencies in this issue

The General Assembly
The Courts
Capitol Preservation Committee
Department of Banking
Department of Conservation and Natural
Resources
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Public Welfare
Environmental Hearing Board
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
State Police
Susquehanna River Basin Commission
Sustainable Water Infrastructure Task Force

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 401, April 2008

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

FRY COMMUNICATIONS, INC.

Attn: *Pennsylvania Bulletin*

800 W. Church Rd.

Mechanicsburg, PA 17055-3198

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City)

(State)

(Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 2008 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING
 Meetings scheduled 1582

THE COURTS

LOCAL COURT RULES
Franklin and Fulton Counties
 Chapter 1, scope of rules, construction and definitions, local rules; part A, business of the courts; miscellaneous doc. CP-28-AD-1-2008 1583

EXECUTIVE AGENCIES

CAPITOL PRESERVATION COMMITTEE
Notices
 Request for proposal postponed 1599

DEPARTMENT OF BANKING
Notices
 Actions on applications 1599

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
Notices
 Snowmobile and ATV Advisory Committee meeting . 1600

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices
 Applications, actions and special notices 1601
 Availability of technical guidance 1639
 Neshaminy Creek Watershed Nutrient Total Maximum Daily Loads (TMDL); rationale for withdrawal 1640

DEPARTMENT OF HEALTH
Notices
 Application for exception:
 Heart of Lancaster Regional Medical Center 1643
 Wyomissing Surgical Services 1643

DEPARTMENT OF LABOR AND INDUSTRY
Notices
 Range of fees charged by utilization review organizations and peer review organizations for services performed under the Workers' Compensation Act 1643

DEPARTMENT OF PUBLIC WELFARE
Notices
 Federal poverty income guidelines for 2008 1644

ENVIRONMENTAL HEARING BOARD
Notices
 Borough of Chambersburg v. DEP; EHB doc. no. 2008-079-L 1645
 The Chesapeake Bay Foundation, Inc. v. DEP and Lower Allen Township Authority; EHB doc. no. 2008-080-L 1645
 Middletown Borough Authority v. DEP; EHB doc. no. 2008-086-L 1646

FISH AND BOAT COMMISSION
Rules and Regulations
 Fishing 1584

Proposed Rulemakings
 Fishing (2 documents) 1588, 1589

GAME COMMISSION
Proposed Rulemakings
 Hunting and trapping 1590
 Seasons and bag limits (2 documents) 1591, 1597

INDEPENDENT REGULATORY REVIEW COMMISSION
Notices
 Action taken by the Commission (2 documents) 1646
 Notice of comments issued 1647

INSURANCE DEPARTMENT
Notices
 Aetna Health, Inc.; individual advantage plans (superior and standard); rate filing 1655
 Agency contract termination of Hurst-Weiss Insurance Agency, Inc.; doc. no. AT08-03-027 1655
 Application for approval to acquire control 1656
 Getty Petroleum Marketing; hearing 1656
 HealthAmerica; pharmacy rider rates for HMO and HSA HMO for eastern, south-eastern and western Pennsylvania; rate filing 1656
 Review procedure hearings; cancellation or refusal of insurance 1656
 Review procedure hearings under the Unfair Insurance Practices act 1657
 Saul D. Wolfson, M. D.; prehearing 1657

LIQUOR CONTROL BOARD
Notices
 Expiration of leases 1658

PENNSYLVANIA GAMING CONTROL BOARD
Rules and Regulations
 General provisions; and applications 1585

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Notices
 Electric tariff 1659
 Local exchange carrier services 1660
 Service of notice of motor carrier applications 1660
 Telecommunications 1661
 Wastewater service 1661
 Water and wastewater service 1661

STATE POLICE
Rules and Regulations
 Corrective amendment to 37 Pa. Code Chapter 23 .. 1587

SUSQUEHANNA RIVER BASIN COMMISSION
Notices
 Public hearing and meeting 1661

SUSTAINABLE WATER INFRASTRUCTURE TASK FORCE
Notices
 Meeting scheduled 1662

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

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.

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)

Adopted Rules

6	741
7	474

Proposed Rules

241	613, 614
247	612, 615

22 Pa. Code (Education)

Adopted Rules

4	872, 1148
36	339
338	76

25 Pa. Code (Environmental Protection)

Adopted Rules

93	1357
271	1357
279	1357
287	1357
293	1357
806	610
808	610

Proposed Rules

86	80
93 (correction)	236, 612, 976
121	229
126	229
130 (correction)	1150
218	1246
240	1246

Statements of Policy

16	258
83	889

28 Pa. Code (Health and Safety)

Adopted Rules

101	573
117	573

Proposed Rules

23	750, 1150
27	750, 1150

37 Pa. Code (Law)

Adopted Rules

23	1587
----------	------

Proposed Rules

221	1486
-----------	------

40 Pa. Code (Liquor)

Proposed Rules

5	499
---------	-----

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

47	484
49	484

Proposed Rules

21	344
27	350, 351
39	1168

51 Pa. Code (Public Officers)

Proposed Rules

31	435, 1253
33	435, 1253
35	435, 1253
37	435, 1253
39	435, 1253
41	435, 1253
43	435, 1253
45	435, 1253
51	435, 1253
53	435, 1253
55	435, 1253
57	435, 1253
59	435, 1253
61	435
63	435
65	435, 1253

52 Pa. Code (Public Utilities)

Adopted Rules

63	488
----------	-----

Proposed Rules

54	776
62	776
63	758
76	776

58 Pa. Code (Recreation)

Adopted Rules

53	1584
63	1584
65	1468
111	1468
141	1471, 1472
143	1469, 1470
147	1472, 1473
405a	1474
421a	1585
423a	1585
461a	1474

Proposed Rules

65	1588
69	1589
137	1484
139	1591, 1597
141	1482, 1590
143	1477, 1482
147	1477, 1483
401a	1151
435a	1151
439a	1151
441a	1039, 1041, 1151
461a	343, 1151
461b	1151
463a	1151
465a	1151

Statements of Policy

421b	977
461b	354

61 Pa. Code (Revenue)**Adopted Rules**

32	1148
113	1476

Statements of Policy

60	977
----------	-----

201 Pa. Code (Judicial Administration)**Adopted Rules**

2	220
7	220

204 Pa. Code (Judicial System General Provisions)**Proposed Rules**

213	1438
303	9

207 Pa. Code (Judicial Conduct)**Adopted Rules**

33	1445
61	1445

Proposed Rules

61	865, 1037
----------	-----------

210 Pa. Code (Judicial Conduct)**Proposed Rules**

17	1445
21	1446

231 Pa. Code (Rules of Civil Procedure)**Adopted Rules**

200	1349
-----------	------

Proposed Rules

200	337
1910	1447

234 Pa. Code (Rules of Criminal Procedure)**Adopted Rules**

1	745
---------	-----

Proposed Rules

1	61, 865
---------	---------

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

100	1142
150	1146
300	1142
600	1146
800	1142

Proposed Rules

1	1349
5	63
11	477, 1349
13	477
18	477

249 Pa. Code (Philadelphia Rules)

Unclassified	223, 868, 1241
--------------------	----------------

252 Pa. Code (Allegheny Rules)

Unclassified	64
--------------------	----

255 Pa. Code (Local Court Rules)

Unclassified	72, 223, 225, 338, 481, 482, 596, 748, 975, 1037, 1241, 1354, 1449, 1458, 1466, 1583
--------------------	---

THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following public meetings to be held at The Omni William Penn Hotel, 530 William Penn Place, Pittsburgh, PA 15219:

Tuesday, April 15, 2008	Dinner/Policy Committee Meeting	6:30/7:30 p.m.
Wednesday, April 16, 2008	Quarterly Commission Meeting	9 a.m.

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 08-619. Filed for public inspection April 4, 2008, 9:00 a.m.]

THE COURTS

Title 255—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Chapter 1, Scope of Rules, Construction and Definitions, Local Rules; Part A, Business of the Courts; Miscellaneous Doc. CP-28-AD-1-2008

March 24, 2008, in accordance with Pennsylvania Rules of Criminal Procedure, Rule 116 regarding the general supervisory powers of the President Judge,

The Court Hereby promulgates Local Rule of Court No. 120 as follows:

CHAPTER 1. SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

PART A. BUSINESS OF THE COURTS

§ 120. Franklin County Jail Courtroom Facilities.

Pursuant to the authority granted by Part II, Article C, Chapter 9, Section 913 of the *Judicial Code* (42 Pa.C.S.A 913) relating to "Seats of the courts" the President Judge of the 39th Judicial District in accordance with the general supervisory powers of the President Judge provided in Pennsylvania Rules of Criminal Procedure, Rule 116 hereby directs and authorizes regular sessions of the Court of Common Pleas for the 39th Judicial District—Franklin and Fulton Counties to be held at the Courtroom Facilities of the Franklin County Jail located at 1804 Opportunity Avenue, Chambersburg, Pennsylvania 17201.

The Court Administrator of the 39th Judicial District will maintain and be responsible for scheduling and providing notice of any court proceedings held at this location as authorized by the Court.

Inquiries concerning the schedule for sessions to be held at this location may be made to the Court Administrator for the 39th Judicial District at the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, PA 17201 or at (717) 261-3848.

Public access will be granted in accordance with the law for all proceedings held at this location.

It Is Further Ordered that the Court Administrator, in accordance with Pennsylvania Rules of Criminal Procedure, Rule 105(C) will cause the Rule to be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and further directs the Court Administrator to comply with all terms and conditions of Rule 105.

This Rule shall be effective no sooner than thirty (30) days after publication of the Rule in the *Pennsylvania Bulletin*.

The Court Further directs the Court Administrator of the 39th Judicial District to publish Notice of the issuance of this Order one time in the *Franklin County Legal Journal* and the following newspapers of general circulation: *Public Opinion*, *Waynesboro Record Herald* and the *Fulton County News*.

By the Court

JOHN R. WALKER,
President Judge

[Pa.B. Doc. No. 08-620. Filed for public inspection April 4, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION [58 PA. CODE CHS. 53 AND 63] Fishing

The Fish and Boat Commission (Commission) amends Chapters 53 and 63 (relating to Commission property; and general 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 Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

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

D. Purpose and Background

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

E. Summary of Changes

The Commission has adopted amendments that prohibit bass fishing tournaments on the West Branch, North Branch and main stem of the Susquehanna River that permit the killing of black bass (*Micropterus spp*). This ban was generated in response to angler concerns about organized events that focus on taking black bass, especially at a time when agency biologists and bass anglers have concerns about the relatively weak reproduction of young smallmouth bass in parts of the river system in recent years. This rule will not apply to tournament harvest of species other than black bass.

On final-form rulemaking, the Commission adopted the amendments as set forth in the notice of proposed rulemaking with the following clarifications. The notice of proposed rulemaking simply referred to bass instead of black bass. In addition, the notice of proposed rulemaking used the term "harvest" instead of "kill." As a result of public input, the Commission determined that it would be useful to clarify that the Commission's use of the word "harvest" is intended to prohibit the killing of black bass during tournaments. Accordingly, the Commission adopted the amendments as set forth in Annex A.

F. Paperwork

The final-form rulemaking will not increase paperwork and will create new no 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. 6417 (December 8, 2007). Prior to the formal public comment period, the Commission received a total of 33 comments. Thirty-two of the comments supported the proposal. One supported catch and release fishing and personally practices it but believes that if individuals wish to keep some of their catch, they should be allowed to do so. During the formal public comment period, the Commission received 73 comments (of which 11 were from prior commentators). Of the 73 comments, 72 supported the proposal and one opposed it. The Commission received a total of six public comments after the close of the formal public comment period, all supporting the proposed 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 Chapters 53 and 63, are amended by amending §§ 53.24 and 63.40 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

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

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

Fiscal Note: Fiscal Note 48A-199 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 53. COMMISSION PROPERTY

§ 53.24. Tournament and fishing derby permits.

* * * * *

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

Subpart B. Fishing

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.40. Fishing tournaments and fishing derbies.

* * * * *

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

[Pa.B. Doc. No. 08-621. Filed for public inspection April 4, 2008, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 421a AND 423a]

General Provisions; and Applications

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) amends Chapters 421a and 423a (relating to general provisions; and applications) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This rulemaking adds new provisions relating to advertising and abandoned applications.

Explanation of the Amendments to Chapters 421a and 423a

This rulemaking adds § 421a.6 (relating to advertising) which allows the Board to require slot machine, manufacturer and junket licensees to cease using inappropriate advertising; defines what will be considered to be adver-

tising; prohibits the use of false or misleading information; requires the inclusion of a toll-free gambling assistance telephone number in any advertisement which must be approved utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan); and bars slot machine, manufacturer and junket licensees from using individuals to induce patrons to engage in gaming or play a specific slot machine.

This rulemaking also amends § 423a.4 (relating to deficient applications) by adding new provisions governing abandoned applications.

Comment and Response Summary

Notice of proposed rulemaking was published at 37 Pa.B. 5804 (October 27, 2007).

The Board received comments from International Gaming Technology (IGT) during the public comment period. On December 26, 2007, comments on the proposed rulemaking were received from the Independent Regulatory Review Commission (IRRC). The comments were reviewed by the Board and are discussed in detail as follows.

On § 421a.6(a), IRRC commented that the phrases "as expeditiously as possible" and "within the spirit of the act" lacked clarity. IRRC suggested that a specific time period be established in lieu of "as expeditiously as possible" and that specific criteria be inserted to define what would be "within the spirit of the act."

The Board agrees that "as expeditiously as possible" does not set a specific time period. However, the wide range of types of advertisements restricts the Board's ability to set a reasonable specific time period that would work for all types of advertisements. For example, television and radio advertisements may be able to be discontinued within days but print advertisements may require much longer time frames. To provide some flexibility for the affected licensees, the Board is retaining the proposed language. The Board will work with licensees on a case by case basis to discontinue inappropriate advertisements as quickly as possible.

Concerning IRRC's second suggestion for this subsection, the Board has replaced the phrase "is not within the spirit of the act" with the phrase "could adversely impact the public or the integrity of gaming." This should provide licensees with a better understanding of what the Board will be looking for in advertisements.

On § 421a.6(b), IRRC asked if this regulation would apply to emails to existing or potential customers and if there is a difference between "advertisements" and "promotions."

As IRRC has noted, many advertisers today use email as a direct means of reaching existing and potential customers. Accordingly, email has been added to the list of items that are considered to be advertisements in the final-form regulation.

Advertisements are intended to encourage individuals to come to a licensed facility. Promotions, which generally offer something to individuals as an inducement for the individuals to participate in gaming, are just one type of advertising. Therefore, the use of the term "promotion" in the regulation is somewhat redundant and is not necessary. For this reason, the Board has eliminated the term in the final-form regulation.

On § 421a.6(d), IGT had two suggestions. First, IGT suggested that the Board add specific language that would be acceptable to the Board so that individual

reviews by the Director of the Office of Compulsive and Problem Gambling (Office) would not be necessary. Second, IGT suggested that messages transmitted to a player from a slot machine be exempt from this section. IRRC concurred with IGT's first suggestion and asked if this requirement would also apply to promotions.

To give licensees some flexibility, the Board has elected not to mandate specific language that must be used by all licensees. However, to reduce the need for numerous filings the Board has added the phrase "if it has not been previously approved by the Director of the Office of Compulsive and Problem Gambling" to subsection (d). This will substantially reduce the number of approvals the affected licensees will have to obtain. For example, if a slot machine licensee has received approval under § 501a.5(b) or § 421a.6 or the text and font size for print advertisements, each time the slot machine licensee does a new print advertisement, the slot machine licensee would not need to have the text and font size approved again unless it wanted to make a change. Additionally, the Board adopted a statement of policy on January 24, 2008, which provides guidelines on acceptable text and font sizes.

Concerning IGT's second suggestion, it was not the Board's intent to apply subsection (d) to the messages printed on slot machines at this time. The Board is currently reviewing the messaging capabilities of slot machines and slot monitoring and casino management systems. If the Board finds that there is a need to expand subsection (d) to include these messages, it will do a new proposed rulemaking.

As to IRRC's question concerning promotions, as noted previously the Board has deleted the term "promotion" because promotions are a type of advertisement.

In § 421a.6(e), IGT and IRRC asked for clarification of the term "virtual facsimile."

The Board's intent in this provision was to ban the use of individuals or video or electronic reproductions of individuals to pressure patrons to engage in gaming or to play a particular machine. However, it was not the Board's intent to prohibit slot machines from using general messages to attract a player's attention. Because technological advances in displays used on slot machines now allow life-like video reproductions, the Board has eliminated the phrase "virtual facsimile" from this subsection of the regulation. To further clarify the Board's intent, the term "induce" has been replaced with "persuade or convince."

Additional Revisions

In addition to the revisions discussed previously, the Board added the phrase "or the statement required under subsection (d)" to § 421a.6(c)(2) to make it clear that the prohibitions in subsection (c) also apply to the statement pertaining to assistance for gambling problems.

Additionally, minor formatting changes were made to § 421a.6(c) to improve clarity.

Affected Parties

Under this final-form rulemaking, slot machine, manufacturer and junket licensees will be required to cease using inappropriate advertising upon receipt of written notice from the Board and will have to have the language relating to a toll-free gambling assistance telephone number that will be used in any advertisement approved by the Director of the Office. There are 11 currently approved slot machine licensees, 16 licensed manufacturers and no licensed junkets.

Applicants whose applications are deemed abandoned, instead of being denied, will be able to file a new application immediately instead of having to wait 5 years.

Fiscal Impact

Commonwealth

There will be no new costs to the Board or other Commonwealth agencies as a result of this rulemaking. The Director of the Office currently reviews the toll-free gambling assistance telephone number message that is used in advertisements.

Political Subdivisions

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

Private Sector

The Board anticipates that there will be no significant new costs or savings to slot machine, manufacturer and junket licensees as a result of these amendments because they reflect existing requirements.

Applicants whose applications are deemed abandoned will be able to apply for a license, permit or registration immediately thereby increasing their ability to be employed in the gaming industry.

General Public

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

Paperwork requirements

This final-form rulemaking does 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 15, 2007, the Board submitted a copy of the proposed rulemaking, published at 37 Pa.B. 5804, 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 and the Senate Committees. Under section 5.1(e) of the act (71 P. S. § 745.5a(e)), IRRC met March 6, 2008, and approved the final-form rulemaking.

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 VII (relating to gaming).

Order

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

(a) The regulations of the Board, 58 Pa. Code Chapters 421a and 423a, are amended by amending § 423a.4 to read as set forth at 37 Pa.B. 5804 and by adding § 421a.6 to read as set forth in Annex A.

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

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

MARY DIGIACOMO COLINS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 1646 (April 5, 2008).)

Fiscal Note: Fiscal Note 125-72 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 421a. GENERAL PROVISIONS

§ 421a.6. Advertising.

(a) Slot machine, junket and manufacturer licensees will be required to discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice from the Board that the Board has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(b) For purposes of this section, the term "advertisement" means marketing materials including signs, billboards, print, radio and television advertisements, emails and any notice or communication by a slot machine, junket or manufacturer licensee or its agent to the public through broadcasting, publication, mailing or other means of dissemination.

(c) Advertisements used by slot machine, junket or manufacturer licensees may not:

(1) Contain false or misleading information.

(2) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring any material fact or the statement required under subsection (d).

(3) Fail to disclose any material conditions or limiting factors associated with the advertisement.

(d) Advertisements must contain a statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the statement and type size to be used for the statement, if it has not been previously approved by the Director of the Office of Compulsive and Problem Gambling, shall be submitted to the Director of the Office of Compulsive and Problem Gambling for approval utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan).

(e) A slot machine, junket or manufacturer licensee or an agent thereof may not employ or contract with an individual, persuade or convince a person to engage in gaming or play a specific slot machine at a licensed facility.

[Pa.B. Doc. No. 08-622. Filed for public inspection April 4, 2008, 9:00 a.m.]

Title 37—LAW

PART I. STATE POLICE

[37 PA. CODE CH. 23]

Corrective Amendment to 37 Pa. Code Chapter 23

The Pennsylvania State Police has discovered a discrepancy between the agency text of 37 Pa. Code Chapter 23, as deposited with the Legislative Reference Bureau, and the official text which appeared at 34 Pa.B. 6325 (November 27, 2004) and was published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 363) and as currently appearing in the *Pennsylvania Code*. The final section in the chapter was included erroneously and should be eliminated.

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania State Police has deposited with the Legislative Reference Bureau a corrective amendment to 37 Pa. Code Chapter 23. The corrective amendment to 37 Pa. Code Chapter 23 is effective as of November 27, 2004, the date the defective official text appeared in the *Pennsylvania Bulletin*.

The correct version of 37 Pa. Code Chapter 23 consists of § 23.1 (relating to definitions) and §§ 23.21—23.23 (relating to required training; age compliance checks; and notification of results of age compliance check).

SYNDI L. GUIDO,
Policy Director
Pennsylvania State Police

[Pa.B. Doc. No. 08-623. Filed for public inspection April 4, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing

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

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2009.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed addition of § 65.19 (relating to approved trout waters open to year-round fishing) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Currently, there are a number of waters listed in the *Pennsylvania Fishing Summary* as approved trout waters open to year-round fishing. These waters are regulated the same as approved trout waters except that they are open to fishing from March 1 through the opening day of trout season. Fishing for trout is permitted during this period, but no trout may be taken or possessed. In a recent review of the Commission's regulations, Commission staff discovered that this special regulation program was never formally adopted by the Commission. The Commission therefore proposes that a new section in Chapter 65 (relating to special fishing regulations) be added, thereby formally establishing this regulatory program. The Commission proposes that § 65.19 be added to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Comments*

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

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

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

Fiscal Note: 48A-200. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.19. Approved trout waters open to year-round fishing.

(a) The Executive Director, with the approval of the Commission, may designate waters as approved trout waters open to year-round fishing. The designation of waters as approved trout waters open to year-round fishing will be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as approved trout waters open to year-round fishing except in compliance with the following seasons and size and creel limits. It is not a violation of this section if a trout is immediately returned unharmed to the waters from which it is taken.

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 (or the first Saturday after March 28 for waters in the Regional Opening Day of Trout Season Program) to midnight Labor Day	7 inches	5 (combined species)
	Extended Season: 12:01 a.m. day after Labor Day to midnight last day of February of the following year.	7 inches	3 (combined species)
	12:01 first day of March to first Saturday after April 11 (or the first Saturday after March 28 for waters in the Regional Opening Day of Trout Season Program)		NO HARVEST—Catch and immediate release only

(c) It is unlawful to fish in waters designated as approved trout waters open to year-round fishing without a current trout/salmon permit.

[Pa.B. Doc. No. 08-624. Filed for public inspection April 4, 2008, 9:00 a.m.]

[58 PA. CODE CH. 69]
Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

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

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 69.12a (relating to special regulations applicable to Lake Erie tributary streams) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

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

E. Summary of Proposal

Currently, from the day after Labor Day until the opening day of trout season in April, all Lake Erie tributary streams are closed to fishing from 10 p.m. to 5 a.m. except for Walnut Creek and Elk Creek north of Route 5. The portion of Walnut Creek from Route 5 north to Manchester Road flows through a residential area. All of the property owners historically have allowed public fishing in Walnut Creek in this area and tolerated the problems associated with night time fishing.

During this year's steelhead season, however, several of the property owners expressed concerns to the Commission's law enforcement staff regarding the problems they are facing associated with night time fishing. Anglers fishing in this area at night are causing the property owners' dogs to become alarmed and start barking.

Property owners also indicate that they can hear anglers' loud voices and radios being played during the night time hours. Unfortunately, continued night time fishing in this section of Walnut Creek jeopardizes the privacy of the property owners and creates unnecessary disturbances to the entire neighborhood. The Commission also received two letters from property owners expressing similar concerns.

The Commission's law enforcement staff met with several of the property owners in an attempt to address their concerns. One potential solution that was discussed was to prohibit angling during the night time hours in this area. The property owners agreed to continue to allow public fishing between 5 a.m. and 10 p.m. The Commission therefore proposes that § 69.12a be amended to prohibit fishing in Walnut Creek from Route 5 north to Manchester Road Bridge between the hours of 10 p.m. and 5 a.m. The Commission proposes that § 69.12a be amended to read as set forth in Annex A.

By separate notice published in the *Pennsylvania Bulletin*, the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), already has taken immediate action to amend the Commission's regulation in § 69.12a to prohibit fishing in Walnut Creek from Route 5 north to Manchester Road Bridge between the hours of 10 p.m. and 5 a.m. The temporary modification went into effect immediately upon posting in the vicinity of the area affected and will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the amendment.

F. Paperwork

The proposed rulemaking will slightly increase paperwork and will create new paperwork requirements in that the Commission will post signs notifying anglers of the regulatory change. The Commission's Bureau of Law Enforcement will post both sides of the stream from the Manchester Road Bridge south to Route 5 and will post signs at the Walnut Creek Marina. After the first year that the change goes into effect, the Commission does not expect to have to post the stream.

G. Fiscal Impact

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

H. Public Comments

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

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

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

Fiscal Note: 48A-201. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12a. Special regulations applicable to Lake Erie tributary streams.

* * * * *

(c) From 12:01 a.m. on the day after Labor Day, until the first Saturday after April 11 of the following year, all Lake Erie tributary streams are closed to fishing from 10 p.m. until 5 a.m. on the following day except for Walnut Creek **north of Manchester Road Bridge** and Elk Creek north of Route 5.

* * * * *

[Pa.B. Doc. No. 08-625. Filed for public inspection April 4, 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, proposed the following rulemaking:

Amend § 141.45 (relating to turkey) to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

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 to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 18, 2008.

1. Purpose and Authority

On June 30, 2007, Governor Rendell signed into law the act of June 30, 2007 (P. L. 62, No. 18). This legislation effectively amended section 2383 of the code (relating to dogs pursuing, injuring or killing big game) to create an exception to the prohibition against the use of dogs to hunt big game by specifically permitting the use of a dog to pursue, chase, scatter and track wild turkeys during the fall wild turkey season. With the passage of this legislation, § 141.45 must be amended to maintain consistency with the recently amended statute. Therefore, the Commission is proposing to amend § 141.45 to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

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 § 141.45 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 141.45 to eliminate the regulatory prohibition against the use of dogs while hunting wild turkey.

3. Persons Affected

Persons wishing to hunt turkey during the fall turkey season within this Commonwealth may 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: 48-266. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 141. HUNTING AND TRAPPING
Subchapter C. BIG GAME

§ 141.45. Turkey.

(a) While hunting wild turkey it is unlawful to:

* * * * *

(2) Use [**dogs,**] drives or electronic callers.

* * * * *

[Pa.B. Doc. No. 08-626. Filed for public inspection April 4, 2008, 9:00 a.m.]

[**58 PA. CODE CH. 139**]
Seasons and Bag Limits

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

Amend § 139.4 (relating to seasons and bag limits for the license year) to provide updated seasons and bag limits for the 2008-2009 hunting license year.

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 to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 18, 2008.

1. Purpose and Authority

The Commission is required to set hunting and furtaking seasons and bag limits on an annual basis. Although the 2008-2009 seasons and daily season and possession limits are similar to those set in 2007-2008, the 2008-2009 seasons and bag limits have been amended to conform to current available scientific data, population and harvest records, field surveys and professional staff observations, as well as recommendations received from staff, organized sporting groups, members of the agricultural community and others interested in the wildlife resources of the Commonwealth. Some notable proposed changes for hunters next season will be expanded pheasant hunting opportunities for junior hunters, expanded crow hunting opportunities Statewide, reduced antlerless deer hunting opportunities in Wildlife Management Units (WMU) 2D, 2G, 3C and 4B during the regular firearms season, reduced elk hunting opportunities in Elk Hunt Zone 1 during the September season due to the elimina-

tion of the September season after 2008, expanded bobcat hunting/trapping opportunities in WMU 4D and finally, new wild boar hunting opportunities during the fall big game seasons Statewide. As the next license year is fast approaching, the Commission is proposing to amend § 139.4 to provide updated seasons and bag limits for the 2008-2009 license year.

Section 322(c)(1) of the code (relating to powers and duties of the commission) specifically empowers the Commission to “fix seasons, daily shooting or taking hours, and any modification thereof, and daily, season and possession limits for any species of game or wildlife.” Section 2102(b)(1) of the code authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking . . .” The amendment to § 139.4 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.4 by establishing when and where it is lawful to hunt and trap various game species and also place limits on the numbers that can be legally taken during the 2008-2009 license year.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth during the 2008-2009 license year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in any additional cost or paperwork.

5. Effective Date

The effective dates of the proposed rulemaking are July 1, 2008, to June 30, 2009.

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

(Editor's Notice: As part of this proposed rulemaking, the Commission is proposing to delete the existing text of § 139.4 which appears in 58 Pa. Code pages 139-3—139-14, serial pages (328389)—(328400) and replace it with the text which appears in Annex A. The new text has been printed in regular type to enhance readability.)

Fiscal Note: 48-262. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART III. GAME COMMISSION
CHAPTER 139. SEASONS AND BAG LIMITS
§ 139.4. Seasons and bag limits for the license year.

**(SEASONS AND BAG LIMITS TABLE)
2008-2009 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT,
FIELD POSSESSION LIMIT AND SEASON LIMIT
OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED**

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Squirrels—(Combined species) Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law.	Oct. 11	Oct. 17	6	12
Squirrels—(Combined species)	Oct. 18 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Feb. 7, 2009	6	12
Ruffed Grouse—(Statewide)	Oct. 18 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Jan. 24, 2009	2	4
Rabbits, Cottontail	Oct. 25 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Feb. 7, 2009	4	8
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law.	Oct. 11	Oct. 18	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D Eligible Junior Hunters only, with or without the required license, when properly accompanied as required by law.	Oct. 11	Oct. 18	2	4
Ringneck Pheasant—Male only in Wildlife Management Units 2A, 2B, 2C, 4C, 4E, 5A and 5B	Oct. 25	Nov. 29	2	4
Ringneck Pheasant—Male or female combined in Wildlife Management Units 1A, 1B, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4D, 5C and 5D	Oct. 25 and Dec. 15 and Dec. 26	Nov. 29 Dec. 23 Feb. 7, 2009	2	4
Bobwhite Quail—The hunting and taking of bobwhite quail is permitted in all Wildlife Management Units except in Wildlife Management Units 4A, 4B, 5A, 5B, 5C and 5D where the season is closed.	Oct. 25	Nov. 29	4	8
Hares (Snowshoe Rabbits) or Varying Hares	Dec. 26	Jan. 1, 2009	1	2

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Woodchucks (Groundhog)	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited

Species	First Day	Last Day	Daily Limit	Season Limit
Turkey—Male or Female			1	1
Wildlife Management Units 1A, 1B and 2A (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 15		
Wildlife Management Unit 2B (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 22		
Wildlife Management Units 2C, 2E, 2F, 4A and 4B	Nov. 1	Nov. 15		
Wildlife Management Units 2D, 2G, 3A, 3B, 3C, 3D, 4C, 4D and 4E	Nov. 1	Nov. 22		
Wildlife Management Units 5A and 5B	Closed to fall turkey hunting.			
Wildlife Management Units 5C and 5D (Shotgun, Bow and Arrow only)	Nov. 1	Nov. 7		
Turkey (Spring Gobbler) Statewide ¹ Bearded Bird only	April 25, 2009	May 25, 2009	1	2
Turkey (Spring Gobbler) Statewide Youth Hunt ¹ Bearded Bird only Eligible Junior Hunters only with the required license and when properly accompanied.	April 18, 2009	April 18, 2009	1	1

MIGRATORY GAME BIRDS

Except as further restricted by this chapter, the seasons, bag limits, hunting hours and hunting regulations for migratory game birds shall conform to regulations adopted by the United States Secretary of the Interior under authority of the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—711) as published in the *Federal Register* on or about August 27 and September 28 of each year.

Exceptions:

- (a) Hunting hours in § 141.4 (relating to hunting hours).
- (b) Nontoxic shot as approved by the Director of the United States Fish and Wildlife Service is required for use Statewide in hunting and taking of migratory waterfowl.

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Crows (Hunting permitted on Friday, Saturday and Sunday only)	Jul. 4, 2008	Apr. 5, 2009		Unlimited
Starlings and English Sparrows	No closed season except during the regular firearms deer seasons and until noon daily during the spring gobbler turkey season.			Unlimited
Wild Boar	May be taken while lawfully hunting deer, bear and fall turkey.			Unlimited

FALCONRY

Squirrels—(Combined species)	Sept. 1	Mar. 31, 2009	6	12
Quail	Sept. 1	Mar. 31, 2009	4	8
Ruffed Grouse	Sept. 1	Mar. 31, 2009	2	4
Cottontail Rabbits	Sept. 1	Mar. 31, 2009	4	8

Species	First Day	Last Day	Daily Limit	Field Possession Limit After First Day
Snowshoe or Varying Hare	Sept. 1	Mar. 31, 2009	1	2
Ringneck Pheasant—Male and Female—(Combined)	Sept. 1	Mar. 31, 2009	2	4

Migratory Game Birds—Seasons and bag limits shall be in accordance with Federal regulations.

DEER

Species	First Day	Last Day	Season Limit
Deer, Antlered and Antlerless—(Statewide) ² (Archery—Bows and Arrows Only) Crossbows may be used in Wildlife Management Units 2B, 5C and 5D	Oct. 4 and Dec. 26	Nov. 15 and Jan. 10, 2009	One antlered and an antlerless deer with each required antlerless license.
Deer, Antlerless—WMUs 2B, 5C and 5D (Archery—Bows and Arrows and Crossbows)	Sep. 20 and Nov. 17 and Dec. 15	Oct. 3 and Nov. 29 and Dec. 23	An antlerless deer with each required antlerless license.
Deer, Regular Antlered and Antlerless ² WMUs 1A, 1B, 2A, 2B, 2C, 2E, 2F, 3A, 3B, 3D, 4A, 4C, 4D, 4E, 5A, 5B, 5C and 5D	Dec. 1	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.
Deer, Regular Antlered only ² and ⁸ WMUs 2D, 2G, 3C and 4B	Dec. 1	Dec. 5	One antlered deer
Deer, Regular Antlered and Antlerless ² WMUs 2D, 2G, 3C and 4B	Dec. 6	Dec. 13	One antlered, and an antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) Only Junior and Senior License Holders, ³ PGC Disabled Person Permit Holders (to use a vehicle as a blind), and Residents serving on active duty in the United States Armed Forces, or in the United States Coast Guard, with required antlerless license	Oct. 23	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Antlerless only—(Statewide) (Muzzleloading season)	Oct. 18	Oct. 25	An antlerless deer with each required antlerless license.
Deer, Antlered or Antlerless—(Statewide) ² (Flintlock Muzzleloading season)	Dec. 26	Jan. 10, 2009	One antlered, or one antlerless—plus an additional antlerless deer with each required antlerless license.
Deer, Antlerless Wildlife Management Units 2B, 5C and 5D	Dec. 15 and Dec. 26	Dec. 23 and Jan. 24, 2009	An antlerless deer with each required antlerless license.
Deer, Antlerless (Letterkenny Army Depot, Franklin County and New Cumberland Army Depot, York County and Fort Detrick, Raven Rock Site, Adams County)	Hunting is permitted on days established by the United States Department of the Army.		An antlerless deer with each required antlerless license.

BEAR

Species	First Day	Last Day	Daily Limit	Season Limit
Bear, any age—(Bows and Arrows only) ⁴ WMUs 2C, 2D, 2E, 2F, 2G, 3A, 4A, 4B and 4D	Nov. 19	Nov. 20	1	1
Bear, any age—(Statewide) ⁴	Nov. 24	Nov. 26	1	1
Bear, any age ⁴ Wildlife Management Units 3C and that portion of 3B, East of Rt. 14 from Troy to Canton, East of Rt. 154 from Canton to Rt. 220 at Laporte and East of Rt. 42 from Laporte to Rt. 118 and that portion of 4E, East of Rt. 42.	Dec. 1	Dec. 6	1	1
Also, those portions of WMUs 2G and 3B in Lycoming County that lie North of the West Branch of the Susquehanna River from the Rt. 405 bridge, West to the Rt. 220 bridge, East of Rt. 220 to Rt. 44 and East of Rt. 44 to Rt. 973, South of Rt. 973 to Rt. 87, West of Rt. 87 to Rt. 864, South of Rt. 864 to Rt. 220 and West of Rt. 220 to Rt. 405 and West of Rt. 405 to the West Branch of the Susquehanna River.				
Bear, any age ⁴ WMUs 4C, 4D and 4E	Dec. 3	Dec. 6	1	1
Bear, any age ⁴ Rockview Prison	Dec. 1	Dec. 6	1	1

ELK

Species	First Day	Last Day	Daily Limit	Season Limit
Elk, Antlered and Antlerless ⁵ (With each required license)	Nov. 3	Nov. 8	1	1
Elk, Antlered and Antlerless ⁵ (With each required license) Elk Hunt Zone 1	Sep. 1	Sep. 27	1	1

FURTAKING—TRAPPING

Species	First Day	Last Day	Daily Limit	Season Limit
Minks and Muskrats—(Statewide)	Nov. 22	Jan. 11, 2009		Unlimited
Beaver—(Statewide)	Dec. 26	Mar. 31, 2009		
Wildlife Management Units 2E, 2F and 2G (Combined)			20	20
Wildlife Management Units 1A, 1B, 3A, 3B, 3C and 3D (Combined)			20	40
Wildlife Management Units 2A, 2B, 2C, 2D, 4A, 4B, 4C, 4D, 4E, 5A, 5B, 5C and 5D (Combined)			10	10
Coyotes, Foxes, Opossums, Raccoons, Skunks, Weasels—(Statewide)	Oct. 26	Feb. 22, 2009		Unlimited
Coyotes and Foxes—(Statewide) (Cable restraint devices may be used)	Jan. 1, 2009	Feb. 22, 2009		Unlimited
Bobcat ⁶ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D and 4D	Oct. 26	Feb. 22, 2009	1	1

FURTAKING—HUNTING

Species	First Day	Last Day	Daily Limit	Season Limit
Coyotes—(Statewide)				Unlimited
Coyotes—(During any archery deer season)				
Coyotes—(During the regular firearms deer season and any bear season)				
Coyotes—(During the spring gobbler turkey season)				
Opossums, Skunks, Weasels ⁷ (Statewide)				
Raccoons and Foxes—(Statewide) ⁷	Oct. 25	Feb. 21, 2009		Unlimited
Bobcat ⁶ Wildlife Management Units 2A, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 3D and 4D	Oct. 25	Feb. 21, 2009	1	1

No open seasons on other wild birds or wild mammals.

¹ Only persons who possess a special wild turkey license as provided for in section 2709 of the code (relating to license costs and fees) may take a second spring gobbler during the hunting license year; all other persons, including mentored youth hunters, may take only one spring gobbler. A maximum of two gobblers per license year may be taken by any combination of licenses or exceptions for mentored youth.

² Only one antlered deer (buck) may be taken during the hunting license year.

³ Includes persons who have reached or will reach their 65th birthday in the year of the application for the license and hold a valid adult license or qualify for license and fee exemptions under section 2706 of the code (relating to resident license and fee exemptions).

⁴ Only one bear may be taken during the hunting license year.

⁵ Only one elk may be taken during the hunting license year.

⁶ Bobcat may only be taken by furtakers in possession of a Bobcat Hunting-Trapping Permit and may not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁷ May not be taken during the regular antlered and antlerless deer season from 1/2 hour before sunrise to sunset.

⁸ Season changes in Wildlife Management Units 2D, 2G, 3C and 4B are for the purpose of a 4-year study which must be completed before additional units are modified.

[Pa.B. Doc. No. 08-627. Filed for public inspection April 4, 2008, 9:00 a.m.]

[58 PA. CODE CH. 139]
Seasons and Bag Limits

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

Amend § 139.17 (relating to wildlife management units) to provide updated wildlife management unit (WMU) boundaries.

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 to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until April 18, 2008.

1. Purpose and Authority

A uniform system of WMUs was implemented in 2003 to replace the system of multiple, species-specific management units. The primary objective of this new WMU system was to develop and implement wildlife management decisions on a system of more homogenous units based on physiographic, land cover and use, human population density and land ownership. WMU boundaries were defined using readily recognizable features on the landscape rather than hard to identify political boundaries. At the time of the approval of new WMU system it was agreed to evaluate the structure of the units after 5 years. The 2007-2008 seasons will mark the 5th year, therefore the Commission reviewed staff input and developed the following limited WMU map revisions: 1) Clarify the boundary line between WMUs 2C and 2E near Ebensburg to reduce confusion; 2) Correct the boundary line between WMUs 4B and 4D to accommodate new highway construction on United States Traffic Route 22 near Lewistown; 3) Relocate the boundary line between WMUs 3B and 3C between Towanda and Tunkhannock from United States Traffic Route 6 to the Susquehanna River to increase hunter access and reduce property fragmentation; and 4) Expand WMU 5C to include the Cities of Reading and Allentown to accommodate continuing increases in human populations in southeast Pennsylvania, thus affecting boundary lines with WMUs 5B, 4C and 3D. These proposed changes to WMU boundary lines will have minimal impact on wildlife databases. Therefore, the Commission is proposing to amend § 139.17 to provide updated wildlife WMU boundaries.

Section 322(c)(4) of the code (relating to powers and duties of the commission) specifically 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 amendment to § 139.17 was proposed pursuant to this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 139.17 to provide updated WMUs.

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 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: 48-263. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

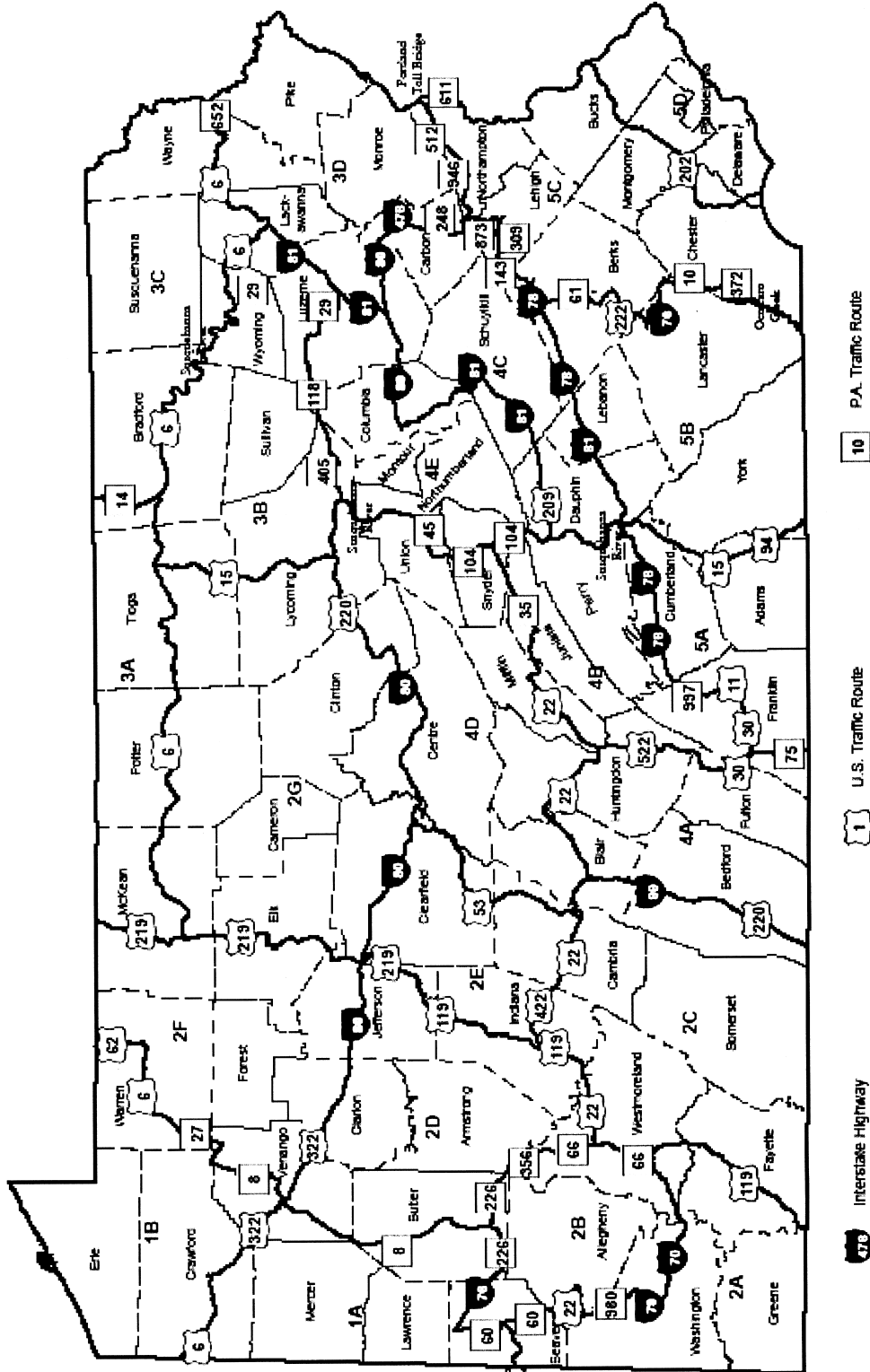
§ 139.17. Wildlife management units.

* * * * *

(b) The outline map of Pennsylvania found in Appendix H sets forth wildlife management units.

(Editor's Note: The Commission is proposing to delete the map which appears in 58 Pa. Code page 141.28, serial page (328430) and replace it with the following map.)

WILDLIFE MANAGEMENT UNITS



[Pa.B. Doc. No. 08-628. Filed for public inspection April 4, 2008, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposal Postponed

The request for proposal CPC 07-107: Preservation of the Lawrie Doors and selected masonry, Forum Building Capitol Complex, which appeared at 38 Pa.B. 1362 (March 22, 2008), has been postponed until further notice.

RUTHANN HUBBERT-KEMPER,
Executive Director

[Pa.B. Doc. No. 08-629. Filed for public inspection April 4, 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 25, 2008.

BANKING INSTITUTIONS

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-19-2008	Landmark Interim Bank Pittston Luzerne County	Pittston	Approved and Effective

Incorporation of an interim bank in conjunction with the reorganization of Landmark Community Bank, Pittston, into a bank holding company form of business whereby Landmark Community Bank will become the wholly-owned subsidiary of Landmark Bancorp, Inc., a new holding company in formation.

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
3-25-2008	CCFNB Bancorp, Inc., Bloomsburg, to acquire 100% of Columbia Financial Corporation, Bloomsburg	Bloomsburg	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-18-2008	Integrity Bank, Camp Hill, and Integrity Interim Bank, Camp Hill Surviving Institution: Integrity Bank, Camp Hill	Camp Hill	Filed

Application filed in conjunction with the reorganization of Integrity Bank, Camp Hill, into a bank holding company form of business whereby Integrity Bank will become the wholly-owned subsidiary of Integrity Bancshares, Inc., a new holding company in formation.

3-25-2008	First Columbia Bank & Trust Co., Bloomsburg, and Columbia County Farmers National Bank, Bloomsburg Surviving Institution: First Columbia Bank & Trust Co., Bloomsburg	Bloomsburg	Approved
-----------	---	------------	----------

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-17-2008	Susquehanna Bank PA Lititz Lancaster County	4185 West Market Street York York County	Opened

NOTICES

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
3-19-2008	NOVA Savings Bank Philadelphia Philadelphia County	Amendment to Second Article of the Articles of Incorporation provides for a change of the principal place of business of the institution	Approved and Effective
		<i>From:</i> 1535 Locust Street, Philadelphia, PA 19102	
		<i>To:</i> 1235 Westlakes Drive, Suite 420, Berwyn, PA 19312	

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-17-2008	TruMark Financial Credit Union Trevose Bucks County	Bond Shopping Center 1891 South State Road Upper Darby Delaware County	Opened

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. 08-630. Filed for public inspection April 4, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) has a meeting scheduled for Thursday, April 17, 2008. The meeting will be held at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Vanyla Tierney at (717) 783-2654.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Vanyla Tierney at (717) 783-2654 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-631. Filed for public inspection April 4, 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>
PAS222201 (Industrial Stormwater)	Universal Forest Products Eastern Division, Inc. 2801 East Beltline Avenue Grand Rapids, MI 49525	Stockertown Borough Northampton County	Bushkill Creek 01F	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>
PAS802208 (Stormwater)	Swallow Associates (Nestle Transportation Corp.) 3003 Turner Street Allentown, PA 18104	Upper Macungie Township Lehigh County	Cedar Creek 02C	Y
PA0062979 (Minor Sewage)	Chelsea Property Group d/b/a The Crossings 1000 Route 611 Tannersville, PA 18372	Pocono Township Monroe County	Pocono Creek 01E	Y
PA0061395 (Industrial Waste)	Schuylkill Haven Borough (Tumbling Run Filter Plant) 12 West Main Street Schuylkill Haven, PA 17972-1900	Schuylkill County North Manheim Township	Tumbling Run 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0087637 (Sew)	Mountain View Terrace Mobile Home Park 1190 Wyndsong Drive York, PA 17403	Cumberland County Upper Frankford Township	UNT Conodoguinet Creek 7-B	Y
PA0088277 (Sew/Transfer)	Summit Ridge Homeowners Association 22 North Orchard View Drive Hanover, PA 17331	Adams County Berwick Township	7-F	Y
PA0085375 (IW)	Newport Borough Water Authority 231 Market Street Newport, PA 17074-1533	Perry County Newport Borough	Little Buffalo Creek 12-B	Y
PA0024147 (Sew)	Cumberland Township Authority 1370 Fairfield Road Gettysburg, PA 17325	Adams County Cumberland Township	Willoughby Creek 13-D	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>
PA0115363	Buffalo Township Municipal Wastewater Treatment Plant 2188 Johnson Mill Road Lewisburg, PA 17837	Union County Buffalo Township	Buffalo Creek SWP 10C	Y
PA0113508	David D. Valenti Shady Oaks Mobile Home Park 1343 Highway 315 Plains, PA 18702	Montour County Derry Township	UNT to Mud Creek 10D	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>
PA0030295	Commodore Perry School District 3002 Perry Highway Hadley, PA 16130	Perry Township Mercer County	Millner Run 20-A	Y
PA0090514	Gulick MHP 123 Beatty Drive Saxonburg, PA 16056-9520	Winfield Township Butler County	UNT to Buffalo Creek 18-F	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>
PA0100757	Lakeview Mobile Estates, Inc. 2771 Lincoln Highway Box 219 Ronks, PA 17572-0219	New Lebanon Borough Mercer County	Mill Creek 16-D	Y
PA0210196	Seneca Landfill, Inc. P. O. Box 1080 Mars, PA 16046	Jackson Township Butler County	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.

PA0058475, Sewage, SIC 4952, **Plumstead Township**, 5119 Stump Road, Pipersville, PA 18947-1015. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 0.0163 mgd of treated sewage into wetlands which drains into Geddes Run.

The receiving stream, Geddes Run, is in the State Water Plan Watershed 2D and is classified for: CWF. The nearest downstream public water supply intake for North Penn North Wales Water Authority is located on the Delaware River and is 5.35 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 16,300 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Suspended Solids	10		20
Ammonia (as N)			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	3.0		6.0
Nitrate and Nitrite (as N)	10		20
Phosphorus (as P)	1.0		2.0
Fecal Coliform	50 #/100 ml		1,000 #/100 ml
Dissolved Oxygen	Minimum of 6 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.

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

Application No. PA 0248339, Sewage, **Snow Time, Inc., d/b/a Whitetail Mountain Operating Corp.**, 13805 Blairs Valley Road, Mercersburg, PA 17236. This facility is located in Montgomery Township, **Franklin County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, UNT Licking Creek, is in Watershed 13-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on the Potomac River. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 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		50
Total Suspended Solids	30		60
NH ₃ -N	3.5		7
Total Residual Chlorine	0.4		1.34
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)			

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

- Discharge is authorized during the nonsnowmaking season from March 15 through November 30.

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.

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

PA0032069, Sewage, **Saint Francis University**, P. O. Box 600, Loretto, PA 15940-0600. This application is for renewal of an NPDES permit to discharge treated sewage from Saint Francis University STP in Loretto Borough, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Clearfield Creek, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company, on the West Branch Susquehanna River.

Outfall 001: existing discharge, design flow of 0.318 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.5	3.8		5.0
(11-1 to 4-30)	6.4	9.6		12.8
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.15			0.48
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

As part of Pennsylvania's Chesapeake Bay Tributary Strategy Implementation Plan for NPDES Permitting, the NPDES permit will include monitoring requirements for the first 2 years of the permit for the parameters of Ammonia-N, Total Nitrogen (calculated as the sum of Kjeldahl-N, Nitrite-N and Nitrate-N) and Total Phosphorus.

The EPA waiver is in effect.

PA0094013, Sewage, **Hillary C. Hoffer**, 1605 East Laurel Circle, Mt. Pleasant, PA 15666. This application is for renewal of an NPDES permit to discharge treated sewage from Mutual Mobile Home Park in Unity Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Brinker Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the McKeesport Municipal Water Authority.

Outfall 001: existing discharge, design flow of 0.00375 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	14.0			28.0
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216071, Sewage, **Univar USA, Inc.**, P. O. Box 303, Bunola, PA 15020-0303. This application is for renewal of an NPDES permit to discharge treated sewage from Univar USA, Inc. in Forward Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as the Monongahela 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 Pennsylvania American Water Company.

Outfall 101: existing discharge, design flow of 0.003 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.

PA0219479, Sewage, **Carl E. Nicolaus, III**, 180 Pollock Run Road, Belle Vernon, PA 15012-3102. This application is for renewal of an NPDES permit to discharge treated sewage from Salem Ridge Village Sewage Treatment Plant in Rostraver Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Pollock Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport.

Outfall 001: existing discharge, design flow of 0.0132 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen	200/100 ml as a Geometric Mean			
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.8			5.6
Fecal Coliform	2,000/100 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	0.01			0.03
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0240087, Sewage, **Paul V. Wittenbrink**, 434 Hammock Drive, Orchard Park, NY 14127-1685. This proposed facility is located in Corydon Township, **McKean County**.

Description of Proposed Activity: New discharge of treated sewage to replace a malfunctioning onlot system.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Emlenton Water Company intake located on the Allegheny River at Emlenton, and is approximately 123 miles below point of discharge.

The receiving stream, Chander Run, is in Watershed 16-B and classified for: HQ-CWF, aquatic life, water supply and recreation.

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

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 4608402, Sewerage, **New Hanover Township Authority**, 2990 Fagleysville Road, Gilbertsville, PA 19525. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension and force mains for a retirement community of 617 units.

WQM Permit No. 0907409, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Existing pump station upgrade.

WQM Permit No. 1507412, Sewerage, **London Britian Township**, P. O. Box 215, Kemblesville, PA 19347-0215. This proposed facility is located in London Britian Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater treatment plant utilizing onsite drip dispersal system.

WQM Permit No. 2307403, Sewerage, **Haverford Township**, 2325 Darby Road, Havertown, PA 19083. This proposed facility is located in Haverford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a wastewater pump station.

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

Description of Action/Activity: Construction and operation of a sanitary pump station and force main.

WQM Permit No. 1507414, Sewerage, **East Fallowfield Township**, 2264 Strasburg Road, East Fallowfield, PA 19320. This proposed facility is located in East Fallowfield Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pump station to serve 25 units of a proposed subdivision.

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

WQM Permit No. 4008402, Sewerage, **Hanover Township**, 1267 Sans Souci Parkway, Hanover Township, PA 18706. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewer main and pump station to service the Fairway Estates which consists of 26 residential homes and 49 townhouse units. The design flow for the gravity sewer system is 30,000 gpd and the design flow for the sewage pump station is 7,600 gpd.

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

WQM Permit No. 0100406, Amendment 08-1, Sewerage, **Summit Ridge Homeowners Association**, 22 North Orchard View Drive, Hanover, PA 17331. This proposed facility is located in Berwick Township, **Adams County**.

Description of Proposed Action/Activity: Application for transfer of permit.

WQM Permit No. 6708405, Sewerage, **Jefferson Codorus Joint Sewer Authority**, P. O. Box 223, Codorus, PA 17311. This proposed facility is located in Codorus Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a wastewater treatment plant and sanitary sewer collection system.

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

WQM Permit No. 0208201, Industrial Waste, **Lafarge North America, Inc.**, 555 Frost Road, Suite 100, Streetsboro, OH 44241. This proposed facility is located in West Mifflin Borough, **Allegheny County**.

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

WQM Permit No. 6300404-A2, Sewerage, **Midway Sewerage Authority**, P. O. Box 600, Midway, PA 15060. This existing facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Application to upgrade existing sewerage pumps.

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

WQM Permit No. WQG028314, **Evans City Borough**, 204-B South Jackson Street, Evans City, PA 16033. This proposed facility is located in Evans City Borough, **Butler County**.

Description of Proposed Action/Activity: Construction consists of the extension of gravity sanitary sewers on sections of Mahan Road, North Maple Avenue, Washington Street and White Oak Drive. A pressure sewer extension is planned for parts of Van Buren and Center Streets. The extensions will extend sewer service to a total of 32 existing residential homes. The sanitary sewage will be treated at the Evans City Borough 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.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011508018	YMCA of the Brandywine Valley 50 South First Avenue Coatesville, PA 19320	Chester	Penn Township	UNT East Branch Big Elk Creek HQ-TSF-MF
PAI011508019	Honey Brook Township P. O. Box 1281 495 Suplee Road Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508003	Middle Smithfield Township 25 Municipal Drive East Stroudsburg, PA 18302	Monroe	Middle Smithfield Township	Pond Creek HQ-CWF

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>
PAI030607010	Spring Township Leon Mazurie 2800 Shillington Road Sinking Spring, PA 19608	Berks	Spring Township	Wyomissing Creek HQ-CWF
PAI032808001	Ron Koontz AMK Partners, LLC 14113 Pennsylvania Avenue Hagerstown, MD 21742-2346	Franklin	Antrim Township	Muddy Run HQ-CWF

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

Indiana County Conservation District, USDA Service Center, 1432 Route 286, Highway W, Indiana, PA 15701-1467, (724) 463-8547.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053208001	Indiana County Airport Authority 801 Water Street Indiana, PA 15701	Indiana	White and Cherryhill Townships	2 UNT Ramey Run CWF 3 UNT Two Lick Creek CWF Two Lick Creek TSF

Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056508001	Shag Bark Grove Real Estate, LP 258 McDermott Road Trafford, PA 15085	Westmoreland	Murrysville	Haymakers Run HQ-CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI090408001	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Beaver County	South Beaver Township	Brush Run to North Fork of Little Beaver Creek HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 5408501, Public Water Supply.

Applicant	Pine Grove Borough Pine Grove Borough Schuylkill County
-----------	---

Responsible Official	Dennis Wolfe Pine Grove Borough 1 Snyder Avenue Pine Grove, PA
Type of Facility	Public Water System
Consulting Engineer	BCM Engineers 705 Ingham Street Freeland, PA
Application Received Date	March 3, 2008
Description of Action	The installation of a point of entry (POE) device (UV disinfection unit) at one residence within the Pine Grove Borough Water System.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0708503, Public Water Supply.

Applicant	Bellmeade Manor
Municipality	Antis
County	Blair
Responsible Official	Bellmeade Manor Environmental Services Director 1929 East Pleasant Valley Boulevard Altoona, PA 16602-7552
Type of Facility	Public Water Supply
Consulting Engineer	Christopher L. Dutrow, P. E. Stiffler McGraw and Associates, Inc. 19 North Juniata Street Hollidaysburg, PA 16648
Application Received:	March 7, 2008
Description of Action	Permit is for the addition of Well No. 2 as a source of supply for existing system.

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

Application No. 2408501C, Public Water Supply.

Applicant	Wilcox Water Company, Inc.
Township or Borough	Jones Township Elk County
Responsible Official	Robert M. Johnson, Manager

Consulting Engineer	Allan R. Vanderpoel, P. E. E & M Engineers & Surveyors, PC 24 Derrick Road Bradford, PA 16701
Application Received Date	March 19, 2008
Description of Action	Addition of general corrosion control chemical treatment to water system.

MINOR AMENDMENT

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

Application No. 4388511-MA2C, Minor Amendment.

Applicant	Lakeview Estates MHP
Township or Borough	New Lebanon Borough Mercer County
Responsible Official	John R. Broderick, Owner 2771 Lincoln Highway East Ronks, PA 17572
Type of Facility	Public Water Supply
Application Received Date	March 21, 2008
Description of Action	Modification of corrosion control

WATER ALLOCATIONS

Application received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. § 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

WA 14-1012, Water Allocations, Chapman Township Water Authority, Chapman Township, Clinton County. Grants the right to purchase up to 38,000 gallons of bulk water per day from Renovo Borough's existing water treatment facilities.

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.

Former Thorton Stable Property, City of Philadelphia, **Philadelphia County**. Richard Burns, Conestoga-Rovers & Associates, 410 Eagleview Boulevard, Exton, PA 19341 on behalf of Bryan Cullen, Westrum BT2, LP, 370 Commerce Drive, PA 19034 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The intended future use of the property will be residential.

(REVISED) Norwood Building, East Whiteland Township, **Chester County**. Jeffrey Walsh, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Associates, III, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of lead and PAH's. The proposed future use of the property will be mixed use residential. Office and retail.

Yamamoto Farm, Newtown Township, **Bucks County**. Scott Alderfer, Penn E & R, Inc., 2755 Berger Road, Hatfield, PA 19440 on behalf of Lawrence Dugan, Esq., Orleans Homebuilder, Inc., 3333 Street Road, Bensalem, PA 19020 has submitted a Notice of Intent to

Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will be residential.

Pennsylvania Convention Center Expansion Site, City of Philadelphia, **Philadelphia County**. Edwin Hicks, Weston Solutions, 1400 Weston Way, West Chester, PA 19380 on behalf of Michael Koonce, The Redevelopment Authority of the City of Philadelphia, 1234 Market Street, Philadelphia, PA 19107 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganics. The site is comprised of a variety of former commercial parcel and the property is slated to be redeveloped to expand the existing Pennsylvania Convention Center. A summary of the Notice to Intent to Remediate was reported to have been published in the *Philadelphia Weekly* on March 12, 2008.

Chaddsford Collision, City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 on behalf of Roman Iwaskiw, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of lead and unleaded gasoline. The subject property is currently an automotive body shop.

Wawa, Inc., Towamencin Township, **Montgomery County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Mark L. Stewart, 3130 Mill Road, Fairview Village, PA 19409 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of mtbe. The future use of the site will remain the same.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Application received under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate or for the closure and post-closure care of a Hazardous Waste Treatment, Storage or Disposal Facility.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

PAD004344222. Tecumseh Redevelopment, Inc., 4020 Kinross Lakes Parkway, Richfield, OH 44286. An application to renew and modify its hazardous waste closure and post-closure permit for its EAF dust landfill and spent pickle liquor area located at the Riders Disposal Area in the City of Johnstown and East Taylor Township, Cambria County was received in the Regional Office on March 20, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 301220. Clean Earth of Philadelphia, Inc., 3201 South 61st Street, Philadelphia

PA 19153-3502, City of Philadelphia, **Philadelphia County**. This permit modification application is to utilize certain commercially available soil drying agents or absorbent products in order to reduce moisture content of the soil prior to thermal treatment. The application was received by the Southeast Regional Office on March 19, 2008.

Permit Application No. 101687. Fort Mifflin Rail Transfer Facility, located at the intersection of Hog Island and Fort Mifflin Roads, Philadelphia, PA 19153, City of Philadelphia, **Philadelphia County**. This permit modification application is for an expansion of the existing permitted area and the transfer building without any other changes to the facility's design, capacity, traffic volume or operational plan. The application was received by the Southeast Regional Office on March 18, 2008.

Permit Application No. 301254. Clean Earth of Southeast Pennsylvania, Inc., 7 Steel Road East, Morrisville, PA 19067-0847, Falls Township, **Bucks County**. This permit modification application is to utilize certain commercially available soil drying agents or absorbent products in order to reduce to reduce moisture content of the soil prior to thermal treatment. The application was received by the Southeast Regional Office on March 19, 2008.

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

Permit ID No. 300936. Alex Paris Contracting Company, Inc., 1595 Smith Township State Road (Route 18), Atlasburg, PA 15004. Paris Flyash Site, North of Clinton-Frankford Road (PA Spur 115), Hanover, PA 15683. Application for the permit renewal of a residual waste landfill in Hanover Township, **Beaver County** was received in the Regional Office on March 21, 2008.

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 publica-

tion in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

PLAN APPROVALS

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

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

38-05003F: Carmeuse Lime, Inc. (3 Clear Springs Road, Annville, PA 17003) for use of glycerin as a fuel in the three lime kilns at the Millard lime plant in North Londonderry Township, Lebanon County. The facility is subject to 40 CFR Part 63, Subpart AAAAAA—National Emission Standards for HAPs for Lime Manufacturing Plants.

67-05041A: Defense Distribution Depot—Susquehanna, PA (2001 Mission Drive, Building 1, Bay 3, New Cumberland, PA 17070-5011) for the construction of a new heating plant with three No. 2 oil fired boilers and an emergency generator in Fairview Township, **York County**. This plant will replace the existing No. 4 oil fired boiler plant and will result in emissions reductions.

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

18-315-001D: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) for construction of a 1611 mmBtu/hr circulating fluid bed bituminous coal, wood, landfill gas and natural gas-fired cogeneration boiler and ancillary equipment and operations (mechanical draft cooling tower, emergency diesel fire pump engine and coal, wood, ash, limestone, lime and activated carbon storage and handling operations) 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.

30-00173A: Delta-Energy PA No. 1 (350 Hochberg Road, Monroeville, PA 151450) for construction of a rubber pyrolysis and carbon milling and palletizing facility in Cumberland Township, **Greene County**.

11-00523A: Jigging Technologies, LLC—d/b/a Atoll (1008 Club Drive, Johnston, PA 15905) for construction of slag processing plant in Johnstown, **Cambria County**.

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

25-970A: Wire Weld, Inc. (12069 East Main Road, North East, PA 16428) for construction of a natural gas fired sand stripper in North East Township, **Erie County**.

43-270G: CCL Container (One Llodio Drive, Hermitage, PA 16148-9015) for installation of two new baghouses to replace four existing baghouses for controlling the print lines in Hermitage City, **Mercer County**. This is a Title V facility.

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

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

23-0111: Centocor Research & Development, Inc. (145 King of Prussia Road, Radnor, PA 19087) for installation of Diesel or No. 2 Fuel-Fired Internal Combustion Engine that powers 2,250 kW Peak Shaving Electric Generator (diesel electric generator) at the Centocor pharmaceutical research and development/manufacturing/biotechnological facility at 145 King of Prussia Road, Radnor Township, **Delaware County**. The installation of the diesel electric generator may result in the emissions of 2.38 tpy of NO_x; 0.26 tpy of CO; 0.22 tpy of VOCs; 0.27 tpy of SO_x; 0.15 tpy of PM/PM₁₀; 0.01 tpy of HAPs and 0.006 tpy of formaldehyde. 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.

15-0067F: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362-0300) for installation of a new Baked Potato Chip Production Line at their facility in West Nottingham Township, **Chester County**. Herr Foods, Inc. is a Synthetic Minor facility, operating under SMOP 15-00067. The new baked potato oven will increase the facilities PM emissions by less than 0.25 tpy and less than 1.5 tpy for NO_x. The slight increase in emissions still allows Herr Foods to remain a Synthetic Minor Operating Permit. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and 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.

35-303-012: Eureka Stone Quarry, Inc.—Daleville Quarry (P. O. Box 249, Chalfont, PA 18914) for installation of a new air cleaning device (fabric collector) at their facility in Covington Township, **Lackawanna County**. The PM emissions from the fabric collector shall not exceed the BAT standard of 0.02 grain/dscf. The company is subject to NSPS Subpart I requirements. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards and monitoring and

reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

06-05007G: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for installation of a fabric collector to control emissions from a welding operation at their facility in the City of Reading/Muhlenberg Township, **Berks County**. This action will result in a reduction in emissions, since the source currently operates uncontrolled. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Title V operating permit No. 06-05007. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

38-05003F: Carmeuse Lime, Inc. (3 Clear Springs Road, Annville, PA 17003) for use of glycerin as a fuel in the three lime kilns at the Millard lime plant in North Londonderry Township, **Lebanon County**. The facility's emissions will not measurably be impacted by the glycerin's use. The plan approval and subsequent Title V operating permit amendment will include emission limits, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 63, Subpart AAAAA—National Emission Standards for HAPs for Lime Manufacturing Plants.

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

42-158L: Temple—Inland Forest Products Corp. (303 South Temple Drive, Diboll, TX 75941) for revision of the PAL permit to reflect the cessation of the Particle Board plant and a plan approval application for reduced hours of operation at the MDF plant at their Mt. Jewett facility in Mt. Jewett Township, **McKean County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to revise the PAL permit to reflect the cessation of the Particle Board plant and a plan approval application for reduced hours of operation at the MDF plant at their Mt. Jewett facility in Mt. Jewett Township, McKean County. The facility currently has a Title V permit No. 42-00158 that was issued October 2, 2006. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

As a general summary, the following requirements are applicable to individual sources at the MDF plant:

1. The emissions from MDF System 6—8—Mat Reject exhausting from Stack SM05 shall not exceed:

PM 0.33 lbs/hr
PM10 1.24 tpy as a 12-month rolling average
VOC 0.36 lbs/hr and 1.38 tpy as a 12-month rolling average

2. (a) Emissions from the Press Operations-Press Vent, Unloader Vent and TCO through the Emergency Abort stack SM06A shall not exceed:

PM10 0.64 tpy as a 12-month rolling total
VOC 48 lbs/hr and 0.91 tpy as a 12-month rolling total

(b) The emergency abort gate (SM06A) shall only be used during an emergency and/or startup, shutdown and malfunction. The emergency abort gate (SM06A) shall be used a maximum of 38 hours.

3. (a) Emissions from the Press Operations-Press Vent, Unloader Vent and TCO through the stack SM06 shall not exceed:

PM2.5 lbs/hr
PM10 19.00 tpy as a 12-month rolling total
VOC 4.80 lbs/hr and 19.00 tpy as a 12-month rolling total
CO 0.97 lbs/hr and 3.68 tpy as a 12-month rolling total

(b) When the press/unloader system is operating with the TCO, the combustion chamber operating temperature shall not fall below 800° F, as averaged over a 1-hour block period. The hourly average shall be calculated by averaging four 15-minute averages during the hour. If the permittee wishes to modify the minimum RTO temperature, the permittee must receive approval from the Department prior to conducting emission testing to demonstrate compliance at a lower temperature.

(c) The facility shall install, maintain and operate a continuous strip chart recorder and/or the Wonderware plant Software for the minimum TCO temperatures. Records of the temperature shall be maintained by the facility for at least 5 years and made available to the Department upon request.

4. (a) Emissions from the Press Operations-Board Cooler

PM 0.90 lbs/hr
PM10 3.42 tpy
VOC 2.10 lbs/hr and 7.82 tpy as a 12-month rolling total

(b) The owner or operator shall perform VOC, PM and PM10 emission tests within 6 months of issuance of this plan approval and every 3 years thereafter to determine compliance with the emissions limitations in this plan approval.

5. The emissions from the MDF System 3—Sander Dust Silo to Stack SM08 shall not exceed:

PM 0.60 lbs/hr
PM10 2.28 tpy as a 12-month rolling total

6. The emissions from the MDF System 4—Saw Trim Silo Baghouse to Stack SM09 shall not exceed:

PM 0.50 lbs/hr
PM10 1.90 tpy calculated as a 12-month rolling total

7. (a) The emissions from the MDF System 10—Primary Sander Baghouse to Stack SM10 shall not exceed:

PM 1.89 lbs/hr
PM10 7.18 tpy based on a 12-month rolling total
VOC 0.36 lbs/hr and 1.38 tpy as a 12-month rolling average

(b) The owner or operator shall perform PM and PM10 emission tests within 6 months of issuance of this plan approval and every 3 years thereafter to determine compliance with the emissions limitations in this plan approval.

8. (a) The emissions from the MDF System 11—Secondary Sander Baghouse to Stack SM11 shall not exceed:

PM 1.02 lbs/hr
PM10 3.86 tpy based on a 12-month rolling total
VOC 0.36 lbs/hr and 1.38 tpy as a 12-month rolling average

(b) The owner or operator shall perform PM and PM10 emission tests within 6 months of issuance of this plan approval and every 3 years thereafter to determine compliance with the emissions limitations in this plan approval.

9. (a) The emissions from the MDF System No. 9 Saws to Stack SM12 shall not exceed:

PM 3.52 lbs/hr

PM10 5.35 tpy based on a 12-month rolling total

(b) The owner or operator shall perform PM and PM10 emission tests within 6 months of issuance of this plan approval and every 3 years thereafter to determine compliance with the emissions limitations in this plan approval.

10. The emissions from the MDF Raw Wood Fuel Silo Baghouse to Stack SM14 shall not exceed:

PM 0.77 lbs/hr

PM10 2.93 tpy based on a 12-month rolling total

11. The emissions from the MDF Wood Fuel Metering Bin Baghouse to Stack SM16 shall not exceed:

PM 0.77 lbs/hr

PM10 2.93 tpy based on a 12-month rolling total

12. The emissions from the MDF Milled Fuel Silo Baghouse to Stack SM15 shall not exceed:

PM 0.77 lbs/hr

PM10 2.93 tpy based on a 12-month rolling total

13. (a) The emissions from the 1,000 hp generator use to run the log chipping operation shall not exceed:

CO 1.0 g/hp-hr

Total Hydrocarbon (THC) 1.0 gm/bhp-hr

PM 0.4 gms/bhp-hr

(b) The sulfur content in diesel fuel shall not, at any time exceed 0.3% (by weight).

(c) Visible emissions in excess of the limitations specified in 25 Pa. Code § 123.41 (relating to limitations) as follows:

Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour; and
Equal to or greater than 60% at any time.

(d) The generator for the log chipping operations shall be used a maximum of 200 hours annually, based on a 12-month rolling total.

14. (a) The emissions from the MDF First Stage Westec Fiber Dryer (Source 121M) shall be measured at the exhaust of the RTO stack (SM03) and shall not exceed the following:

CO 31.96 lbs/hr and 121.44 tpy based on a 12-month rolling total

SOx 2.52 lbs/hr and 9.58 tpy based on a 12-month rolling total

VOC 10.71 lbs/hr and 40.71 tpy based on a 12-month rolling total

PM 5.03 lbs/hr

PM10 19.12 tpy based on a 12-month rolling total

(b) The owner or operator shall perform CO, VOC, PM and PM10 emission tests within 6 months of issuance of this plan approval and every 3 years thereafter to determine compliance with the emissions limitations in this plan approval.

(c) The MDF Dryer emergency abort gate (SM17) shall only be used during an emergency and/or startup, shutdown or malfunction.

(d) The maximum hours the emergency abort gate (SM17) shall be used for startup and shutdown events is 40 hours per year.

(e) The maximum hours the emergency abort gate shall be used for a routine control device maintenance exemption (RCDME) is 228 hours.

15. Emissions from the MDF Dryer Abort stack for the WESP through the stack SM17 shall not exceed:

PM 18 lbs/hr

PM10 2.41 tpy as a 12-month rolling total

VOC 100.12 lbs/hr and 13.41 tpy as a 12-month rolling total

16. The emissions from the Refiner Start-Up Cyclone (C120M) shall be measured at the stack (SM02) and shall not exceed the following:

PM 38 lbs/hr

PM10 15.20 tpy based on a 12-month rolling total

VOC 1.0 lbs/hr and 3.83 tpy based on a 12-month rolling total

17. When the drying process is operating with the RTO, the combustion chamber operating temperature shall not fall below 1,500° F, as averaged over a 1-hour block period. The hourly average shall be calculated by averaging four 15-minute averages during the hour. If the permittee wishes to modify the minimum RTO temperature, the permittee must receive approval from the Department prior to conducting emission testing to demonstrate compliance at a lower temperature.

18. No person may permit the emission into the outdoor atmosphere of SO_x, expressed as SO₂, from Source 041M Space Heaters in excess of the rate of 4 pounds per mmBtu of heat input over any 1-hour period.

19. No person may permit the emission of PM into the outdoor atmosphere from the Source 041M Space Heaters at the rate of 0.4 pound per mmBtu of heat input, when the heat input to the combustion unit in mmBtu/hr is greater than 2.5 but less than 50.

20. (a) The Westec Panel burner (source 132M) shall fire natural gas only.

(b) The Westec Panel Burner (Source 132M) is rated at 50 mmBtu/hr and will be used as backup for the first and second stage dryers (Sources 121M and 122M) at the MDF Plant.

21. (a) The Westec-Coen Dual-Fuel burner (Source 133M) shall burn clean wood fuel as the primary fuel with supplemental natural gas at 40 mmBtu/hr for the first and second stage dryers (Sources 121M and 122M) at the MDF plant.

(b) If the facility chooses to burn resinated wood fuel in this unit, a continuous emission monitor (CEM) for NO_x emissions shall be installed and certified by the Department prior to burning any of those resinated wood fuels. The NO_x monitor shall be installed in the exhaust stack for the RTO. The monitor shall be operated and maintained in accordance with the Department's "Continuous Source Monitoring Manual" latest revision. Continuous monitoring shall be conducted in accordance with 25 Pa. Code Chapter 139 and approved by the Department. Reporting information for the monitor shall be based on a 30 day rolling average. The monitor shall provide information on NO_x emissions in lbs/hr and tpy.

22. (a) The Geka Coen Dual-Fuel Burner (Source 134M) will burn clean wood fuel along with supplemental natural gas at 66 mmBtu/hr to supply heat for the thermal oil for the press at the MDF plant.

(b) If the facility chooses to burn resinated wood fuel in this unit, a CEM for NO_x emissions shall be installed by the facility and certified by the Department prior to burning any of those resinated wood fuels. The NO_x monitor shall be installed in the exhaust stack for the RTO. The monitor shall be operated and maintained in accordance with the Department's "Continuous Source Monitoring Manual" latest revision. Continuous monitoring shall be conducted in accordance with 25 Pa. Code Chapter 139 and approved by the Department. Reporting information for the monitor shall be based on a 30 day rolling average. The monitor shall provide information on NO_x emissions in lbs/hr and tpy.

(c) The facility shall use the Abort stack (SM13) for the Geka Coen (Source 134M) a maximum of 72 hours per year based on a 12-month rolling total.

(d) The facility shall only use the Abort stack (SM13) for the Geka Coen (Source 134M) during start-up, shut-down, malfunction and short-term maintenance isolation situations only.

23. (a) Emissions from the Geka Auxiliary Burner (Source 135M) shall not exceed:

SO_x 0.04 lbs/hr and 0.18 tpy on a 12-month rolling total
PM₁₀ 0.3 lbs/hr and 0.28 tpy on a 12-month rolling total
VOC 0.22 lbs/hr and 0.2 tpy on a 12-month rolling total
CO 3.29 lbs/hr and 3.05 tpy on a 12-month rolling total

(b) The Geka Auxiliary Burner (Source 135M) shall fire natural gas only.

(c) The 40 mmBtu/hr MDF Geka Auxiliary Burner (Source 135M) shall be used a maximum of 1,850 hours per year based on a 12-month rolling total.

(d) The 40 mmBtu/hr MDF Geka Auxiliary Burner (Source 135M) shall be used as a backup heat supply to the Geka Coen Burner (Source 134M) (thermal oil for the press at the MDF Plant).

24. No person may permit the emission into the outdoor atmosphere of PM from the Emergency Generator (Source 051M) in a manner that the concentration of PM in the effluent gas exceeds .04 grain per dry standard cubic foot, when the effluent gas volume is less than 150,000 dry standard cubic feet per minute.

The following are NO_x PAL Sources and applicable requirements

1. Under 40 CFR 52.21 (aa), the PAL is established for NO_x emissions from all affected sources at the facility is 171.14 tpy calculated as a 12-month rolling sum.

2. The owner or operator of the facility shall perform NO_x emissions tests within 6 months of issuance of the revised PAL permit and every 3 years thereafter for each of the affected sources subject to the NO_x PAL at the MDF plant except the MDF Westec Panel Burner (Source 132M), the MDF Westec Coen Burner (Source 133M), the MDF Geka Coen Burner (Source 134M) and the MDF Standby Geka Auxiliary Heater (Source 135M) to determine a site-specific emission factor.

This source is subject to the subgroup entitled General PAL Requirements found in the existing Title V Permit.

This source is subject to the CAM Requirements found in the existing Title V Permit and other applicable monitoring and recordkeeping requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the

application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Any persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed permit No. 42-158L.

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Carolyn L. Cooper, P. E., New Source Review, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn L. Cooper, P. E., or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

If a plan approval has not undergone the previous public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421—127.431 for State-only operating permits or §§ 127.521—127.524 for Title V operating permits.

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.

36-05018: Tomkins Industries, Inc. (8101 East Kaiser Boulevard, Anaheim, CA 92808) for operation of a bathware manufacturing facility in West Donegal Township, **Lancaster County**. This action is a renewal of the Title V operating permit issued in 1998. The facility's major sources of emissions are from the manufacture of bathware products from fiberglass-based materials. The primary emission is styrene, which is both a VOC and HAP.

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

25-00688: Hamot Medical Center (201 State Street, Erie, PA 16550) Hamot Medical Center air emission sources are as followed: three dual-fuel boilers, a Hospital Medical Infectious Waste Incinerator and 8 emergency generators in the City of Erie, **Erie County**. The facility,

by rulemaking, is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

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

23-00110: Bryn Hill Industries (407 Industrial Park Drive, Yeadon, PA 19050-3010) for operation of their molded urethane foam manufacturing line in Yeadon Borough, **Delaware County**. The permit is for a non-Title V (State-only) facility. The facility consists of a Foam Product Line, consisting of three Process Ovens, a mold release spray process and three oven heaters to cure the foam as the primary emission sources. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00075: Lasko Metal Products (820 Lincoln Avenue, West Chester, PA 19380-4406) for renewal of the State-only Operating Permit in West Goshen Township, **Chester County**. The initial permit was issued on May 5, 2003. Lasko Metal Products is a manufacturer of home comfort and convenience products (that is, portable electric fans, humidifiers, portable heaters, Christmas tree stands, utility boxes). The primary emission sources include two boilers, a 4-nozzle Design Spray booth, a Powered Paint Dryoff/Curing Oven, a Steelman Burnoff Oven, two spray booths and a Phosphate Parts Cleaning System.

15-00025: Transwall Office Systems, Inc. (1220 Wilson Drive, West Chester, PA 19380) for operation of an office furniture manufacturing plant in West Goshen Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap their VOCs and HAPs to Minor Source threshold levels; the facility is a Synthetic Minor. This action is a renewal of the State-only Operating Permit. The initial permit was issued on November 21, 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.

09-00052: Forklift Association, Inc. (200 Rittenhouse Circle South, Bristol, PA 19007) for operation of a spray booth operation in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00132: Lansdale Crematory, Inc. (701 Derstine Avenue, Lansdale, PA 19446-0646), for operation of three units of human crematoriums in Warminster Township, **Bucks County**. This is a renewal of their State-only operating permit issued in 2003. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

23-00088: Southco, Inc. (210 North Brinton Lake Road, Concordville, PA 19331) for a State-only, Natural Minor Operating Permit Renewal in Concord Township, **Delaware County**. Southco is in the business of manu-

facturing and finishing of industrial fasteners. The facility operates a variety of sources that burn natural gas including boilers, a burn off oven, heaters, evaporators and a generator. The facility also operates a diesel fired emergency generator and several cold degreasers. The facility does not have the potential to exceed any Title V thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00064: CRC Industries, Inc. (885 Louis Drive, Warminster, PA 18974) is a non-Title V, Synthetic Minor facility in Warminster Township, **Bucks County**. This action is a renewal of the State-only Operating Permit. The initial permit was issued on December 2, 2002. CRC Industries, Inc. manufactures specialty chemicals used in the automotive, marine, electrical and industrial maintenance markets. The main emissions for this facility are VOCs, of which the facility is limited to less than 18 tpy of emissions, and HAPs, of which the facility is limited to less than 10 tpy for any single HAP and less than 25 tpy for all of the HAPs combined. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

21-03007: Purina Mills, LLC (475 St. John's Church Road, Camp Hill, PA 17011) for their livestock feed production facility located in Hampden Township, **Cumberland County**. This is a renewal of the State-only operating permit issued in June 2003.

31-05012: State Correctional Institute at Smithfield (1120 Pike Street, Huntingdon, PA 16652) a renewal of the synthetic minor operating permit in Smithfield Township, **Huntingdon County** issued in December 2003.

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

17-00062: Dubois Regional Medical Center (100 Hospital Avenue, Dubois, PA 15801) for operation of a hospital in the City of Dubois, **Clearfield County**.

The facility incorporates four natural gas/No. 2 fuel oil-fired boilers (with a total combined heat input of 71.14 mmBtu/hr), 26 natural gas-fired boilers, furnaces and water heaters (with a total combined heat input of 22.61 mmBtu/hr), 12 natural gas-fired ovens, grills, fryers, and the like (with a total combined heat input of 1.08 mmBtu/hr), two natural gas-fired emergency generators (13 and 67 horsepower), six No. 2 fuel oil-fired emergency generators (241, 201, 268, 1,350, 1,350 and 1,350 horsepower) and three ethylene oxide sterilizers.

The air contaminant emissions from the facility are not expected to exceed 38.53 tons of NO_x, 25.57 tons of SO_x, 20.47 tons of CO, 7.18 tons of VOCs, 1.72 tons of PM/PM₁₀ and .48 ton of HAPs per year.

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

The Department of Environmental Protection (Department) 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 17-302-023, issued on February 26, 2002, for the operation of three 20.92 mmBtu/hr natural gas/No. 2 fuel

oil-fired boilers and conditions previously established as requirements of plan approval exemption determinations made on June 22, 2001, and January 2, 2008.

The conditions previously contained in Operating Permit 17-302-023 include:

1. A condition requiring each of the 20.92 mmBtu/hr boilers to be equipped with a low NOx burner with flue gas recirculation capable of achieving a NOx emission rate (corrected to 3% oxygen) of 30 parts per million when firing natural gas and 139 parts per million when firing No. 2 fuel oil and a CO emission rate (corrected to 3% oxygen) of 50 parts per million when firing natural gas (at all loads above 25%) and 90 parts per million when firing No. 2 fuel oil.

2. A condition limiting the fuels used in the 20.92 mmBtu/hr boilers to natural gas and No. 2 fuel oil to which no reclaimed oil, waste oil or other waste materials have been added.

3. A condition limiting the sulfur content of the No. 2 fuel oil used in the 20.92 mmBtu/hr boilers to .3%, by weight.

4. Conditions limiting the total combined amount of No. 2 fuel oil used in the 20.92 mmBtu/hr boilers to no more than 213,840 gallons in any 12-consecutive month period and requiring the maintenance of records of the amount of No. 2 fuel oil burned in the respective boilers each month.

5. A condition prohibiting all three of the 20.92 mmBtu/hr boilers from being fired at the same time.

6. A condition limiting the total combined NOx, CO and VOC emissions from the 20.92 mmBtu/hr boilers from exceeding 8.78, 7.34 and 3.18 tons, respectively, in any 12-consecutive month period.

The conditions previously established as requirements of a plan approval exemption determination made for three No. 2 fuel oil-fired emergency generators (1,350, 1,350 and 1,350 horsepower) on June 22, 2001, include:

7. Conditions limiting the operation of the 1,350 horsepower emergency generators to no more than 200 hours each in any 12-consecutive month period and requiring the maintenance of records of the number of hours each of the respective generators is operated each month.

The conditions previously established as requirements of a plan approval exemption determination made for three No. 2 fuel oil-fired emergency generators (241, 201 and 268 horsepower) on January 2, 2008, include:

8. Conditions limiting the operation of the 241, 201 and 268 horsepower 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 of the respective generators is operated each month.

The conditions previously established as requirements of a plan approval exemption determination made for three ethylene oxide sterilizers on January 2, 2008, include:

9. Conditions limiting the total combined number of ethylene oxide cartridges that may be used in the ethylene oxide sterilizers in any 12-consecutive month period to 2190 and the maximum amount of ethylene oxide that may be contained in a cartridge to 3.52 ounces.

10. A condition prohibiting the cartridges used in the ethylene oxide sterilizers from containing anything other than ethylene oxide.

11. A condition limiting the total combined emission of VOCs and VHAPs from the three ethylene oxide sterilizers to no more than .24 ton and .24 ton, respectively, in any 12-consecutive month period.

12. A condition requiring the maintenance of records of the number of ethylene oxide cartridges used in the ethylene oxide sterilizers each month as well as the quantity of ethylene oxide contained in each cartridge.

The new conditions the Department proposes to incorporate into the operating permit to be issued include:

13. Conditions requiring analyses and/or samples of the fuel used in the facility's three 20.92 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers, the facility's 8.375 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler and the facility's six No. 2 fuel oil-fired emergency generators to be provided to the Department upon request.

14. A condition requiring that a fuel certification report be obtained from the fuel supplier for every load of No. 2 fuel oil delivered to the facility for use in the three 20.92 mmBtu/hr boilers which identifies the delivery date, supplier and sulfur content of the load.

15. A condition requiring that annual reports be submitted which identify the amount of No. 2 fuel oil used each month in the three 20.92 mmBtu/hr boilers.

16. Conditions limiting the fuel fired in the facility's 26 natural gas-fired boilers, furnaces and water heaters, 12 natural gas-fired ovens, grills, fryers, and the like and two natural gas-fired emergency generators to natural gas, the fuel used in the facility's 8.375 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler to natural gas and virgin No. 2 fuel oil to which no reclaimed oil, waste oil or other waste materials have been added and the fuel used in the facility's six No. 2 fuel oil-fired emergency generators to virgin No. 2 fuel oil to which no reclaimed oil, waste oil or other waste materials have been added.

17. Conditions limiting the operation of the facility's two natural gas-fired generators to no more than 500 hours each in any 12-consecutive month period and requiring the maintenance of records of the number of hour each of the respective generators operates each month.

18. Conditions requiring that annual reports be submitted that identify the number of hours each of the facility's six No. 2 fuel oil-fired emergency generators is operated each month.

19. Conditions specifying the applicable requirements of Subpart WWWW of the National Emission Standards for HAPs, 40 CFR 63.10382—63.10448, (National Emission Standards for Hospital Ethylene Oxide Sterilizers).

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

65-00706 Jeannette Specialty Glass (215 North Fourth Street, Jeannette, PA 15644) for operation of manufacturing pressed and blown glass at Jeannette Shade and Novelty Plant in Jeannette, **Westmoreland County**.

04-00712: Kinder Morgan Arrow (2701 Route 68, West Industry, PA 15052) for operation of a Ferralloy Processing Plant at Industry—Lot No. 3 in Industry Borough, **Beaver County**. Emissions from this facility shall not exceed 100 tons of SO₂, 100 tons of NOx, 100 tons of PM10, 100 tons of CO, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

04-000468: S.H. Bell Co. (644 Alpha Drive, P. O. Box 11495, Pittsburgh, PA 15238-3190) for operation of a bulk and packaged handling and storage facility in Ohioview, **Beaver County**, along SR 68. This facility offers services to the basis and specialty steel industry in the handling of materials in various sizes and grades. Emissions from this facility shall not exceed 100 tons of SO₂, 100 tons of NO_x, 100 tons of PM₁₀, 100 tons of CO, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

04-00699: NGC Industries, Inc. (P. O. Box 346, Shippingport, PA 15077) for manufacturing of wallboard on a 118 acre site in Shippingport, **Beaver County**. The sources at this site primarily operate on natural gas with a few being to operate with No. 2 fuel oil. Emissions from the 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. The facility is located in Shippingport, Beaver County.

63-00176: Patterson Supply (1101 Railroad Street, Monongahela, PA 15063) for operation of a concrete batch plant at this site in Monongahela, **Washington County**. The facility produces concrete, composed of water, cement, sand and coarse aggregates, including gravel, stone and fly ash. Emissions from the 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. The facility is located in Shippingport, Beaver County.

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

16-00134: Car Mate Trailers, Inc. (32591 Route 66, P. O. Box 155, Leeper, PA 16233) for reissuance of a Natural Minor Operating Permit to operate a trailers manufacturing facility in the Township of Farmington, **Clarion County**. Emissions sources associated with this facility include two spray paint booths, one manual paint application, one natural gas-fired boiler and one natural gas fueled heating furnace. This facility is natural minor because the emissions of the pollutants from sources are less than Title V threshold.

24-00022: St. Marys Carbon Company, Inc.—Carbon Division (1939 State Street, St. Marys, PA 15857) for re-issuance of a Natural Minor Operating Permit in the City of St. Marys, **Elk County**. The facility's primary sources of emissions are the carbon baking kilns and associated equipment.

42-00147: W.R. Case & Sons Cutlery Co. (Owens Way, Bradford, PA 16701) a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of five space heaters, four dust collection systems, a 30 kW emergency generator and three parts washers in Bradford Township, **McKean County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Brawn, Chief, (215) 685-9476.

N07-004: SPC Corp.—City of Philadelphia—Department of Commerce—Division of Aviation (2600 Penrose Avenue, Philadelphia, PA 19145) for operation of a scrap metal shredding facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 6,000 hp shredder with magnetic separation and conveyors. Control Devices at the facility includes two 50 gal/min water spray systems and deluge tank.

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 men-

tioned 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.

32080102 and NPDES No. PA0262595. Alverda Enterprises, Inc., P. O. Box 245, Alverda, PA 15710, commencement, operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 108.0 acres. Receiving stream: Leonard Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 10, 2008.

11960107 and NPDES No. PA0234184. T. J. Mining, Inc., P. O. Box 370, Carrolltown, PA 15722, revision of an existing bituminous surface and auger mine to change land use from forestland and wildlife habitat to unmanaged natural habitat and industrial/commercial in Cresson Township, **Cambria County**, affecting 62.0 acres. Receiving streams: UNT to Burgeon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2008.

11860104 and NPDES No. PA0597724. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Conemaugh Township, **Cambria County**, affecting 301.7 acres. Receiving streams: Bear Run and UNTs to and Little Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 13, 2008.

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

02-08-01 and NPDES Permit No. PA0251330. Quality Aggregates, Inc. (200 Neville Road, Pittsburgh, PA 15225). Application for commencement, operation and

reclamation of a government financed construction contract, located in Findlay Township, **Allegheny County**, affecting 30 acres. Receiving stream: UNT to Potato Garden Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received February 28, 2008.

03080101 and NPDES Permit No. PA0251364. Mountain Coal Co., Inc. (11931 SR 85, Kittanning, PA 16201). Application for commencement, operation and reclamation of a bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 125 acres. Receiving streams: UNTs to Mahoning Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 19, 2008.

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

41080101 and NPDES No. PA0256714. Fisher Mining Company (40 Choate Circle, Montoursville, PA 17754). Commencement, operation and restoration of a bituminous surface coal mine in Pine Township, **Lycoming County**, affecting 254.0 acres. Receiving streams: Buckeye Run and Right Fork Otter Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 22, 2008.

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

35920101R3 and NPDES Permit No. PA0596060. Maco Associates, Inc., (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Fell Township, **Lackawanna County** affecting 1,700 acres, receiving stream: Wilson Creek. Application received March 19, 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.

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

Permit No. 4077SM7 and NPDES Permit No. PA0212580. New Enterprise Stone & Lime Company, Box 77, Church Street, New Enterprise, PA 16664, renewal of NPDES Permit, in Jenner Township, **Somerset County**. Receiving stream: Roaring Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority Quemahoning Reservoir. NPDES renewal application received March 18, 2008.

Permit No. 32080801. Leonard Yenzi Company, P. O. Box 62, Anita, PA 15711, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Cherryhill Township, **Indiana County**, affecting 3.0 acres, receiving streams: UNT to Two Lick Creek. Permit received March 12, 2008.

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

40000803. Shoemaker Excavating, (109 Post Office Road, Sweet Valley, PA 18656), Stage I and II bond release for a quarry operation in Salem Township, **Luzerne County** affecting 1.0 acre on property owned by Edward T. Danko. Application received March 19, 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

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

E15-779. Chester County Conservation District, 688 Unionville Road, Suite 200, Kennett Square, PA 19348, Tredeyffrin Township, **Chester County**, ACOE Philadelphia District.

To perform the following activities in and along the UNT to the Little Valley Creek (EV), a.k.a. Crabby Creek:

1. To relocate and maintain 850 linear feet of the watercourse.
2. To construct and maintain 450 linear feet of streambank stabilization and in-stream flow structures.
3. To remove an existing culvert and associated access road.
4. To construct and maintain three temporary road crossings.

To perform the following activities in and along the UNT to the Little Valley Creek (EV):

1. To construct and maintain 150 linear feet of streambank stabilization and in-stream flow structures.

This project will temporarily impact 0.07 acre of wetland (PEM/PSS/PFO) for the construction of streambank stabilization and in-stream flow structures.

The project is located approximately 1,000 feet southwest of the intersection of SR 0252 (a.k.a. Bearhill Road) and Howellville Road (Valley Forge, PA Quadrangle North: 10.5 inches; West: 13.3 inches).

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

E01-280: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Franklin Township, **Adams County**, ACOE Baltimore District.

To: (1) remove an existing single span Pratt parallel cord pony truss bridge having a clear span of 64.5 feet, a width of 16.0 feet and minimum underclearance of 6.0 feet; (2) to construct and maintain a single span composite prestressed box beam bridge having a clear span of 65.1 feet, a width of 26.0 feet, and a minimum underclearance of 5.4 feet carrying SR 3038 (Crooked Creek Road) over Marsh Creek (CWF) approximately 60.0 feet downstream of the existing bridge crossing of Marsh Creek (Fairfield, PA Quadrangle N: 20.5 inches; W: 6.1 inches, Latitude 39° 51' 46"; Longitude: 77° 17' 37"); (3) to construct and maintain a 19.0-inch by 30.0-inch outfall structure discharging stormwater to Marsh Creek (Fairfield, PA Quadrangle N: 20.5 inches; W: 6.1 inches, Latitude 39° 51' 46"; Longitude: 77° 17' 37"); and (4) to construct and maintain 1,708.0 cubic yards of fill in the floodway of Marsh Creek and 4,140.0 cubic yards of fill in the floodplain of Marsh Creek in Franklin Township, Adams County. The project will involve the installation of a temporary cofferdams.

E22-520: Susquehanna Area Regional Airport Authority, 1 Terminal Drive, Suite 300, Middletown, PA 17057, Harrisburg International Airport in Lower Swatara Township and Middletown Borough, **Dauphin County**, ACOE Baltimore District.

To construct and maintain: 1) 250.0-feet of R4 Rip-Rap revetment; and 2) an 80.0-foot long temporary cofferdam in a manmade intake channel associated with the Susquehanna River (WWF) (Middletown, PA Quadrangle N: 11.5 inches; W: 16.5 inches, Latitude: 40° 11' 19"; Longitude: 76° 44' 33"), for the purpose of demolishing the existing Crawford Station Power Plant. The project is located east of the Harrisburg International Airport in Lower Swatara Township and Middletown Borough, Dauphin County.

E67-845: Dale and Cindy Bosley, Pond Restoration, 2515 Hain Road, Stewartstown, PA, 17363, North Hopewell Township, **York County**, ACOE Baltimore District.

To restore a 40.0-foot wide by 60.0-foot long pond to a depth of 5.0 feet by excavating the accumulated sediment that settled and filled the pond. No wetlands will be impacted as a result of the pond restoration. The pond discharges to a UNT to the East Branch Codorus Creek

(HQ-CWF) (Glen Rock, PA Quadrangle N: 7.1 inches; W: 3.1 inches, Latitude 39° 47' 17"; Longitude: 76° 38' 45"). The proposed project is located on the southeast quadrant of the intersection of Ebaugh and Hain Roads in North Hopewell Township, York County.

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

E03-445. Cedarwood Development, Inc., 1765 Meriman Road, Akron, OH 44313. To place fill in wetland and construct a culvert in East Franklin Township, **Armstrong County**, Pittsburgh ACOE District (Kittanning, PA Quadrangle N: 14.7 inches; W: 12.6 inches, Latitude: 40° 49' 51"; Longitude: 79° 35' 28"). The applicant proposes to construct a retail development (Armstrong County Commons) located at the corner of SR 422 and SR 3007.

1. To Place and maintain fill in the floodway of a UNT (No. 1) to Glade Run (CWF) at the north of the property for construction of Wal-Mart buildings.
2. To construct and maintain a culvert in a UNT (No. 1) to Glade Run under the access road from SR 4010.
3. To construct and maintain stream enclosures for a total length of 1,653 feet in a UNT (No. 2) to Glade Run.
4. To place and maintain fill in 1.95 acres of wetlands.
5. To construct wetland and stream mitigation onsite.

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

E20-568, D & L Energy, Inc., 2761 Salt Springs Road, Youngstown, OH 44509. CCPI 1 and 2 Gas Well and Pipelines, in Vernon Township, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 40° 39' 40"; W: 80° 10' 26").

The applicant proposes to construct and maintain two natural gas wells, a 2-inch diameter steel natural gas distribution line and associated access road construction and modification within the FEMA floodway of French Creek approximately 0.1 mile west of the west bank of French Creek and approximately 0.5 mile NE of the intersection of Dunham and Rodgers Ferry Roads in Vernon Township, Crawford County. French Creek is a perennial stream classified as a WWF.

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

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>
PA0087513 (Sew)	Mapleton Area Joint Municipal Authority 13343 Smith Valley Road Mapleton Depot, PA 17052-0415	Huntingdon County Union Township	Hares Valley Creek 12-C	Y
PA0084492 (Sew)	Larry, Janet, Carl and Mary Strohecker Strohecker Mobile Home Park 615-A Dunkle School Road Halifax, PA 17032	Dauphin County Halifax Township	UNT Susquehanna River 6-C	Y
PA0039730 (Sew)	RRP Recreation Limited Partnership (Lake Raystown Resort) 100 Chipmunk Crossing Entriken, PA 16638	Huntingdon County Lincoln Township	Tatman Run (Raystown Lake) 11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218898 Industrial Waste	Belden & Blake Corporation 300 Capitol Street Suite 700 Charleston, WV 25301-1737	Westmoreland County Derry Township	Conemaugh River	Y
PA0217743 Sewage	Summit Hospitality Group Services, Inc. Days Inn at Donegal Route 31 Donegal, PA 15628	Westmoreland County Donegal Township	UNT of Minnow Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102768	Penncrest School District P. O. Box 808 Saegertown, PA 16433-4315	Randolph Township Crawford County	UNT to Woodcock Creek 16-A	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>
PA0103292	Hamilton Township P. O. Box 23 Ludlow, PA 16333	Hamilton Township McKean County	Twomile Run 16-F	Y
PA0101117	Shady Acres Mobile Home Park P. O. Box 358 Edinboro, PA 16412	Cussewago Township Crawford County	UNT to Cussewago Creek 16-D	Y
PA0026697 Amendment No. 1	Butler Area Sewer Authority 100 Littman Road Butler, PA 16001-3256	Butler Township Butler County	Connoquenessing Creek (Outfall 001) and Butchers Run (Outfalls 005, 011—014) 20-C	N
PA0221945	Michael C. Ernst Eagle Crest Manor MHP 6761 Mercer Pike Meadville, PA 16335	Union Township Crawford County	UNT to Conneaut Outlet 16-D	Y
PA0222909	Kinzua Warren County Joint Authority 119 Mead Boulevard Clarendon, PA 16313	Mead Township Warren County	Allegheny River 16-B	Y

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

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

NPDES Permit No. PA0056731, Sewage, **Historic Salem Village Homeowners Association**, 2193 Yellow Springs Road, Malvern, PA 19355. This proposed facility is located in Tredyffrin Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Historic Salem Village STP into a UNT to Valley Creek in Watershed 3F.

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

NPDES Permit No. PA0088439, Amendment No. 1, Sewage, **Lee Mummau, d/b/a School House Village Wastewater Division**, 14192 Day Avenue, Mt. Airy, MD 21771. This proposed facility is located in Licking Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to the Sindeldecker Branch in Watershed 13-B.

NPDES Permit No. PA0259781, CAFO, **Jeffrey Rohrer, Penn Valley Swine, LLC**, 622 Clayhill Road, Chambersburg, PA 17201. This proposed facility is located in Upper Bern Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 787-AEU swine operation in Watershed 3-B.

NPDES Permit No. PA 0260177, CAFO, **David and Eric Gemmill**, 458 Gemmill Road, Delta, PA 17314.

The State Conservation Commission issued a Nutrient Management Plan approval to David and Eric Gemmill on March 13, 2008, for an agricultural operation, located on Gemmill Road in Peach Bottom Township, **York County**. The Department of Environmental Protection issued a CAFO NPDES permit to David and Eric Gemmill on March 27, 2008. The existing agricultural operation includes a swine, beef cow/calf and cropping farm. The operation has proposed to construct a new swine barn to increase the target animal population to 525 animal equivalent units. All of the manure produced by the operation will be utilized on their 445 acres of cropland to supply nutrients for the crops grown. The CAFO will be situated near a UNT of Neill Run, which is classified as a TSF. The nearest downstream public surface water supply is a Baltimore City intake just above the Conowingo Dam on the Susquehanna River. The farm is not expected to impact the water supply.

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

NPDES Permit No. PA0253588, Industrial Waste, **CNX Gas Company, LLC**, 2481 John Nash Boulevard, Bluefield, WV 24701. This proposed facility is located in South Bend Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a wastewater treatment facility.

NPDES Permit No. PA0253596, Industrial Waste, **CNX Gas Company, LLC**, 2481 John Nash Boulevard, Bluefield, WV 24701. This proposed facility is located in Young Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a wastewater treatment facility.

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

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

WQM Permit No. WQG01360701, Transfer No. 1, Sewage, Rob Zell, 46 Cranfield Court, Elizabethtown, PA 17022. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. WQG02210802, Sewage, Upper Allen Township, 100 Gettysburg Pike, Mechanicsburg, PA 17055. This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of the Sewer Extension and Pump Station to serve the Bumble Bee Hollow subdivision.

WQM Permit No. 2208402, Sewage, Lower Paxton Township Authority, 435 Prince Street, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: expansion and equipment upgrade at the Beaver Creek pump station.

WQM Permit No. 6706408 08-1, Sewage, Springfield Township, York County Sewer Authority, P. O. Box 75, Seven Valleys, PA 17360. This proposed facility is located in Springfield Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of a 0.146 mgd suction lift pump station and 300 feet of 4-inch force main. Wastewater will be conveyed to the Hollow Creek sewage treatment plant.

WQM Permit No. 2900401 T-1, Sewage, Lee Mummau, d/b/a School House Village Wastewater Division, 14192 Day Avenue, Mount Airy, MD 21771. This proposed facility is located in Licking Creek Township, **Fulton County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of Sewage Treatment Facilities.

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

WQM Permit No. 4907403, Sewerage 4952, Northumberland Sewer Authority, 100 Water Street, P. O. Box 325, Northumberland, PA 17857. This proposed facility is located in Northumberland Borough, **Northumberland County**.

Description of Proposed Action/Activity: A permit has been issued the modification of the existing Queen Street Pump Station to accommodate additional wet weather flows and the elimination of a bypass to the Susquehanna River. Also, approximately 1,000 linear feet of 16" force main will be installed from the Queen Street Pump Station to the Authority's wastewater treatment plant to accommodate the additional flows.

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

WQM Permit No. WQG018604, Sewerage, Stephen G. Hyde, 1126 East 33rd Street, Erie, PA 16504-1820. This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: A single Residence Sewage Treatment Plant.

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

WQM Permit No. 1598412-A2, Sewerage, Amendment, Greenhill Sewer Association, 1000 Mill Road, West Chester, PA 19380. This proposed facility is located in East Goshen Township, **Chester County**.

Description of Action/Activity: Addition of screening facilities to existing treatment plant.

WQM Permit No. WQG02460806, Sewerage, Ambler Borough, 122 East Butler Avenue, Ambler, PA 19002. This proposed facility is located in Ambler Borough, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sewer extension.

WQM Permit No. 4607412, Sewerage, Craig Schuster, 1145 Baus Road, East Greenville, PA 18041. This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a small flow sewage treatment facility for single-family home and apartment.

WQM Permit No. 1502417, Sewerage, Transfer, Art and Janene Mullen, 1101 Bondsville Road, Downingtown, PA 19335. This proposed facility is located in Caln Township, **Chester County**.

Description of Action/Activity: This permit transferred from Robert Cowherd to the previous individuals. A sewage treatment plant for a single residence.

WQM Permit No. 2308401, Sewerage, Upper Providence Township Sewer Authority, 935 North Providence Road, Media, PA 19063. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a 10 lot single-family subdivision.

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

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

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.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507058	West Chester Area School District 1181 McDermott Drive West Chester, PA 19380	Chester	West Goshen Township	UNT Goose Creek TSF, MF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036707001	Mike O'Shea O'Shea Lumber Company 11425 South Susquehanna Trail Glen Rock, PA 17327	York	Shrewsbury and Springfield Townships	Seaks Run HQ-CWF
PAI033606009	J. Michael Stoltzfus 2419 Valley Road Narvon, PA 17555	Lancaster	Earl Township Terre Hill Borough	UNT to Black Creek HQ-WWF

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

Armstrong County Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425/3428.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050307001	Jeffrey and Kristen Christy 138 Horseshoe Drive Freeport, PA 16229	Armstrong	South Buffalo Township	Buffalo Creek HQ

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)

NOTICES

1625

General Permit Type—PAG-2

<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>
City of Philadelphia Philadelphia County	PAG2015107049	Brandywine Cira South, LP 2929 Arch Street Suite 325 Philadelphia, PA 19104	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015108002	GMIP South 76th Street, LP 65 Locust Avenue Suite 200 New Canaan, CT 46840	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015108007	Vallow Corporation 9820 Blue Grass Road Philadelphia, PA 19114	Private Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Bethlehem Northampton County	PAG2004807033	Anthony Corallo Lehigh University 461 Webster Street Bethlehem, PA 18015	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Olyphant Borough Lackawanna County	PAG2003508004	Robert Naegele 1610 Forest Acre Drive Clarks Summit, PA 18411	Eddy Creek WWF	Lackawanna County Conservation District (570) 281-9495
Centre Township Perry County	PAG2035008002	New Bloomfield Water Authority P. O. Box 293 New Bloomfield, PA 17068	Little Juniata Creek CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Silver Spring Township Cumberland County	PAG2002107056	Department of Transportation Engineering District 8-0 Michael Gillespie 2140 Herr Street Harrisburg, PA 17103	Hogestown Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Maidencreek Township Berks County	PAG2000608009	Rose Randazzo 222 Pike Development, Inc. 41 Main Street Pittston, PA 18640	Willow Creek- Maidencreek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre Township Perry County	PAG2035008002	New Bloomfield Water Authority P. O. Box 293 New Bloomfield, PA 17068	Little Juniata Creek CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Allegheny Township Blair County	PAG2000708007	Curry Excavating 3403 Mill Road Duncansville, PA 16635	UNT to Spencer Run-Gillans Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg PA 16648 (814) 696-0877
Fairview Township York County	PAG2006707074	Department of Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103	UNT to Fishing Creek—Susquehanna River TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<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>
Bradford County Troy Township	PAG2000808001	Pastor Joshua Payne Victory Church 180 Center Street Troy, PA 16947	South Branch Sugar Creek TSF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Montour County Mahoning Township	PAG2004708002	Geisinger Health Systems 100 North Academy Drive Danville, PA 17821	UNT to Mahoning Creek CWF UNT to Blizzard Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Beaver County Hopewell Township	PAG2000408008 Replaces PAR100299 and all revisions.	James Palmer Beaver County Corporation for Economic Development 250 Insurance Street Suite 300 Beaver, PA 15009	UNT to Boggs Run and Trappmill Run WWF	Beaver County Conservation District (724) 378-1701
Greene County Whiteley Township	PAG2003008003	Columbia Gas Transmission 950 Manifold Road Washington, PA 15301	Whiteley Creek and Tributaries of TSF	Greene County Conservation District (724) 852-5278
Indiana County Burrell Township	PAG2003208003	Indiana Regional Medical Center 835 Hospital Road P. O. Box 788 Indiana, PA 15701	UNT to Conemaugh River CWF	Indiana County Conservation District (724) 463-8547
Washington County Carroll Township	PAG2006308007	Mon Valley Community Federal Credit Union P. O. Box 189 Allenport, PA 15412	UNT to Pigeon Creek WWF	Washington County Conservation District (724) 228-6774
Erie County Girard Township	PAG2002507027	Dan E. aand Norma J. Johns 6120 Miller Road Girard, PA 16417 Fox Run Meadows Subdivision	UNT to Lake Erie CWF, MF	Erie Conservation District (814) 825-6403

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*

<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>
Fell Township Lackawanna County	PAR112212	Gentex Corporation 324 Main Street Simpson, PA 18407	Lackawanna River CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Cumberland County Hampden Township	PAR803560	UPS Ground Freight (Mechanicsburg) 1000 Semmes Avenue Richmond, VA 23224	UNT to Trindle Spring Run 7-B HQ-CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Manchester Township	PAR803561	UPS Ground Freight (York) 1000 Semmes Avenue Richmond, VA 23224	Codorus Creek 7-H WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cumberland County Carlisle Borough	PAR233522	Carlisle SynTec Incorporated P. O. Box 7000 1295 Ritner Highway Carlisle, PA 17013	Conodoguinet Creek 7-B WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:
Municipality &
County*

<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>
Cumberland County Silver Spring Township	PAR113556	Valk Manufacturing Company 66 East Main Street P. O. Box 428 New Kingston, PA 17072-0428	Hogestown Run 7-B CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Speers Borough Washington County	PAR116125	Areva T & D, Inc. One Power Lane Charleroi, PA 15022	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Greensburg Westmoreland County	PAR116101	ABB, Inc. 100 Distribution Circle Mount Pleasant, PA 15666	Slate Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

<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>
Caln Township Chester County	PAG040084	Art and Janene Mullen 1101 Bondsville Road Downingtown, PA 19335	UNT to Beaver Creek Watershed 3H	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Lancaster County Rapho Township	PAG043870 (transfer)	Rob Zell 46 Cranfield Court Elizabethtown, PA 17022	UNT Little Chickies Creek WWF 7-G	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Perry County Rye Township	PAG043695	Catherine Campbell 1961 New Valley Road Marysville, PA 17053	UNT Fishing Creek CWF 7-A	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Greenfield Township Erie County	PAG049409	Stephen G. Hyde 1126 East 33rd Street Erie, PA 16504-1820	Townley Run 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Conneaut Township Crawford County	PAG049407	Amy M. and Jeremy A. Graff 1505 Lester Road Conneautville, PA 16404	UNT to Paden Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Slippery Rock Township Lawrence County	PAG048884	Jamie M. and Katie L. McVicker 2676 County Line Road New Castle, PA 16101	UNT to Big Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Spring Township Crawford County	PAG048923	Larry E. Royer 24629 East Spring Road Springboro, PA 16435	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Mead Township Crawford County	PAG048916	Kenneth J. Deane 22679 State Highway 27 Meadville, PA 16335	UNT to Little Sugar Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048555	Eric R. Youngquist 1801 Swede Hill Road Russell, PA 16345	UNT to Wiltsie Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048589	Bruce E. and Susan Y. King 16395 Lynn Road Saegertown, PA 16433	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8

<i>Facility Location & County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Snake Spring Township Bedford County	PAG083516	Snake Spring Township Municipal Authority	Snake Spring Township STP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location & County/ Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Bratton Township Mifflin County	PAG093544	Renno's Custom Spreading and Vacuum Service	Renno's Custom Spreading and Vacuum Service 23 Mountain View Lane McVeytown, PA 17051	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0907511, Public Water Supply.

Applicant

Upper Makefield Township
1076 Eagle Road
Newtown, PA 18940

Township Upper Makefield
 County **Bucks**
 Type of Facility PWS
 Consulting Engineer Van Cleef Engineering Associates
 50 East Court Street
 Doylestown, PA 18901
 Permit to Construct March 19, 2008
 Issued

Permit No. 1508501, Minor Amendment, Public Water Supply.
 Applicant

Chester Water Authority
 415 Welsh Street
 P. O. Box 467
 Chester, PA 19016

Township Nottingham
 County **Chester**
 Type of Facility PWS
 Consulting Engineer Tank Industry Consultant, Inc.
 7740 West New York Street
 Indianapolis, IN 46214
 Permit to Construct March 24, 2008
 Issued

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

Permit No. 5401508MA, 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, Jr., P. E.
 Quad Three Group, Inc.
 72 Glenmaura National
 Boulevard
 Moosic, PA 18507

Permit to Construct March 19, 2009
 Issued

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 0508501 MA, Minor Amendment, Public Water Supply.

Applicant **Bedford Borough Water Authority**
 Municipality Bedford Township
 County **Bedford**
 Type of Facility Additional chlorine feed line installation.
 Consulting Engineer Aaron P. Keirn, P. E.
 The EADS Group, Inc.
 1126 8th Avenue
 Altoona, PA 16602

Permit to Construct March 17, 2008
 Issued

Permit No. 0708502 MA, Minor Amendment, Public Water Supply.

Applicant **Altoona City Authority**
 Municipality Juniata Township
 County **Blair**
 Type of Facility Relocation of the filter backwash
 recycle line at the Plane Nine
 Water Treatment Facility

Consulting Engineer Michael V. Sinisi, P. E.
 Altoona City Authority
 20 Greenwood Road
 Altoona, PA 16602

Permit to Construct March 13, 2008
 Issued

Operations Permit issued to **Orchard Hills Associates**, 7500010, Carroll Township, **Perry County** on March 17, 2008, for the operation of facilities approved under Construction Permit No. 5007503.

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

Permit No. MA-4189510—Construction, Public Water Supply.

Applicant **Williamsport Municipal Water Authority**

Township or Borough Armstrong Township
 County **Lycoming**
 Responsible Official LaRue S. VanZile
 Director of Engineering
 Williamsport Municipal Water
 Authority
 253 West Fourth Street
 Williamsport, PA 17701

Type of Facility Public Water
 Supply—Construction

Consulting Engineer N/A
 Permit Issued Date March 20, 2008

Description of Action Refurbishing of the 2.0 mg
 storage tank at the water
 treatment plant.

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

Permit No. 6207504, Public Water Supply.

Applicant **Clarendon Water Company**
 Borough or Township Clarendon Borough
 County **Warren County**
 Type of Facility Public Water Supply
 Consulting Engineer Harvey H. Stone, P. E.
 Transystems
 324 Pennsylvania Avenue West
 Warren PA 16365

Permit to Construct March 21, 2008
 Issued

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA 39-1003, Water Allocations, **City of Bethlehem**, 10 East Church Street, Bethlehem, PA 18018-6025, City of Bethlehem, **Northampton County**. The right to purchase 18,750 gpd, based on a Peak Month, 30 day average, from the City of Allentown.

WA 39-204D, Water Allocations, **City of Allentown**, 112 Union Street, Allentown, PA 18102-4912, City of Allentown, **Lehigh County**. The right to increase the water allocation amount from 4.0 mgd to 5.0 mgd, as a daily maximum, from Crystal Springs, near the filtration plant. The total maximum combined, permitted daily withdrawal of 39.0 mgd from all sources will remain unchanged.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Girard Township	Girard Township 10141 Ridge Road Girard, PA 16417	Erie

Plan Description: The approved plan provides for the construction of a small flow treatment facility to serve a single-family residence on Franklin Center Road. Discharge is to a UNT of Little Elk Creek, CWF/MF. Department of Environmental Protection Planning Code No. M6-03-135.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results

which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Former Thorton Stable Property, City of Philadelphia, **Philadelphia County**. Richard Burns, Conestoga-Rovers & Associates, 410 Eagleview Boulevard, Exton, PA 19341 on behalf of Bryan Cullen, Westrum BT2, LP, 370 Commerce Drive, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The intended future use of the property will be residential.

(REVISED) Norwood Building, East Whiteland Township, **Chester County**. Jeffrey Walsh, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Associates, III, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of lead and PAH's. The proposed future use of the property will be mixed use residential. Office and retail.

Yamamoto Farm, Newtown Township, **Bucks County**. Scott Alderfer, Penn E & R, Inc., 2755 Berger Road, Hatfield, PA 19440 on behalf of Lawrence Dugan, Esq., Orleans Homebuilder, Inc., 3333 Street Road, Bensalem, PA 19020 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future use of the site will be residential.

Pennsylvania Convention Center Expansion Site, City of Philadelphia, **Philadelphia County**. Edwin Hicks, Weston Solutions, 1400 Weston Way, West Chester, PA 19380 on behalf of Michael Koonce, The Redevelopment Authority of the City of Philadelphia, 1234 Market Street, Philadelphia, PA 19107 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganics. The site is comprised of a variety of former commercial parcel and the property is slated to be redeveloped to expand the existing Pennsylvania Convention Center. A summary of the Notice to Intent to Remediate was reported to have been published in the *Philadelphia Weekly* on March 12, 2008.

Chaddsford Collision, City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 on behalf of Roman Iwaskiw, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by release of lead and unleaded gasoline. The subject property is currently an automotive body shop.

Wawa, Inc., Towamencin Township, **Montgomery County**. Keith T. D'Ambrosio, P. E., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914 on behalf of Mark L. Stewart, 3130 Mill Road, Fairview Village, PA 19409 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by release of mtbe. The future use of the site will remain the same.

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

Former Hospital Central Services Corporation (HCSC) Property, City of Scranton, **Lackawanna County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of his client, Kelbri Development, LLC, 800 James Street, Second Floor, Scranton, PA 18510), concerning the remediation of site soils found to have been impacted by VOCs. The report was submitted in order to document attainment of the Site-Specific Standard. A public notice regarding the submittal of the Final Report was published in *The Scranton Times* on March 14, 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 combined Remedial Investigation and Risk Assessment Report concerning remediation of soils and groundwater contaminated with VOCs, semi-VOCs and metals. The applicant is seeking to remediate the site to the Site-Specific Standard.

Yorgey's Cleaners, former Sunoco Service Station, Elizabethtown Borough, **Lancaster County**. Resource Control Corporation, 1274 North Church Street, Moorestown, NJ 08057, on behalf of Sunoco, Inc., 350 Eagleview Boulevard, Suite 300, Exton, PA 19341, resubmitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The report is intended to document remediation of the site to a combination of Site-Specific and Statewide Health Standards.

Luxury Custom Cabinetry Group, New Holland Borough, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Luxury Custom Cabinetry Group, 215 Diller Avenue, New Holland, PA 17557, submitted a final report concerning remediation of site soils and groundwater contaminated by unleaded gasoline and fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

Small Tube Manufacturing, LLC (d/b/a Small Tube Products), Allegheny Township, **Blair County**. Malcolm Pirnie, Inc., 1603 Carmody Court, Suite 403, Sewickley,

PA 15143, on behalf of Wolverine Tube, Inc., 2100 Market Street NE, Decatur, AL 35609-2202, submitted a final report concerning remediation of site soils and groundwater contaminated with copper. The report is intended to document remediation of the site to a Statewide Health Standard.

FR & S No. 3 Industrial Waste Site, Exeter Township, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19508, on behalf of Wood Nursery Corp., Exeter Associates, Inc. and Buddies Nursery, Inc., P. O. Box 264, Birdsboro, PA 19508-0264, submitted a cleanup plan concerning the remediation of site soils and groundwater contaminated with VOCs and SVOCs. The applicant is seeking to remediate the site to the Site-Specific Standard.

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 final report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to the Statewide Health Standard.

Shiple Group/Shrewsbury Township Building, Shrewsbury Township, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Shrewsbury Township, 11505 Susquehanna Trail South, Glen Rock, PA 17327-9067 and Shiple Group, P. O. Box 1509, York, PA 17405, submitted a final report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release, which occurred on January 18, 2008. The report is intended to document remediation of the site to the Statewide Health Standard.

Shiple Oil/Rice Residence, North Codorus Township, **York County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Shiple Group, P. O. Box 1509, York, PA 17405; Timothy and Heide Rice, 5634 Lischeys Church Road, Spring Grove, PA 17362; and Kenneth and Gladys Wright, 5631 Lischeys Church Road, Spring Grove, PA 17362, submitted a final report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release, which occurred on January 30, 2008. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Charles Weyandt Property, Huston Township, **Centre County**. Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Charles Weyandt, 1501 Beaver Road, Julian, PA 16844 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sunoco Logistics Partners—Barney's Drive, Loyalsock Township, **Lycoming County**. Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19381 has submitted on behalf of Sunoco Logistics Partners, LP, 1735 Market Street, Suite LL, Philadelphia, PA 19103 a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Florence Remington Property, West Bradford Township, City of Philadelphia, **Philadelphia County**. John Zatydzyc, Environmental and Remediation, 2755 Bergery Road, Hatfield, PA 19440 on behalf of Jim Schofield, 6

Sheridan Drive, Princeton Junction, NJ 08550 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 4, 2008.

Penflex, Inc., East Whiteland Township, **Chester County**. Dennis Libenson, P. E., ECI, 500 East Washington Street, Suit 375, Norristown, PA 19401 on behalf of Ray Brown, 271, LP, 1404 Thrush Lane, West Chester, PA 19382 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Risk Assessment and Clean Plan was approved by the Department of Environmental Protection on March 12, 2008.

Holland Shopping Center, Northampton Township, **Bucks County**. Michael Eckhardt, WaWa, Inc., Red Roof Office, 260 Baltimore Pike, Wawa, PA 19063, Jeffery T. Bauer, Whitestone Associates, Inc., 1120 Welsh Road, Suite 100, North Wales, PA 19454 on behalf of Matthew Winters, WaWa, Inc., Red Roof Office, 260 Baltimore Pike, WaWa, PA 19063 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on March 10, 2008.

Grundy Powerhouse Site, City of Philadelphia, **Philadelphia County**. Michael A. Christie, P. G., Penn E & R, Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of Redevelopment Authority of Bucks County, 1 North Wilson Avenue, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with lead, heavy metals, btx, polycyclic aromatic hydrocarbons and heavy metals and solvents. The Final Report was placed on hold due to substantive deficiency by the Department of Environmental Protection on March 10, 2008.

Heintz Corporation Property Parcel B, City of Philadelphia, **Philadelphia County**. Steve Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted Final Report concerning the remediation of site groundwater contaminated with lead. The Final Report did not demonstrate attainment of the Site Specific Standard and was placed on hold by the Department of Environmental Protection on March 19, 2008

Gorman Property, Northampton Township, **Bucks County**. Michael Gonshor, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 on behalf of Eileen Gorman, 39 North Drive, Holland, PA 18966 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with other organics. 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

Clean Closure Certificate 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.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 400684. Osrsm Sylvania Products Inc., Hawes Street, Towanda, PA 18848, located in Towanda Borough, **Bradford County**. The Final closure certification was received by the Williamsport Regional Office on March 17, 2008, for the clean closure of the Pyrolizer, the residual waste processing facility.

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.

09-301-126GP: Bucks County Crematories, LLC (2 Chatham Place, Newtown, PA 18740) on March 20, 2008, to operate a human crematory (one unit) in Bristol 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.

40-310-074GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 19, 2008, for the construction and operation of a Portable Crushing Operation with watersprays at their site at Pikes Creek Asphalt in Lehman Township, **Luzerne County**.

40-329-005GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 19, 2008, for installation and operation of a Diesel I/C Engine at their site at Pikes Creek Asphalt in Lehman Township, **Luzerne County**.

35-320-009GP7: PA Hutchinson Co. (400 Penn Avenue, Mayfield, PA 18433) on March 19, 2008, to construct and operate a Sheetfed Offset Lithographic Printing Press at the site in Mayfield Borough, **Lackawanna County**.

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

GP10-36-05118B: R. R. Donnelley & Sons, Co. (391 Steel Way, Lancaster, PA 17601) on March 20, 2008, for a Nonheatset Web Offset Lithographic Printing Press under GP10 in the City of Lancaster, **Lancaster County**.

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

GP-37-011: Dairy Farmers of America, Inc. (SR 18 and 208, New Wilmington, PA 16142) on March 21, 2008, for an additional natural gas fired boiler in Wilmington Township, **Lawrence 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.

15-0031B: Henry Co. (336 Cold Stream Road, Kimberton, PA) on March 20, 2008, for installation of a mixer with a Fabric Filter as a control, in East Pikeland Township, **Chester County**. This facility is a Major for VOC. Emissions from these sources are 0.05 ton of PM. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

36-05096A: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on March 19, 2008, for use of on-specification waste derived liquid fuel at an asphalt plant in Paradise Township, **Lancaster County**.

36-05126B: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on March 19, 2008, for conversion of the existing rotary dryer burner to be capable of burning on-specification waste derived liquid fuel in addition to No. 2 fuel oil in West Donegal Township, **Lancaster County**.

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

10-305B: Recmix of PA, Inc. (359 North Pike Road, Sarver, PA 16055) on March 20, 2008, to install a fertilizer drying system and blending station to produce a specialized fertilizer, in Winfield Township, **Butler County**.

16-124A: Dominion Peoples—Truittsburg Station (1201 Pitt Street, Pittsburgh, PA 15221-2029) on March 20, 2008, to install a 425 horsepower natural gas compressor engine, in Redbank Township, **Clarion County**.

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

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

23-0074: GS Roofing Products Co., Inc. (800 West Front Street, Chester, PA 19013) on March 18, 2008, to operate a thermal oxidizer in City of Chester, **Delaware County**.

46-0025C: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on March 18, 2008, to operate a waste incinerator in Upper Merion Township, **Montgomery County**.

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

18-315-001C: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on March 20, 2008, to extend the authorization to operate two 68 mmBtu/hr natural gas/propane-fired boilers on a temporary basis to July 18, 2008, in Castanea Township, **Clinton County**. The plan approval has been extended.

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

33-002C: Owens Brockway Glass Container, Inc.—Plant No. 19 (3831 Route 219, Brockport, PA 15823) on April 30, 2008, to modify their HEST system in Snyder Township, **Jefferson County**. The facility is a Title V Facility.

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.

05-05006: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue SE, Charleston, WV 25314-1518) on March 18, 2008, for a natural gas storage and transmission facility at Columbia Gas Transmission Corporation Artemas Compressor Station in Mann Township, **Bedford 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.

23-00058: Haverford College (370 Lancaster Avenue, Haverford, PA 19041) on March 20, 2008, for renewal of the State-only Operating Permit in Haverford Township, **Delaware County**. The original SOOP was issued February 24, 2003. The air pollutant emission sources at the campus includes 3-1,000 kW Peak Shaving Generators and five boilers that have the capacity to combust natural gas only, or either natural gas or No. 2 fuel. The generators can use either diesel oil and/or No. 2 oil as fuel. The boilers are used to provide heat and hot water for the academic and residential buildings and the generators are used to generate power for lighting and communication.

23-00072: Action Supply Co., Inc. (1401 Calcon Hook Road, Sharon Hill, PA 19079) on March 20, 2008, for renewal of a State-only, Natural Minor Operating Permit to operate three ready-mix concrete plants and a recycling plant with two crushers and a screener in Darby Township, **Delaware County**. The facility is a minor source of PM emissions. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00085: Tate & Lyle Ingredients Americas, Inc. (East Post Road, Morrisville, PA 19067) on March 20, 2008, for renewal of a State-only, Natural Minor Operating Permit in Morrisville Borough, **Bucks County**. The facility's primary sources include two 10.5 mmBtu/hr boilers which use natural gas as a primary fuel source. Emissions from these sources do not exceed any Title V threshold. The permit will include monitoring,

recordkeeping and reporting requirements to address all applicable air quality requirements.

09-00142: ML 35, LLC (35 Runway Road, Levittown, PA 19057) on March 20, 2008, for renewal of a State-only, Synthetic Minor Operating Permit in Bristol Township, **Bucks County**. The facility operates four diesel fired emergency generators at its facility to provide back-up electrical power. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

22-03037: Consolidated Scrap Resources, Inc. (P. O. Box 1761, Harrisburg, PA 17105-1761) on March 18, 2008, for operation of their metal scrap shredder and cyclone in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit.

22-05038: Feldman Lubert Adler Harrisburg, LP (Route 83 and Paxton Street, Harrisburg, PA 17111) on March 19, 2008, for operation of natural gas fired boilers at the Harrisburg Mall in Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

36-03039: Tyco Electronics Corp. (1590 Kauffman Road, Landisville, PA 17358-1432) on March 21, 2008, for their electronic connector production facility in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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.

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

36-03105: Pennsy Supply, Inc. (P. O. Box 3331, 1001 Paxton Street, Harrisburg, PA 17105-3331) on March 19, 2008, to operate their stone crushing plant in East Hempfield Township, **Lancaster County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

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

25-00066: Accuride Erie, LP (1015 East 12th Street, Erie, PA 16503-1520) on March 20, 2008, for an Administrative Amendment of the Natural Minor Permit, to incorporate the conditions of Plan Approval No. 25-066F in City of Erie, **Erie County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.

S04-013: Baum Printing Co. (9985 Gantry Road, Philadelphia, PA 19115) on March 14, 2008, administratively amended to change facility name, remove discontinued press and to include Plan Approval 06197. The Synthetic Minor Operating Permit was originally issued on November 1, 2004.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

15-00070: Robert S. Swanson Co. (433 South Walnut Street, Kennett Square, PA 19348-3340) on March 20, 2008, this action is to revoke a State-only operating permit issued February, 2004, for a bake-off oven in Kennett Township, **Chester County**, (215) 685-9476.

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 30841312 and NPDES Permit No. PA0013790, Consolidation Coal Company, (1 Bridge Street, Monangah, WV 26554), to revise the permit for the Blacksville No. 2 Mine in Jackson Township, **Greene County** and related NPDES permit to add surface acreage to install the 16 West Bleeder Shaft. Surface Acres Proposed 15.0. Receiving stream: UNT to Blockhouse Run, classified for the following use: WWF. Application received January 18, 2007. Permit issued March 14, 2008.

Permit Number 32971301 and NPDES Permit No. PA0215082, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to renew the permit the Josephine No. 3 Mine in Center Township, **Indiana County** and related NPDES permit for reclamation only. No additional discharges. Application received October 19, 2007. Permit issued March 20, 2008

Permit Number 56831601 and NPDES Permit No. PA0213497, Reitz Coal Company, LLC, (509 15th Street, Windber, PA 15963), to transfer the permit for the Reitz No. 11 Coal Preparation Plant in Shade Township, **Somerset County** and related NPDES permit from Reitz Coal Company. No additional discharges. Application received September 18, 2007. Permit issued March 20, 2008.

Permit Number 56950701 and NPDES Permit No. PA0214795, Reitz Coal Company, LLC, (509 15th Street, Windber, PA 15963), to transfer the permit for the Shade 4 Refuse Disposal Site in Shade Township,

Somerset County and related NPDES permit from Reitz Coal Company. No additional discharges. Application received September 18, 2007. Permit issued March 20, 2008.

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

32970112 and NPDES No. PA0234605, AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface auger and Upper Freeport Limestone Removal mine in Green Township, **Indiana County**, affecting 103.3 acres. Receiving streams: Buck Run, Dixon Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company Two Lick Creek SW. Application received January 25, 2008. Permit issued March 17, 2008.

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

10020105 and NPDES Permit No. PA0242225. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Slippery Rock Township, **Butler County** affecting 43.8 acres. Receiving streams: UNTs to Long Run, UNT to Slippery Rock Creek. This renewal is issued for reclamation only. Application received January 31, 2008. Permit issued March 18, 2008.

16970104 and NPDES Permit No. PA0227471. MSM Coal Co., Inc. (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous strip operation in Clarion Township, **Clarion County** affecting 97.5 acres. Receiving streams: UNT to Brush Run. This renewal is issued for reclamation only. Application received February 1, 2008. Permit issued March 18, 2008.

33070104 and NPDES Permit No. PA0258351. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201) Transfer of an existing bituminous strip operation from 3M Resources Company in Young and McCalmont Townships, **Jefferson County** affecting 19.7 acres. Receiving streams: UNTs to Elk Run. Application received December 20, 2007. Permit issued March 17, 2008.

Noncoal Permits Actions

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

Permit No. 4275SM20A and NPDES Permit No. PA0125334. U. S. Silica Company, 12942 Oriskany Road, Mapleton Depot, PA 17052, renewal of NPDES Permit, in Brady Township, **Huntingdon County**. Receiving streams: Saddler Creek, UNT to Fush Run, Juniata River classified for the following uses: TSF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 14, 2008. Permit issued March 14, 2008.

32030301 and NPDES No. PA0249408. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for the continued operation and restoration of a large noncoal surface mine in Center Township, **Indiana County**, affecting 210.0 acres. Receiving streams: Tearing Run and UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 26, 2007. Permit issued March 19, 2008.

56070802. Durst Stone, 323 Broadway Street, Meyersdale, PA 15552, commencement, operation and

restoration of a small noncoal (industrial minerals) operation in Addison Township, **Somerset County**, affecting 1.5 acres, receiving streams: UNT to Whites Creek. Application received September 26, 2007. Permit issued March 17, 2008.

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

10980302. I. A. Construction Corp. (158 Lindsay Road, Zelenople, PA 16063) Renewal of NPDES Permit No. PA0227641, Cherry and Slippery Rock Townships, **Butler County**. Receiving streams: UNT to McMurray Run. Application received January 29, 2008. Permit issued March 18, 2008.

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

64072803. Keystone Bluestone, Inc., (214 Exchange Street, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received April 2, 2007. Permit issued March 19, 2008.

35070804. Greenfield Stone Company, (1443 Heart Lake Road, Jermyn, PA 18433), commencement, operation and restoration of a quarry operation in Greenfield Township, **Lackawanna County** affecting 5.0 acres, receiving stream: none. Application received June 29, 2007. Permit issued March 20, 2008.

64072808. Kevin Schrader, (3230 Creamton Drive, P. O. Box 262, Lake Como, PA 18437), commencement, operation and restoration of a quarry operation in Preston Township, **Wayne County** affecting 5.0 acres, receiving stream: none. Application received September 18, 2007. Permit issued March 20, 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.

01084104. Warrens Excavating & Drilling, Inc., P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Hamilton Township, **Adams County**. Blasting activity permit end date is February 1, 2009. Permit issued March 14, 2008.

21084114. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Monroe Township, **Cumberland County**. Blasting activity permit end date is March 31, 2009. Permit issued March 14, 2008.

21084113. M & J Explosives, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in South Middleton Township, **Cumberland County**. Blasting activity permit end date is March 31, 2009. Permit issued March 14, 2008.

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

02084004. Dykon Explosive Demolition (1202 West 36th Street North, Tulsa, OK 74127). Blasting activity permit for demolition of St. Francis Hospital, located in the City of Pittsburgh, **Allegheny County**. The duration of blasting: 1 day. Permit issued March 19, 2008.

02084005. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for stabilizing the slope along Route 28, located in Harmar Township, **Allegheny County**. The duration of blasting: 2 weeks. Permit issued March 19, 2008.

26085001. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit-by-rule for repairs to the rails to trails, located in Springhill Township, **Fayette County**. Permit issued March 21, 2008.

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

36084129. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling on Buckwalter Road in Manheim Township, **Lancaster County** with an expiration date of March 1, 2009. Permit issued March 17, 2008.

38084105. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for a single dwelling on Brandt Road in South Annville Township, **Lebanon County** with an expiration date of March 1, 2009. Permit issued March 17, 2008.

67084109. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Red Lion Elementary School in Windsor Township, **York County** with an expiration date of March 31, 2009. Permit issued March 17, 2008.

38084106. 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 19, 2008.

45084110. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Blue Mountain Lake in Stroud Township, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 19, 2008.

46084107. Douglas Explosives, Inc., (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Colorcon in Lower Salford Township, **Montgomery County** with an expiration date of March 14, 2009. Permit issued March 19, 2008.

46084108. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting at Kennedy Mazda in Limerick Township, **Montgomery County** with an expiration date of March 18, 2009. Permit issued March 19, 2008.

67084110. TJ Angelozzi, Inc., (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Taylor Estates in the City of York, **York County** with an expiration date of September 30, 2008. Permit issued March 19, 2008.

45084001. Rick Rufe Drilling, (R. R. 6, Box 6223-A, Stroudsburg, PA 18360) and DC Guelich Explosive Company, (971 Mountain Road, Bloomsburg, PA 17815), construction blasting for Sciota Properties, LLC Building Site Project in Hamilton Township, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 19, 2008.

46084001. Anrich, Inc., (1271 Gulph Road, Wayne, PA 19087) and **Bernard J. Hasara**, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for Farmington Avenue West Sanitary Sewer Project in Upper Pottsgrove Township, **Montgomery County** with an expiration date of August 30, 2008. Permit issued March 18, 2008.

35084001. Brainard Explosives, (R. R. 1, Box 275, Kingsley, PA 18826), construction blasting for the Wright Farm Shale Pit in Benton Township, **Lackawanna County** with an expiration date of August 31, 2008. Permit issued March 20, 2008.

36084130. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Village in Paradise in Paradise Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued March 20, 2008.

36084131. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Quail Creek in Rapho Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued March 20, 2008.

45084108. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Leisure Lands Development in Middle Smithfield Development, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 22, 2008.

45084109. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Timber Hills Development in Price and Paradise Townships, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 22, 2008.

45084111. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Alpine Lake Development in Pocono Township, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 22, 2008.

45084112. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for The Estates At Tannersville in Pocono Township, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 22, 2008.

45084113. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hill Estates in Smithfield Township, **Monroe County** with an expiration date of March 31, 2009. Permit issued March 22, 2008.

45084114. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Lake In The Clouds Development in Barrett Township, **Monroe County** and Greene Township in **Pike County** with an expiration date of March 31, 2009. Permit issued March 22, 2008.

52084103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wild Acres Development in Delaware Township, **Pike County** with an expiration date of March 31, 2009. Permit issued March 22, 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.

E09-923. Camp Nockamixon, 249 Traugers Crossing Road, Kintnersville, PA 18930, Nockamixon Township, **Bucks County**, ACOE Philadelphia District.

To stabilize and maintain approximately 1,000 linear feet of streambank in and along Gallows Run (CWF). The stream bank will be stabilized with R-8 riprap. This project is located approximately 6,500 feet south of the intersection Church Hill Road and SR 611 (Riegelsville, PA, USGS Quadrangle N: 6.9 inches; W: 10.6 inches) in Nockamixon Township, **Bucks 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.

E54-239. Borough of Schuylkill Haven, 12 West Main Street, Schuylkill Haven, PA 17972. Borough of Schuylkill Haven, **Schuylkill County**, United States Army Corp of Engineers Philadelphia District.

To remove two gravel bars having a total surface area of approximately 0.6 acre and length of 280 feet and 330 feet from the Schuylkill River (CWF). The depth of excavation is limited to 6 inches above the ordinary highwater mark. The project is generally located along the east side of the channel between St. Charles and West Union Streets (Friedensburg, PA Quadrangle N: 22.6 inches; W: 6.9 inches). (Subbasin: 3A)

E40-669. Stephen A. Chilcote and KD Land, LLC, 114 Back Street, Centre Hall, PA 18628. Plains Township, **Luzerne County**, United States Army Corp of Engineers Baltimore District.

To remove the existing structure authorized by Emergency Permit No. EP4006428 and to construct and maintain a private road crossing consisting of a 13-foot wide single-lane bridge, having a span of 45 feet and an underclearance of approximately 5.5 feet, across Mill Creek (CWF). The project is located approximately 0.25 mile upstream of the Turnpike Bridge (Pittston, PA Quadrangle N: 1.0 inch; W: 1.9 inches). (Subbasin: 5B)

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

E18-431. Louis S. Winner Jr., 70 Acorn Lane, Lock Haven, PA 17745. Recreational Boat Launch Improvements, in Woodward Township, **Clinton County**, ACOE Baltimore District (Lock Haven, PA Quadrangle N: 4.25 inches; W: 12.1 inches).

To construct and maintain a 20 foot by 30 foot at grade concrete slab, a 12 foot by 30 foot R-4 Rip-Rap boat launch access. All work will occur within the left bank of the West Branch of the Susquehanna River. This permit was issued under Section 105.13(e) "Small Projects."

E41-583. Loyalsock Township Board of Supervisors, 2501 East Third Street, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit, in Loyalsock Township, **Lycoming County**, ACOE Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 14' 42"; W: 76° 57' 46").

To construct and maintain a recreational structure measuring 26 feet long by 10 feet wide within the floodway of the West Branch of the Susquehanna River, located adjacent to the Greevy Boat launch in Loyalsock Township, Lycoming County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E41-585. Jonas M. Beiler, 6925 Armstrong Road, Muncy, PA 17756. Small Projects Water Obstruction and Encroachment Joint Permit, in Clinton Township, **Lycoming County**, ACOE Susquehanna River Basin District (Muncy, PA Quadrangle N: 41° 13' 17"; W: 76° 49' 10").

To construct and maintain a residential structure addition measuring 28 feet long by 14 feet wide within the floodway of the West Branch of the Susquehanna River located along Armstrong Road in Clinton Township, Lycoming County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E47-091. Vincent A. Emery, 958 Penn Street, Milton, PA 17847-7639. Emery Duplex Construction, in Mahoning Township, **Montour County**, ACOE Baltimore District (Danville, PA Quadrangle N: 40° 57' 49"; W: 76° 36' 21").

To construct and maintain a 28 foot by 40 foot duplex in the floodway of Blizzard Run. The back face of the duplex will be located 27 ft. from the top of bank. This project proposes no permanent impact to Blizzard Run and does not propose any impacts to any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

E26-347. Cynthia A. Robertson, 645-1/2 Grandview Avenue, Pittsburgh, PA 15202. To operate and maintain multiseason, nonresidential structure and deck in Henry Clay Township, **Fayette County**, Pittsburgh, ACOE District (Ohio Pyle, PA Quadrangle N: 2.4 inches; W: 6.0 inches, Latitude: 39° 45' 44.4"; Longitude: 79° 24' 59.8"). To operate and maintain a new multiseason, nonresidential structure and construct and maintain deck around the structure to be used for recreational purposes. The structure is located along and in floodway of Hall Run (WWF). The existing structure is 14 feet wide by 28 feet long and is built on a trailer frame over concrete blocks above 100-year flood elevations. The site is located along Dark Hallow Road (T-876).

E32-470A1. Indiana County Airport Authority, 801 Water Street, Indiana, PA 15701. To construct, maintain and placement of fill in White Township, **Indiana County**, Pittsburgh ACOE District (Clymer, PA Quadrangle 1.3 inches North; 14.3 inches West, Latitude: 40° 37' 59"; Longitude: 79° 6' 54"). To affect a total of 3,944 feet of streams in the Ramsey Run and Two Lick Creek Watersheds, consisting of the following:

1. The construction and maintenance of a 1,010 foot long, 12 foot diameter circular culvert with a 3 foot depression in a UNT to Two Lick Creek (CWF), identified in the Application as Main Tributary. The actual stream loss associated with this structure is 1,534 feet.

2. The construction and maintenance a 360 foot long, 42 inch diameter corrugated metal pipe (CMP), connected to an existing stream enclosure in UNT 2 to Ramsey Run (CWF). The actual stream loss associated with this structure is 461 feet.

3. The construction and maintenance a 570 foot long, 36 inch CMP extension to an existing CMP, in UNT 2 to Ramsey Run (CWF). The actual stream loss associated with this structure is 797 feet.

4. The placement of fill in 88 feet of a UNT to Two Lick Creek (CWF), identified in the Application as Intermittent UNT 1.

5. The placement of fill in 141 feet of UNT 2 to Two Lick Creek (CWF).

6. The relocation of approximately 923 feet of the channel of a UNT 1 to Two Lick Creek (CWF).

This permit also authorizes the placement of fill in 3.47 acres of wetlands in the Two Lick Creek and Ramsey Run watersheds, of which approximately 1.98 acres are considered Exceptional Value wetlands.

All stream and wetland impacts included in this permit are for the purpose of relocation, extending and widening the existing runway and constructing a new taxi way and runway at the Indiana County (Jimmy Stewart) Airport.

To mitigate these impacts, the applicant will construct 3.57 acres of replacement wetlands and improve 3,992 feet of stream channel at four sites within the watersheds and on the airport site.

The previous permit, issued on October 24, 2005, authorized the placement of fill in 0.29 acre of wetland, the construction and maintenance of a 194 foot long, 36 inch diameter CMP in a UNT to Ramsey Run (CWF), a 90 foot extension of an existing 40 inch wide by 32 inch high CMP and to maintain the new total length of 265 feet, in a UNT to Ramsey Run, as part of a safety improvement at the Indiana County Airport. The permittee provided a 0.35 acre replacement wetland to mitigate for their impacts.

The site is located southeast of the intersection of Airport Road and US Route 119 in White Township, Indiana County.

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

E25-713, Dahlkemper Landscape Architects and Contractors, Inc. Access Bridge over Mill Creek, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 18.9 inches; W: 3.7 inches).

The applicant proposes to construct and maintain a bridge (to relocate loading and storage areas for an existing landscaping business) having a clear span of 24 feet and an underclearance of approximately 3 feet across Mill Creek approximately 0.2 mile NE of the intersection of SR 8 and Norcross Road.

ENVIRONMENTAL ASSESSMENTS

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

EA56-004. Shade Creek Watershed Association, 314 Central Avenue, Suite 205, Central City, PA 15926. To place limestone sand along several watercourses in Shade Township, **Somerset County**, Pittsburgh ACOE District (Central City, PA Quadrangle: Latitude: 40° 7' 7.5"; Longitude: 78° 48' 38.2"). To place approximately 23 or 46 tons of limestone sand annually in and/or along several headwater watercourses, within the Dark Shade Creek Watershed, to improve water quality and aquatic life, in the upper portion of this basin, which is affected by acid mine drainage and acid deposition. In the initial year of application, the dosage of limestone sand will be 2 to 3 times greater than the aforementioned dosage, in order to prime the watershed. The watercourses selected to receive dosage applications include Coal Run (CWF), Panther Run (local name), Shingle Run (CWF), Snoden Run (local name), Beaverdam Run (HQ/CWF), Berkebile Run (local name), Laurel Run (CWF), Miller Run (CWF) and the main stem of Dark Shade Creek (CWF). Except for the Miller Run sites, applications will be located above the confluence of Dark Shade Creek and Laurel Run.

SPECIAL NOTICE

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

Whitetail Contracting, Inc., GFCC No. 17-07-15, Morris Township, Clearfield County (Emigh Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to Whitetail Contracting that will result in the reclamation of 29.3 acres of abandoned mine lands including 6.8 acres

of deep mine subsidence, 2,550-feet of abandoned Upper Freeport highwall and the recovery of approximately 10,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline material in the form of waste lime will be added to the mining area of the site at a rate of 25 tons per acre. The estimated value of the reclamation work is \$75,000, which will be done at no cost to the Commonwealth. The site is located just north of the village of Hawk Run on lands formerly mined and subsequently abandoned by Morrisdale Coal Company in the 1940's.

[Pa.B. Doc. No. 08-632. Filed for public inspection April 4, 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.

Final Technical Guidance:

DEP ID: 270-0810-005. Title: Guidance Document for the Pennsylvania Clean Vehicles (PCV) Program. Description: This document serves as a guide for the implementation and operation of the PCV Program. By providing an explanation of the requirements of the PCV Program, this document will aid the regulated community in complying with the program and will aid the Department in enforcing the program. This document applies to persons engaged in the sale, lease, offering for sale or lease, import, delivery, purchase, rental, acquisition, titling or registration of model year 2008 and later, new passenger cars and light duty trucks in this Commonwealth. This group includes, but is not limited to, foreign and domestic new motor vehicle manufacturers, Pennsylvania new motor vehicle dealers, vehicle title issuing agents and vehicle rental or leasing agents. This guidance is issued under the authority of 25 Pa. Code Chapter 126, Subchapter D, which establishes the PCV Program. Notice requesting comments on the draft version of the technical guidance

document was published at 37 Pa.B. 3127 (July 7, 2007). During the 30-day public comment period, the Department received comments from five commentators. Revisions were made to the final technical guidance document to enhance clarity and to provide additional information requested by the commentators. A Comment and Response document is available which summarizes the comments received on the draft technical guidance and the Department's responses to those comments. In addition to the availability of the final technical guidance document as noted previously, the final guidance document is available on the Department's Pennsylvania Clean Vehicles Program web site at www.dep.state.pa.us/dep/deputate/airwaste/aq/cars/cleanvehicles.htm. Contact: Questions regarding the technical guidance document should be directed to Chris Trostle at (717) 787-9494, dtrostle@state.pa.us or to Samantha Harmon at (717) 705-7686, saharmon@state.pa.us. Effective Date: April 5, 2008.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-633. Filed for public inspection April 4, 2008, 9:00 a.m.]

Neshaminy Creek Watershed Nutrient Total Maximum Daily Loads (TMDL); Rationale for Withdrawal

Background:

The Department of Environmental Protection (Department) developed, and the United States Environmental Protection Agency (EPA) approved, Total Maximum Daily Loads (TMDL) for nutrients in the Neshaminy Creek Watershed on December 9, 2003. TMDLs were completed for total phosphorus (TP) to address the problems identified on Pennsylvania's 1996-2002 Clean Water Act section 303(d) lists of impaired waters (impaired waters list). The water quality impairments identified on the lists include nutrients and excessive algal growth. The listed waters included the Neshaminy Creek mainstem, West Branch Neshaminy Creek, North Branch Neshaminy Creek, Pine Run, Cooks Run, Core Creek, Little Neshaminy Creek, Mill Creek, Park Creek and Little Neshaminy Creek. Allocations were established for 21 point source discharges requiring permit limits of 1.0 mg/l TP at existing flows or 0.8 mg/l TP at expanded flows.

The Department does not have numeric criteria for nutrients. Therefore, the Department developed an interpretation of the narrative standard contained in 25 Pa. Code § 93.6(a). This narrative standard requires that point and nonpoint source contributions to Waters of the Commonwealth not contain substances in amounts sufficient to be inimical or harmful to the water's protected uses. While the TMDLs represented the best interpretation of the narrative criteria available at the time, more recent intensive studies of Pennsylvania waters and an exhaustive scientific literature conducted by EPA as part of the Skippack Creek TMDL Withdrawal Rationale indicate that the allowable TP is much lower than the levels required by the TMDLs.

The Department is withdrawing the existing Neshaminy Creek nutrient TMDLs that were established in 2003. EPA will establish the nutrient TMDLs for Neshaminy Creek.

Discussion:

Based on subsequent reviews of existing data and EPA's scientific literature search, conducted as part of the Skippack Creek TMDL withdrawal process, the Department believes that the TP endpoint selected for the Neshaminy Creek TMDL is not sufficient to restore water quality to the point where waters are supporting all water uses. The basis for this determination is presented as follows.

Following establishment of the nutrient TMDLs for the Neshaminy Creek watershed, EPA developed nutrient TMDLs for an adjacent watershed, Skippack Creek, using an endpoint derived using a periphyton nutrient relationship to control excessive algal growth. Originally, the Neshaminy Creek TMDLs were to be revised with an endpoint derived for the Skippack Creek TMDL. The periphyton/nutrient relationship for Skippack Creek was based on a study by Dr. Hunter Carrick, Associate Professor of Aquatic Ecology at Pennsylvania State University. This study determined that the Skippack watershed was overloaded with nutrients and the growth of periphyton biomass was no longer limited by either nitrogen or phosphorus. The reader is directed to the April 8, 2005, Skippack Creek watershed TMDL report for Dr. Carrick's complete report. Based upon previous work, algal chlorophyll 'a' levels in streams that range from 100–150 mg/m² are considered to be excessive or at nuisance levels (Welch, et al., 1989). EPA selected 100 mg/m² as the appropriately protective goal for chlorophyll 'a' levels in the Skippack Creek watershed. Using regression equations (Dodds et al., 2002 and Cattaneo, et al. 1987), Dr. Carrick calculated the TP concentration in surface water that would yield the chlorophyll 'a' target of 100 mg/m². The TP concentrations based on these equations ranged from 184 ug/L to 233 ug/L. EPA selected the higher concentration as the TMDL endpoint. While the response-based endpoint is still considered the most scientifically defensible means of setting TMDLs, the method used to derive the endpoints for the nutrient TMDLs must be refined for various reasons discussed as follows.

As mentioned previously, the concentration for TP selected as the endpoint for the control of excessive algal growth was, in part, based on an equation developed by A. Cattaneo in 1987 using data from lakes. Also, the data that served as the basis for this equation was collected in Canada. EPA and the Department now believe that this equation is not appropriate for use in the determination of TP levels in free-flowing waters such as the Skippack and Neshaminy Creeks. Use of only the Dodds equation would result in a TP concentration of 184 ug/L in order to meet the TMDL selected in-stream goal for chlorophyll 'a' biomass of 100mg/m². However, subsequent to EPA's establishment of the nutrient TMDLs for the Skippack Creek watershed, Dodds et al. (Dodds, et al., 2006) published an erratum that corrected the original 2002 equation. The erratum states that, "This correction is related to two issues. First, a small number of data points from the literature data set had incorrect values of TP entered by the first author. Also, upon review of the entire literature data set, several chlorophyll values were found that did not match the criteria required for inclusion in the data set. Correcting these values resulted in modest changes . . ." Application of the revised equation that relates total nitrogen (TN) and TP to chlorophyll 'a' values shows a much steeper slope to the curve. See Figure 1 as follows.

Due to the significant changes in one of the primary regression equations used to derive the TP endpoint and

the belief that the target may not have been sufficient to meet water quality standards, EPA has withdrawn the Skippack Creek TMDLs. EPA will propose new Skippack and Neshaminy Creeks TMDLs. EPA has committed to re-evaluate the nutrient endpoint issue for these TMDLs.

Conclusion

The Department is withdrawing nutrient TMDLs for the Neshaminy Creek Watershed established on December 9, 2003. The Department's basis for this withdrawal is that the existing TMDLs are not sufficient to attain and maintain existing water quality standards and uses. The Department believes that a response-based endpoint derived for the protection of the waters from excessive algal growth is the most scientifically and ecologically desirable TMDL target. Thus, EPA's current effort to define nutrient endpoints and re-establish TMDLs for the Skippack Creek watershed represents an opportunity to establish TMDL targets that will be effective in restoring water quality in Neshaminy Creek.

By letter, dated January 31, 2008, EPA notified the Department that it concurred with this withdrawal. In addition, EPA confirmed that it will develop and establish revised nutrient TMDLs for the Neshaminy Creek Watershed.

References—Nutrients, Chlorophyll and Other Factors Impacting Algal Growth

Cattaneo, A. Periphyton in Lakes of Different Trophic. *Canadian Journal of Fisheries and Aquatic Science*, Vol. 44, 296-303, 1987.

Carrick, Hunter J., Using Periphyton to Estimate TMDL Endpoints and Assess Impairment in an Urban-

Suburban Stream (Skippack Creek, Pennsylvania), School of Forestry, The Pennsylvania State University, March 30, 2005

Carrick, Hunter J., and Casey M. Godwin, TMDL Endpoint Estimates for a Urban-suburban Stream Based Upon In-stream Periphyton Assemblages (Neshaminy Creek, Pennsylvania), School Of Forestry, The Pennsylvania State University, December 15, 2005

Dodds, W. K., Val H. Smith and Kirk Lohman, Nitrogen and Phosphorus relationships to Benthic Algal Biomass in Temperate Streams, *Canadian Journal of Fisheries and Aquatic Science*, Vol 59, 865-874, 2002

Dodds, W. K., Val H. Smith and Kirk Lohman, Erratum: Nitrogen and Phosphorus relationships to Benthic Algal Biomass in Temperate Streams, *Canadian Journal of Fisheries and Aquatic Science*, NRC Research Press Web site, April 21, 2006

Dodds, W. K., Eutrophication and Trophic State in Rivers and Streams, *Limnology and Oceanography*, 51(1, part2), 671-680, 2006

U. S. Environmental Protection Agency, Guidance for Water Quality-based Decisions: The TMDL Process, EPA-440-4-91-001, 1991

U. S. Environmental Protection Agency, Nutrient Criteria Technical Guidance Manual, EPA-822-B-00-002, July 2000

Welch, Eugene B., Richard R. Horner and Clayton R. Patmont, Prediction of Nuisance Biomass: A Management Approach, *Water Research* 23:4, 401-405, April 1989

KATHLEEN A. MCGINTY,
Chairperson

TN and TP relationships Using Dodds equation Mean Chl 'a' Values

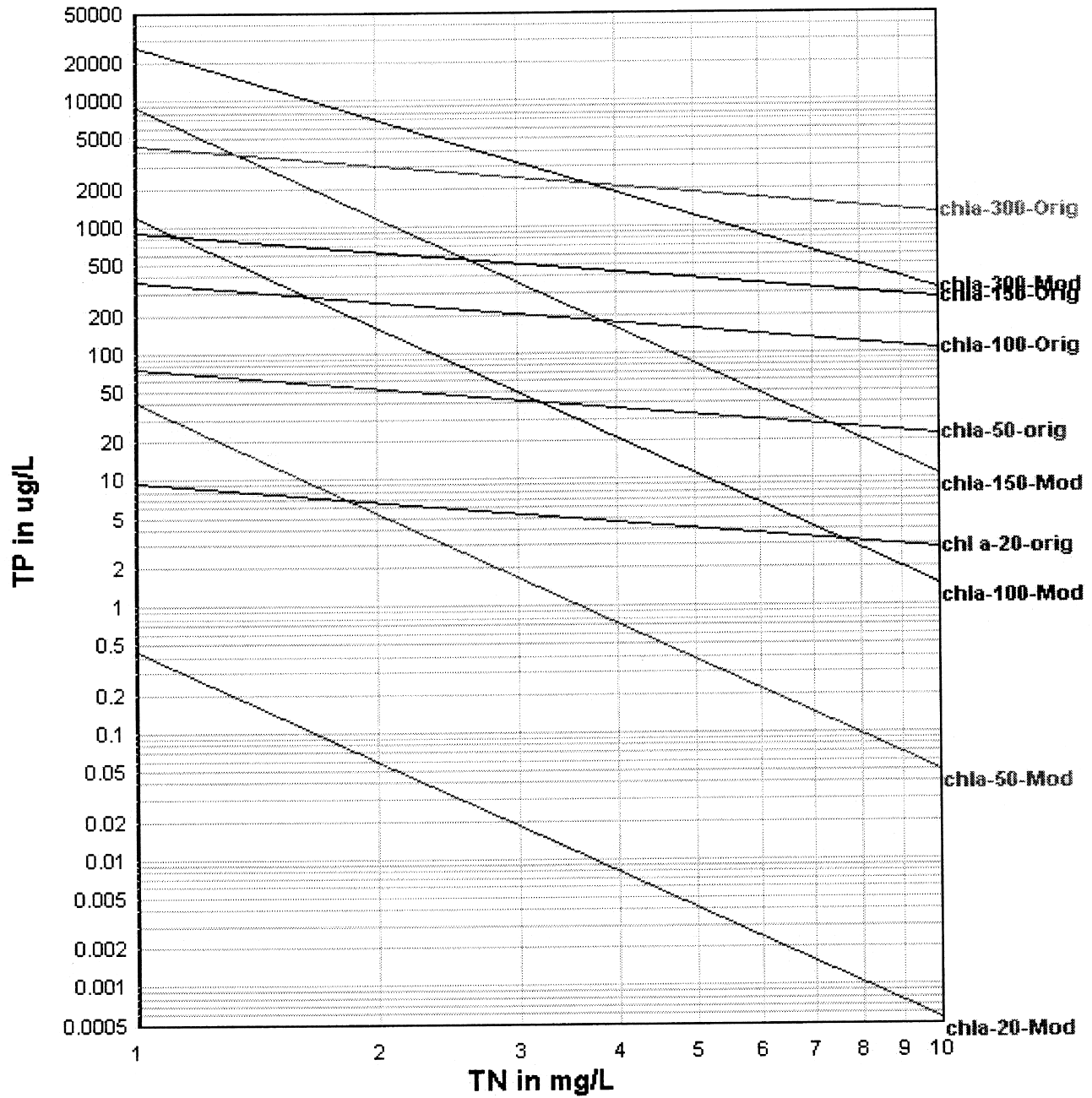


Figure 1: Comparison of Original (2002) versus the Modified Dodds Equation (2006)

[Pa.B. Doc. No. 08-634. Filed for public inspection April 4, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Heart of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heart of Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards).

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.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-635. Filed for public inspection April 4, 2008, 9:00 a.m.]

Application of Wyomissing Surgical Services for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wyomissing Surgical Services has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-636. Filed for public inspection April 4, 2008, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Range of Fees Charged by Utilization Review Organizations and Peer Review Organizations for Services Performed under the Workers' Compensation Act

Under 34 Pa. Code § 127.667(b) (relating to compensation policy) the Department of Labor and Industry (Department), Bureau of Workers' Compensation gives notice of the range of fees charged by Utilization Review Organizations and Peer Review Organizations for services performed under the Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2626) during 2007.

URO	Range of Fees	
	Minimum	Maximum
Alico Services, LTD	\$175.00	\$825.00
American Review Systems, Inc.	287.93	2,427.10
CAB Medical Consultants	275.00	805.00
Caduceus Lex Medical Auditing, Inc.	300.00	795.00
CEC, Inc.	245.00	991.30
Chiro Med Review Company	198.60	913.52
Corvel Corporation	143.77	1,972.29
De Novo Management	210.63	1,412.07
DLB Services	156.05	1,515.13
First Managed Care Option	192.91	1,707.73
Hajduk and Associates	275.00	830.00
Health Care Dimensions, Inc.	324.00	1,177.88
Industrial Rehabilitation Associates	225.00	765.00
KVS Consulting Services	443.10	1,167.35
Laurel Reviews	90.70	2,032.13
LRC Rehabilitation Consultants	209.25	1,444.75
Margroff Review Services	176.82	1,980.37
Mcbride And Mcbride Associates	150.00	750.00
Quality Assurance Reviews, Inc.	455.00	835.00
Rehabilitation Planning	261.47	1,125.86
T & G Reviews	225.00	895.00
Tx Review, Inc.	203.57	775.00
Uniontown Medical Rehabilitation	190.96	2,506.75
Vmed	297.86	925.28
Watson Review Services	187.55	3,357.53
West Penn Ime, Inc.	196.53	1,698.43

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 08-637. Filed for public inspection April 4, 2008, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Federal Poverty Income Guidelines for 2008

The Department of Public Welfare (Department) announces the implementation in this Commonwealth of the 2008 Federal Poverty Income Guidelines (FPIGs) which were issued by the Department of Health and Human Services and published at 72 FR 3147 (January 23, 2008).

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to public welfare) and administered by the Department. These categories include Healthy Beginnings for Pregnant Women and Qualified Children (55 Pa. Code Chapter 140, Subchapter A (relating to the categorically needy healthy beginnings program for pregnant women and qualified children), Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B (relating to eligibility provisions for the healthy horizons program for the elderly/disabled) and Extended Medical Coverage under Categorically Needy TANF-Related Categories (55

Pa. Code Chapter 140, Subchapter C (relating to eligibility provisions under the Medicaid for children with special needs category).

The percentages for the Medicaid categories of Healthy Beginnings and Healthy Horizons are set forth as follows:

These percentages apply as follows:

Healthy Beginnings—

- a. 185% for pregnant women and infants up to 1 year of age.
- b. 133% for children age 1—5 years of age.
- c. 100% for children age 6 and older.

Healthy Horizons—

- a. 100% for persons eligible for the categorically needy, Medicare Buy-In, and Medicare cost-sharing benefits.
- b. 120% for persons eligible for the Specified Low-Income Medicare Beneficiaries.
- c. 135% for persons eligible for the Qualifying Individuals Beneficiaries benefits.

There are different resource limits for each of the Healthy Horizons programs.

<i>Persons</i>	<i>100% of FPIG</i>		<i>120% of FPIG</i>		<i>133% of FPIG</i>		<i>135% of FPIG</i>	
	<i>Month</i>	<i>Annual</i>	<i>Month</i>	<i>Annual</i>	<i>Month</i>	<i>Annual</i>	<i>Month</i>	<i>Annual</i>
1	\$867	\$10,400	\$1,040	\$12,480	\$1,153	\$13,832	\$1,170	\$14,040
2	\$1,167	\$14,000	\$1,400	\$16,800	\$1,552	\$18,620	\$1,575	\$18,900
3	\$1,467	\$17,600	\$1,760	\$21,120	\$1,951	\$23,408	\$1,980	\$23,760
4	\$1,767	\$21,200	\$2,120	\$25,440	\$2,350	\$28,196	\$2,385	\$28,620
5	\$2,067	\$24,800	\$2,480	\$29,760	\$2,749	\$32,984	\$2,790	\$33,480
6	\$2,367	\$28,400	\$2,840	\$34,080	\$3,148	\$37,772	\$3,195	\$38,340
7	\$2,667	\$32,000	\$3,200	\$38,400	\$3,547	\$42,560	\$3,600	\$43,200
8	\$2,967	\$35,600	\$3,560	\$42,720	\$3,946	\$47,348	\$4,005	\$48,060
Each Additional Person	\$300	\$3,600	\$360	\$4,320	\$399	\$4,788	\$405	\$4,860

<i>Persons</i>	<i>185% of FPIG</i>		<i>200% of FPIG</i>		<i>235% of FPIG</i>		<i>250% of FPIG</i>	
	<i>Month</i>	<i>Annual</i>	<i>Month</i>	<i>Annual</i>	<i>Month</i>	<i>Annual</i>	<i>Month</i>	<i>Annual</i>
1	\$1,604	\$19,240	\$1,734	\$20,800	\$2,037	\$24,440	\$2,167	\$26,000
2	\$2,159	\$25,900	\$2,334	\$28,000	\$2,742	\$32,900	\$2,917	\$35,000
3	\$2,714	\$32,560	\$2,934	\$35,200	\$3,447	\$41,360	\$3,667	\$44,000
4	\$3,269	\$39,220	\$3,534	\$42,400	\$4,152	\$49,820	\$4,417	\$53,000
5	\$3,824	\$45,880	\$4,134	\$49,600	\$4,857	\$58,280	\$5,167	\$62,000
6	\$4,379	\$52,540	\$4,734	\$56,800	\$5,562	\$66,740	\$5,917	\$71,000
7	\$4,934	\$59,200	\$5,334	\$64,000	\$6,267	\$75,200	\$6,667	\$80,000
8	\$5,489	\$65,860	\$5,934	\$71,200	\$6,972	\$83,660	\$7,417	\$89,000
Each Additional Person	\$555	\$6,600	\$600	\$7,200	\$705	\$8,460	\$750	\$9,000

Additional information on the programs is available at the county assistance offices.

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to January 23, 2008.

Public Comments

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Income Maintenance, Edward J. Zogby, Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081. Comments received within 30-calendar days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-547. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 140. SPECIAL MA ELIGIBILITY PROVISIONS

Subchapter C. ELIGIBILITY PROVISIONS FOR EMC UNDER THE CATEGORICALLY NEEDY PROGRAM FOR AFDC/AFDC-U RELATED CATEGORIES

APPENDIX A

EXTENDED MEDICAL COVERAGE (EMC) MONTHLY INCOME LIMITS

185% OF THE 2008 FEDERAL POVERTY INCOME GUIDELINES

<i>Family Size</i>	<i>185% of the Federal Poverty Income Guidelines</i>
1	\$1,604
2	\$2,159
3	\$2,714
4	\$3,269
5	\$3,824
6	\$4,379
7	\$4,934
8	\$5,489

Each Additional Person \$555

[Pa.B. Doc. No. 08-638. Filed for public inspection April 4, 2008, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Borough of Chambersburg v. DEP; EHB Doc. No. 2008-079-L

Borough of Chambersburg has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Borough of Chambersburg for a facility in Chambersburg Borough, Franklin 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. 08-639. Filed for public inspection April 4, 2008, 9:00 a.m.]

The Chesapeake Bay Foundation, Inc. v. DEP and Lower Allen Township Authority; EHB Doc. No. 2008-080-L

The Chesapeake Bay Foundation, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lower Allen Township Authority for a facility in Fairview Township, York 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. 08-640. Filed for public inspection April 4, 2008, 9:00 a.m.]

Middletown Borough Authority v. DEP; EHB Doc. No. 2008-086-L

The Middletown Borough Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the Middletown Borough Authority for a facility in Middletown Borough, Dauphin 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. 08-641. Filed for public inspection April 4, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, March 20, 2008, and announced the following:

Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—March 19, 2008

Environmental Quality Board #7-420: Radiological Health (amends Chapters 215, 221, 225, 230 and 240)

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-642. Filed for public inspection April 4, 2008, 9:00 a.m.]

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, March 6, 2008, and announced the following:

Regulations Approved:

Pennsylvania Gaming Control Board #125-72: General Provisions; and Applications (amends 58 Pa. Code Chapters 421a and 423a)

Environmental Quality Board #7-411: Clean Air Interstate Rule (amends 25 Pa. Code Chapters 121, 129 and 145)

Approval Order

Public Meeting held
March 6, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David J. DeVries, Esq.; Nancy Sabol Frantz, Esq., by Phone; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—
General Provisions; and Applications;
Regulation No. 125-72 (#2646)*

On October 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 421a and 423a. The proposed regulation was published in the October 27, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on January 24, 2008.

This final-form rulemaking establishes requirements pertaining to advertising by slot machine, manufacturer and junket licensees. It also adds provisions related to abandoned applications.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 6, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David J. DeVries, Esq.; Nancy Sabol Frantz, Esq., by Phone; John F. Mizner, Esq.

*Environmental Quality Board—
Clean Air Interstate Rule;
Regulation No. 7-411 (#2607)*

On April 17, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 121, 129 and 145. The proposed regulation was published in the April 28, 2007 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on January 22, 2008.

This final-form regulation incorporates by reference the Environmental Protection Agency model rules for three Federal Clean Air Interstate Rule (CAIR) programs. The CAIR programs are designed to limit the emission of nitrogen oxides and sulfur dioxides from electric generating facilities of 25 megawatts or greater.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 4005(a)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-643. Filed for public inspection April 4, 2008, 9:00 a.m.]

Notice of Comments Issued

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-78	Pennsylvania Gaming Control Board Slot Machine Testing and Control 38 Pa.B. 343 (January 19, 2008)	2/19/08	3/20/08
16A-5417	State Board of Pharmacy Continuing Education 38 Pa.B. 350 (January 19, 2008)	2/19/08	3/20/08
16A-5420	State Board of Pharmacy Pharmacist Breaks 38 Pa.B. 351 (January 19, 2008)	2/19/08	3/20/08
16A-5123	State Board of Nursing Nursing Education Programs Examination Pass Rates 38 Pa.B. 344 (January 19, 2008)	2/19/08	3/20/08
16-40	Department of State Lobbying Disclosure Relations Committee Lobbying Disclosure 38 Pa.B. 435 (January 19, 2008)	2/19/08	3/20/08
54-60	Pennsylvania Liquor Control Board Responsible Alcohol Management Program 38 Pa.B. 499 (January 26, 2008)	2/25/08	3/26/08

Pennsylvania Gaming Control Board
Regulation #125-78 (IRRC #2666)
Slot Machine Testing and Control
March 20, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the January 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

Section 461a.8. Gaming vouchers.—Fiscal impact; Reasonableness; Clarity.

Expiration dates for gaming vouchers

The preamble states that the Board recently amended its technical standards to eliminate expiration dates for unredeemed gaming vouchers, and the corresponding amendment to Subsection (b) will maintain consistency between the technical standards and the regulation. However, the preamble does not explain why expiration dates are being eliminated.

In addition, licensees will be required to maintain these unredeemed gaming vouchers as directed in Subsection (d)(10). This would require the licensees to retain them for a period of five years under Article XIII.I of the Fiscal Code (relating to the disposition of abandoned and unclaimed property) at 72 P. S. § 1301.6(3). Commentators are concerned that this will require licensees to store a large number of records and will cause an "extreme administrative burden."

The Board should clearly state why it is necessary to eliminate expiration dates for gaming vouchers.

Subsection (d)(9)

This subsection requires slot machine licensees to issue payment to the owners of unredeemed gaming vouchers if the owners can be identified. Commentators assert that the administrative costs that a licensee would incur to make the identification will exceed the value of the vouchers. They suggest that the Board establish a minimum value of vouchers for which owner identification would apply. In addition, it is unclear what methods the Board expects licensees to utilize to determine the owner of the unredeemed vouchers.

The Board should explain why it is reasonable to require licensees to determine the owners of unredeemed

gaming vouchers, and why the Board has not imposed a minimum value for vouchers that would trigger the owner identification procedures. The Board should also explain how it anticipates licensees will identify owners of unredeemed vouchers.

**State Board of Pharmacy
Regulation #16A-5417 (IRRC #2662)**

Continuing Education

March 20, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the January 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Pharmacy (Board) to respond to all comments received from us or any other source.

1. Section 27.32. Continuing education.—Implementation procedures.

This section concerns continuing education for pharmacists. We raise one issue.

Subsection (b) states that: “[a] pharmacist found to be in noncompliance with the continuing education requirements shall make up the delinquent contact hours within 6 months of the notice of deficiency from the Board.” What are the consequences for failure to meet the 6-month deadline? Has the Board considered including penalties in the regulation?

**State Board of Pharmacy
Regulation #16A-5420 (IRRC #2663)**

Pharmacist Breaks

March 20, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the January 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Pharmacy to respond to all comments received from us or any other source.

Section 27.11. Pharmacy permit and pharmacist manager.—Clarity.

New language is being added to Subsection (c) that allows a sole pharmacist on duty to take up to a 30-minute break while working in a pharmacy. The House Professional Licensure Committee questioned if a pharmacist is limited to one 30-minute break during his or her shift. We also question how many 30-minute breaks a pharmacist can take during his or her shift and if the 30 minutes must be continuous. Under this rulemaking, would a pharmacist be allowed to take two 15-minute breaks? We recommend that the final-form rulemaking clarify these concerns.

**State Board of Nursing
Regulation #16A-5123 (IRRC #2664)**

Nursing Education Programs Examination Pass Rates

March 20, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the

January 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Nursing (Board) to respond to all comments received from us or any other source.

This proposed regulation adds new language, which is practically identical to Subchapters A and B (relating to Registered Nurses and Practical Nurses respectively) in 49 Pa. Code Chapter 21. In the following paragraphs, our comments on identical language will be combined under the headings and section numbers from the two subchapters.

1. Sections 21.31 and 21.162. Surveys; lists of approved schools; and Types of approval.—Reasonableness; Implementation procedure; Clarity.

New language in both sections 21.31(d) and 21.162(c) reads:

For purposes of activities relating to the approval and status of nursing education programs, the term “Board” used in this subchapter may mean the Board’s educational advisors appointed under section 2.1(j) of the act (63 P. S. § 212.1(j)). Only the Board may confer initial approval status on a proposed nursing education program and only the Board may remove a program from the approved list.

Since the word “approval” is used in both sentences, the section could be interpreted as giving “educational advisors” the authority to approve nursing education programs (programs). Therefore, the intent is unclear. When does the term “Board” indicate “educational advisors” and when does it mean the full Board or a majority of the Board? In what situations will the advisors be acting for the Board? In those provisions where “educational advisors” may act for the Board, their role should be clearly stated. Finally, both sections 21.31(d) and 21.162(c) refer to section 2.1(j) (63 P. S. § 212.1(j)). This may be a typographical error. Should these subsections refer to section 2.1(i) (63 P. S. § 212.1(i))?

2. Sections 21.33 and 21.162. Types of approval.—Fiscal impact; Reasonableness; Implementation procedure; Clarity.

Subsection (b) requires that programs notify applicants for admission and current students whenever their approval status changes. There are two questions. First, upon receipt of a notice of status change from the Board, is a program expected to notify applicants and students within a certain time period? If so, this time period should be set forth in the regulation. Second, may a program use email or other means to contact applicants and students? In the final-form regulation, the Board should provide direction concerning the time period and the types of notice that are acceptable, such as the U.S. Postal Service, email, voice mail, or facsimile.

3. Sections 21.33a and 21.162a. Failure to comply with standards.

Subsection (a) Approval status review

This subsection begins with this sentence:

Whenever the Board receives information suggesting that a nursing education program has not maintained the standards of this subchapter, the Board may request information from the program or conduct a site visit and may informally resolve any deficiency. . . .

Will the Board provide written notice to the program describing the reported deficiencies, standards that are not being met, and the information that the Board is requesting? The final-form regulation should be amended to indicate that the Board or its advisors will provide the program with a written notice of the deficiencies and the information requested.

Subsections (b), (c) and (g) Provisional approval status notification, plan of correction, and maximum time allowed for correction

In Subsection (b), the Board states that it will notify a program in writing if it “determines that a nursing education program should be placed on provisional approval status.” Subsection (c) states the Board “will notify the program, in writing, of the deficiencies and the amount of time that will be allowed for correction of the deficiencies that resulted in the program’s placement on provisional approval status.” Subsection (g) indicates that “[T]wo years will be the maximum time allowed for the correction of deficiencies resulting in provisional approval status.” There are three concerns.

First, the need for and purpose of Subsection (b) is unclear. Will the written notice from the Board, which is discussed by both subsections, be one notice or two separate notices? If it is one notice, then these two subsections should be combined into one subsection in the final-form regulation.

Second, what criteria or factors will the Board consider in making its determination to place a program on provisional approval status? On page 3 of its comments dated February 18, 2008, the Hospital and Healthsystem Association of Pennsylvania (HAP) listed several factors which it recommended that the Board consider in reviewing programs that may need to be placed on provisional approval status. Key elements or factors that the Board will use to make its determination should be identified in the final-form regulation.

Third, Subsections (c) and (g) appear to include conflicting provisions. Subsection (c) states that the Board will set the time period for a program to correct deficiencies, and adds that the Board “may extend the time period for correction of deficiencies at its discretion if the program is making demonstrable progress.” However, Subsection (g) allows for only two years as the maximum for the correction of deficiencies.

Under Subsection (c), may the Board extend the time period for correction beyond two years? Is two years a sufficient time to observe and measure corrections in every case? How much time do similar agencies in other states give programs to correct deficiencies? The Board needs to carefully review these questions and clarify these subsections in the final-form regulation.

Subsection (d) Restrictions

This subsection states that the Board may place restrictions on a program on “provisional approval status as deemed necessary by the Board to bring the program into compliance with this subchapter.” The House Professional Licensure Committee (House Committee) in its comments dated February 13, 2008, questioned what types of restrictions may be imposed and how they would improve the program. The final-form regulation should require the Board to give written notice to a program of each restriction with a detailed explanation of how the restriction will improve the program and obtain compliance with the subchapter.

Subsection (e) Additional reports

This section indicates that the Board may require “additional reports” from programs on “provisional” status? Will the Board submit written requests to programs describing what is required in the “additional reports.” At a minimum, the final-form regulation should state that the Board will provide programs with written requests for additional reports that specify the information requested by the Board.

4. Sections 21.33b and 21.162b. Minimum rate for graduates of nursing education programs to pass the National licensure examination.—Fiscal impact; Protection of public health, safety and welfare; Reasonableness; Implementation procedure; Clarity.

This section gives programs two full academic years to achieve the new 80 percent minimum standard for the examination pass rate. Commentators expressed serious concerns with this requirement.

What will be the impact of this requirement on programs’ admissions and diversity policies, and on efforts to maintain sufficient numbers in the nursing profession? Is there any evidence that graduates of programs with pass rates below 80 percent, or those who pass on the second attempt, are a risk or problem? What threat do these licensees pose to public health, safety and welfare?

In light of these concerns, does the Board have any information on how many programs across the state will be able to reach the 80 percent examination pass rate within two years? For programs with pass rates currently below 80 percent, what types of changes will they need to make to improve their standing?

In its comments, HAP recommended two additional approaches to meeting the 80 percent standard. First, it recommended that the Board give programs more time to achieve the 80 percent standard by adding another year to the phase-in with another intermediate step where programs would be required to reach a pass rate of 75 percent. Second, HAP stated that the pass rate should be calculated by averaging it over a three-year period. This approach is used in other states and could prevent an anomalous year from being used to judge a program’s effectiveness.

Given the computer method for taking the national examination and other factors, commentators also suggested that the Board consider examining the success rate of second time test takers and their capability for success in the profession. We agree. If there is a presumption or concern that this is not an accurate measure of a program’s effectiveness because graduates may obtain additional schooling before their second attempt, then the Board should require that applicants report and document additional course work.

The Board should thoroughly investigate these concerns and document whether an adequate number of the state’s programs can meet the 80 percent first-time pass rate within two years. If not, it should explain how it is going to assist programs in meeting this goal, or it should amend the final-form regulation to provide for flexibility in determining and measuring the standard, and to allow for more time for programs to reach the goal.

5. Sections 21.34 and 21.166. Removal from approved list.

In its comments on this proposed regulation, the House Committee asked whether a program that has been removed from the approved list may later re-apply for

approval. In the past, were there programs or schools removed from the approved list that later contacted the Board to inquire about submitting an application for reinstatement on the list? How did the Board respond? Is there anything in the Professional Nursing Law (Law) (63 P. S. §§ 211—225.5) or existing regulations that would prevent the Board from considering such a re-application?

Subsection (b) reads:

If a nursing education program is removed from the approved list, the controlling institution shall provide for the completion of the program for students currently enrolled by placing the students in an approved program.

The intent of this statement is unclear. For example, does it mean that the “controlling institution” is financially responsible to “provide for the completion of the program”? Commentators also raised questions concerning the impact of this regulation if a comparable program is not available in the same area or region, or the tuition and costs of the closest available program are significantly higher than the student’s previous program. The Board needs to clarify this subsection in the final-form regulation.

Finally, section 6.2(a) of the Law (63 P. S. § 216.2(a)) includes the following statement:

... Any student who shall be enrolled in any school which shall be removed from the approved list shall be given credit toward the satisfaction of the Board’s requirements for examination for such of the requirements of the Board which any said student shall satisfactorily complete prior to the removal of said school from the approved list, and said student shall upon the satisfactory completion of the remainder of said requirements in any approved school be eligible for examination for licensure. ...

—
Department of State
Regulation #16-40 (IRRC #2665)
Lobbying Disclosure
March 20, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the January 19, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Lobbying Disclosure Regulations Committee (Committee) to respond to all comments received from us or any other source.

1. General—Statutory authority, Need; Economic impact; Clarity.

We find that portions of the regulation exceed the statutory authority of 65 Pa.C.S.A. Chapter 13A *Lobbying Disclosure* (Act) because they require registration and reporting for activities that are not directly included in the Act. If the Committee believes registration and reporting of these activities are needed, the Committee should seek changes to the Act.

Central to the consideration of the scope of registration and reporting is the term “lobbying” as defined in Chapter 13A03 of the Act, the phrase “engages in lobbying” used throughout the Act, and the Committee’s interpretation of the phrase “effort to influence legislative action or administrative action” included in the definitions of section 51.1 of the regulation. The following is an explanation

of our interpretation of the Act and the activities included in the regulation that we find do not require registration and reporting under the Act.

“Lobbying”

“Lobbying” is defined in section 13A03 of the Act as:

An effort to influence legislative action or administrative action in this Commonwealth. The term includes:

- (1) Direct or indirect communication;
- (2) Office expenses; and
- (3) Providing any gift, hospitality, transportation or lodging to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.

Although the term “effort” is not directly defined in the Act, it is described in other relevant definitions. The Act’s definition of “direct communication” states:

An **effort, whether written, oral or by any other medium**, made by a lobbyist or principal, **directed to a State official or employee**, the purpose or foreseeable effect of which is **to influence legislative action or administrative action**. The term may include personnel expenses and office expenses. (Emphasis added.)

Similarly, the Act’s definition of “indirect communication” states, in part:

an **effort, whether written, oral or by another medium, to encourage others, including the general public, to take action**, the purpose or foreseeable effect of which is **to directly influence legislative action or administrative action**. (Emphasis added.)

Under the Act, an “effort” is described as a tangible, proactive communication that is “written, oral or by any other medium” and that is made to influence legislative or administrative action.

“Engages in lobbying”

The above concepts are important because they form the foundation of the phrase “engages in lobbying.” The Act’s definitions of “lobbyist,” “lobbying firm” and “principal” all include the qualifying phrase “engages in lobbying.” Accordingly, a person or entity that does not make a tangible communication is not, by the Act’s definition, a lobbyist, lobbying firm or principal and would not have to register or report.

“Effort to influence legislative action or administrative action”

The Committee recognized the importance of the Act’s definition of “lobbying” and in section 51.1 of the regulation includes that definition and defines several phrases in it. The regulation defines the phrase “effort to influence legislative action or administrative action” as:

Any attempt to initiate, support, promote, modify, oppose, delay or advance a legislative action or administrative action on behalf of a principal for economic consideration. The term includes any of the following:

- (i) Paying a lobbyist or lobbying firm a retainer or other compensation, even if that lobbyist or lobbying firm does not make direct or indirect communications or take any other action.
- (ii) Monitoring legislation, legislative action or administrative action.

In the Preamble, the Committee explains the definition of this phrase as follows:

The Committee decided to define this term because it is used in section 13A03 of the act in the definition of lobbying. The Committee discussed this definition and the one for “Engaging a lobbyist” and reasoned that the two definitions should be consistent and should include lobbying on behalf of a principal for economic consideration. ***The Committee proposes that lobbying includes paying a lobbyist a retainer, even if that lobbyist does not make direct or indirect communications. A principal hiring a lobbyist not to make any direct or indirect communications is an effort to influence legislative action or administrative action because it is furthering the principal's intent to influence legislative or administrative action or the lack thereof. By hiring a lobbyist to not make any direct or indirect communications, a principal could prevent that lobbyist from working for another principal with opposing views. Also the committee proposes that this definition should include monitoring legislation, legislative action or administrative action.*** (Emphasis added.)

It is appropriate to define in regulation the phrase “effort to influence legislative action or administrative action” so that the regulated community understands how the Act will be interpreted and how to comply with the regulation. However, Paragraphs (i) and (ii) appear to go beyond the scope of the Act. A lobbyist or lobbying firm that does not make a direct or indirect communication to influence legislative action or administrative action would not meet the definition of “direct communication” or “indirect communication,” and thus would not meet the Act’s definition of “lobbying.”

All of the provisions in the statutory definition of “lobbying” are tied to “an effort to influence.” As explained previously, “direct or indirect communication” requires a tangible, proactive communication to influence legislative action or administrative action. “Office expenses” (i.e., “expenditure for an office, equipment or supplies, utilized for lobbying”) must be “utilized for **lobbying**.” (Emphasis added.) The provision for providing “gifts, hospitality, transportation or lodging,” must be “to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.”

Regarding Paragraph (i), we agree that a principal could prevent an individual lobbyist or lobbying firm from presenting opposing views by hiring or retaining the lobbyist or lobbying firm. However, the Committee needs to explain its statutory authority to require registration and reporting when the “lobbyist or lobbying firm does not make direct or indirect communications or take any other action” particularly in regard to the Act’s definitions of “lobbying,” “direct communication” and “indirect communication,” which all require “an effort . . . to influence legislative or administrative action.” If the Committee believes it has this authority, the Committee also needs to explain the need for registration and reporting of this information, and its incremental cost above registration and reporting of only those who make direct or indirect communications.

Regarding Paragraph (ii), we disagree that monitoring alone constitutes lobbying. The simple acts of “monitoring legislation, legislative action or administrative action” would encompass any lobbyist who reads information commonly available to the public, such as the General Assembly’s web site, the *Pennsylvania Bulletin*, newspa-

pers, and news services. It would also include any lobbyist who observes a legislative session, standing committee meeting or any public meeting of an agency. If no action was taken to influence legislative action or administrative action, we question the Committee’s authority to require registration and reporting due to monitoring, and why this information would be useful. Reporting monitoring activities could also tremendously increase reporting, perhaps to the point where it would be difficult to distinguish those who seek to influence legislative or administrative action from those who do not. The Committee needs to explain how reporting monitoring activities in Paragraph (ii) is consistent with the statute and why this reporting is needed.

In summary, we agree that the phrase “effort to influence legislative action or administrative action” should be defined in regulation. However, unless the Committee can explain how Paragraphs (i) and (ii) are consistent with the statute and are needed, we recommend deleting them.

Cost of compliance

Several commentators believe the regulation will be so burdensome to their organizations that it will create an obstacle to participation in advocacy. These commentators have small budgets or are smaller non-profit organizations whose primary function is not lobbying. The Regulatory Analysis Form, Question 20 response states that “there will be costs for the regulated community for administrative staff to prepare the reports however, the costs are too speculative to be quantified at this time.” The Committee should identify costs to the regulated community and explain why reporting is not as burdensome as alleged by commentators. In addition, to the extent possible under the Act, the Committee should investigate alternative ways to comply with the Act and regulation to minimize costs.

2. Section 51.1. Definitions.—Statutory authority; Need; Reasonableness; Clarity.

Our concerns with the scope of the definition of “lobbying” as described in Part I of this comment extend to every other definition in which that term is used.

Statutory authority and need to alter statutory definitions

We are concerned that the following definitions in the proposed regulation amend the same terms defined in section 13A03 of the Act.

<i>Definition</i>	<i>Concern</i>
Administrative action	The Act states the term includes “any” of the following. Subsection (vi) substantially broadens the definition to include “grants, the release of funds from the capital budget, loans and investment of funds.”
Direct communication	The first paragraph of this definition mirrors the Act’s definition of the same term, except that it also includes “lobbying firm.” Paragraph (ii) does not appear in the Act’s definition. It exempts “gifts, hospitality, transportation and lodging.”

<i>Definition</i>	<i>Concern</i>
Gift	Paragraphs (ii)(C), (E), (F) and (G) significantly expand the scope of the Act's definition.
Hospitality	Paragraphs (ii)(B) and (C) significantly expand the scope of the Act's definition.
Indirect communication	Paragraph (v) does not appear in the Act's definition. It exempts "gifts, hospitality, transportation and lodging." The regulation also changes the order of the paragraphs in the Act.
Legislation	Inclusion of the phrase "including draft legislation" in subsection (i), the term "legislative" in subsection (ii), and all of subsection (iii) depart from the Act's definition of the same term.
Legislative action	Subsection (v) substantially broadens the Act's definition to include "grants, the release of funds from the capital budget, loans and investment of funds."
Lobbying	The term "lobbying firm" appears in the regulation, but not in the Act's definition.
Lobbyist	The following sentence is not in the Act's definition: "Membership in an association alone is not sufficient to make an association member a lobbyist."
Personnel expense	"Lawyers" was added to this definition, but does not appear in the Act's definition.
Principal	The following sentence is not in the Act's definition: "Membership in an association alone is not sufficient to make an association member a principal."

For each concern identified in the previous table, the Committee should explain its authority to amend the Act's definition and the need for the amendment, or delete the amendments so that the regulation's definition is substantially the same as the Act's definition.

Finally, the definition of "entity" is vague. As used in this definition, the term "something" offers the regulated community insufficient guidance. In the final-form regulation, the Committee should clarify this definition.

3. Section 51.4. Delinquency.—Reasonableness; Economic impact; Clarity.

Department's designee

We have two concerns with Paragraph (a)(1). It states:

Hard copy filings must be received by 5 p.m. in the office. From 5 p.m. until 12 a.m. midnight, a hard copy filing may be filed with the Department's designee, as noted in the Department's publications or on its web site.

The Preamble states "the Department of State (Department) has typically used the Capitol Police force as a designee after 5 p.m. on the date filings are due."

Our first concern is that we question the need and reliability of this provision. Given the regular business

hours of the Department and the ability to file electronically, it is not clear why the ability to file for the hours from 5 p.m. to midnight is needed. We note that this service would be needed for all Commonwealth business days because of the requirement to register within ten days of lobbying. The Committee should explain the need for a designee from 5 p.m. to midnight, the reliability of the designee, the direct or indirect costs it imposes on the Commonwealth, and why these costs are justified.

Our second concern is that the regulation is not clear regarding filing with a designee. The provision requires filing with a designee "as noted in the Department's publications or on its web site." It is not clear whether the Department's publications or the web site should be consulted to determine who the current designee is. Further, these can be changed without notice. The regulation should provide a definite filing location to file documents with a designee.

4. Section 51.7. Forms, records and Department publications.—Consistency with statute; Clarity.

Additional sheets

Subsection (b) states:

Additional sheets of equal size on forms prescribed by the Department may be attached to any hard copy form filed under the act, if more space is required.

This provision is not clear. Can a person attach any 8.5 inch by 11 inch paper, or must the attachment be on a form prescribed by the Department?

Available on a publicly accessible internet web site

Under the section 13A08(c) of the Act, it states, in part, that "The Department shall make all registrations and reports available on a publicly accessible internet web site." This provision was not included in Subsection (c) of the regulation. We recommend adding this provision from the Act to Subsection (c).

5. Section 51.10. Electronic filing.—Clarity.

Upon acceptance by the filer

Subsection (a) concludes with the sentence that "The use of an electronic signature shall have the same force and effect as a manual signature **upon acceptance by the filer.**" (Emphasis added.) It is not clear what the phrase "upon acceptance by the filer" means. We recommend either deleting this phrase or clarifying its intent.

6. Section 51.11. Enforcement of Commission orders.—Need; Clarity.

This section states: "The Commission through its staff may take appropriate action to enforce its orders." This provision is vague and does not provide lobbyists, lobbying firms or principals with sufficient guidance. What constitutes an "appropriate action"?

7. Sections 53.2 Principal registration, 53.3. Lobbying firm registration and 53.4 Lobbyist registration.—Consistency with statute.

Accepting a retainer or other compensation for purposes including lobbying

There are two concerns with this phrase.

First, Paragraph (a)(1) of both sections 53.3 and 53.4 states,

Accepting an engagement to lobby **or accepting a retainer or other compensation** for purposes including lobbying constitutes acting in the capacity of a lobbying firm. (Emphasis added.)

Consistent with our first comment on the scope of the statutory definition of the term “lobbying,” we do not believe Paragraphs (a)(1) should include accepting a retainer or other compensation, unless those are compensation for lobbying (i.e., an **effort** to influence legislative action or administrative action). We recommend removing retainers or other compensation from Paragraphs (a)(1).

Second, consistent with our first comment on the scope of the statutory definition of the term “lobbying,” Paragraphs (a)(1) of sections 53.2, 53.3 and 53.4 use the phrase “for purposes including lobbying.” We believe this phrase expands the scope of activities that constitute lobbying and for which registration is required. A lobbyist could be engaged “for purposes including lobbying,” to perform many other unrelated tasks, but never actually lobby. We recommend rewriting these provisions to clearly require lobbying to be the action that requires registration.

8. Section 55.1. Quarterly expense reports.—Consistency with statute; Reasonableness; Clarity.

Exemption from registration and reporting

Several commentators are concerned that grassroots activities, like bus trips with box lunches, could be considered to require reporting of the individuals who accepted them. Section 13A06 of the Act lists 15 exemptions from registration and reporting. Among them, Paragraph (4) exempts:

An individual whose economic consideration for lobbying, from all principals represented, does not exceed \$2,500 in the aggregate during any reporting period.

Subsection 55.1(a) of the regulation partially reflects section 13A06 of the Act by including the \$2,500 reporting threshold for lobbyists, lobbying firms, and principals. However, section 55.1(a) does not mention all of the exemptions, including section 13A06(4) of the Act. Therefore, we recommend including in section 55.1(a) a cross-reference to all of the exemptions in section 13A06 of the Act.

9. Clarity Comments.

- Section 51.2 of the regulation specifies that filing dates will be extended to the next business day if a deadline falls on a weekend or holiday. This provision indicates that the statutory ten days to register and 30 days to report are interpreted to be calendar days. However, other provisions specify business days, such as section 51.4(c), which allows receipt of photographs and filing fees “within five Commonwealth business days.” Given the specification in section 51.2, we recommend using calendar days throughout the regulation to improve the clarity of deadlines.

- Section 51.12(a) references “the eligibility standards of the Internal Revenue Service for filing a consolidated corporate tax return.” It should include a cross-reference to these eligibility standards.

- Sections 53.2(b), 53.3(b), 53.4(b), 53.6(a), 55.1(m), 55.1(m)(1), 55.1(n)(2) and 55.2(a)(1) all require information “on a form prescribed by the Department” or standardized forms. For clarity, we recommend that all of the provisions cross-reference section 51.7(a) (relating to *Forms, records and Department publications*).

- The reporting limit of \$10 in Paragraph 55.1(g)(6) needs to be clarified. The specified limits are “a value not exceeding \$10” and “\$10 or more.” These limits overlap at \$10. The second limit should be “more than \$10.”

- Section 55.1(k)(2) ends with the phrase “as required by law.” This should include a cross reference to the law.

- Section 55.1(n)(6) requires the lobbyist to “promptly” provide a copy to the principal. The regulation should specify a specific time period.

- As printed in the *Pennsylvania Bulletin*, the cross-reference to the Act in section 63.3(b) needs to be corrected. It references “. . . or section 13A0 of the act”

—
Pennsylvania Liquor Control Board
Regulation #54-60 (IRRC #2660)
Responsible Alcohol Management Program
March 26, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the January 26, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) (RRA). Section 5.1(a) of the RRA (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. The Commission must analyze the text of the proposed rulemaking and the reasons for the new or amended language. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) of the RRA in the Regulatory Analysis Form (RAF).

We raise three issues that relate to determining whether the regulation is in the public interest.

First, the Preamble states that the proposed rulemaking implements section 471.1 of the Liquor Code (47 P.S. § 4-471.1). However, the explanation of the regulation in the Preamble is not sufficient to allow this Commission to determine if the program, as contemplated by this regulation, is in the public interest. The “Summary” of the regulation contained in the Preamble contains four bullet points that do not offer a complete explanation of the Responsible Alcohol Management Program (RAMP). In the Preamble submitted with the final-form rulemaking, the Board should provide more detailed information required under the RRA.

Second, both the Liquor Code and the RAF indicate that participation in RAMP can be voluntary or compulsory, as a result of violations of the Liquor Code or as pursuant to the terms of a conditional licensing agreement. However, the regulation does not provide further details on program participation. The final-form regulation should specify the different categories of participants, as well as the consequences each one would face for failure to comply.

Finally, the RAF indicates that the Liquor Code establishes incentives for licensees to receive responsible alcohol management training and train their servers. RAF #13 states that: “[l]icensees will . . . benefit if they take advantage of the program by potentially receiving a mitigation of sanctions by an Administrative Law Judge in the case of an employee who serves a minor or a visibly intoxicated person. The benefit for licensees is that

this training has the potential of reducing fines for such violations from a range of \$1,000—\$5,000 to \$50—\$1,000.” The proposed regulation does not mention such incentives. In order to improve clarity, the final-form regulation should include a cross-reference to the appropriate section of the Liquor Code that offers this incentive.

2. Section 5.202. Definitions.—Clarity.

The first line of this section indicates that words and phrases, when used in the subchapter shall have the following meanings, “**unless the context clearly indicates otherwise.**” (Emphasis added.) This phrase is vague, as one person’s interpretation of what “clearly indicates otherwise” may be different from that of another person, and it should be deleted from the final-form regulation.

Certify

This definition discusses “approval” in writing. What is being approved? The final-form regulation should further define this term.

Instructor

This definition discusses instructing “students” in responsible server practice. What kind of students? The final-form regulation should further define this term.

RAMP

This definition refers to the “program,” but the regulation never defines what the “program” is. Furthermore, section 1.7 (e) of the *PA Bulletin Style Manual* states that the term being defined may not be included as part of the definition. We recommend that the final-form regulation cross-reference the statutory definition for RAMP.

3. Section 5.211. Course of study for alcohol service personnel.—Clarity.

Paragraph (6) requires that the course demonstrate “proper incident documentation.” The final-form regulation should describe the specific documents this paragraph refers to and how it is determined what documents are “proper.”

4. Section 5.221. Provider certification.—Implementation procedures; Clarity.

Subsection (b)

Subsection (b) mentions the “minimum requirements” for provider certification. Based on the provisions in this subsection, it is unclear whether these “minimum requirements” refer to the list of information a provider must submit to the Board, as contained in Subsection (a)(1)—(5), or to some other listing contained in the regulation. The final-form regulation should clarify the location in the regulation of these minimum requirements.

Subsection (c)

This subsection describes what is necessary for providers to renew their certification, and states that: “[t]he same forms, provided by the Board, shall be used for renewals as for initial certification.” To improve clarity, this phrase should be modified in the final-form regulation to state that: “the same forms, provided by the Board, shall be used for renewal as for initial certification, and will identify any updated information required for renewal.”

5. Section 5.231. Instructor certification.—Implementation procedures; Clarity.

This section describes the requirements necessary for instructor certification. We raise five issues.

First, the opening paragraph states that: “[R]AMP will have a procedure to confirm a candidate’s competency to begin and continue working as an instructor.” Are the paragraphs following this sentence the “procedure”? The final-form regulation should clarify this issue.

Second, within the first sentence of the section, who is a “candidate”? The term is used but is not defined. Paragraph (3) uses the term “applicant.” If these terms have the same meaning, one term should be consistently used throughout the regulation. However, if these terms have different meanings, they should be defined separately.

Third, who will “observe” the instructor’s training sessions mentioned in the second sentence?

Fourth, paragraph (3) states: “[i]f the applicant meets the minimum requirements for certification, **it** will issue . . .” (Emphasis added.) The final-form regulation should clarify whether “it” refers to the Board or the Bureau of Alcohol Education.

Finally, in paragraph (4), to improve clarity, instead of providing that: “[t]he same fee will be submitted with the renewal application . . .,” the Board should simply state that: “a \$100 fee must accompany an application for renewal.”

6. Section 5.232. Instructor responsibilities.—Implementation procedures; Clarity.

This section describes the responsibilities of a RAMP instructor. We have four concerns.

First, paragraph (1) states that instructors shall have the responsibility to: “[p]rovide students with current and accurate information.” The final-form regulation should identify the subject matter of the “information” that the Board requires instructors to provide.

Second, paragraphs (3) and (4) both discuss minimums for sessions conducted and students trained, with sentences that end with “unless the Board approves a lower . . . minimum.” The final-form regulation should specify under what circumstances the Board would approve a lower minimum number of training sessions and students.

Third, Paragraph (5) requires instructors to: “[p]rovide accurate records of attendance and course completion to RAMP. . . .” What is the deadline for when these records must be submitted? Section 5.233(c) covers timeframes for sending attendance records and pass/fail test scores to the Board. To improve clarity, the Board should cross-reference section 5.233(c).

Finally, Paragraph (6) refers to instructor meetings. The final-form regulation should provide information on who offers these meetings, for example whether they will be offered by providers, or by the Board itself.

7. Section 5.233. Minimum standards of training.—Implementation procedures.

Subsection (e) discusses the test scores students must receive in order to complete the RAMP program training sessions. According to this subsection: “[a] student who does not pass may, at the first opportunity, schedule training and take the test again.” The Board should include a maximum amount of times a student can take the test before a failed score would impact a licensee, in particular if its participation in RAMP is compulsory.

8. Section 5.241. Manager/owner training.—Implementation procedures; Clarity.

Subsection (b)

Subsection (b) describes what aspects should be included in manager/owner training. Subsection (b)(1) requires instruction on how to “monitor” employees. The final-form regulation should clearly state the particular areas in which the manager/owner would be specifically monitoring the employees.

Subsection (c)

Subsection (c) states that the Board will: “[m]aintain records establishing the names of individuals who have successfully undergone manager/owner training.” The final-form regulation should provide a timeframe for how long the Board will keep these records, and state whether these records are subject to the applicable state open records law.

9. Section 5.242. New employee orientation.—Clarity.

The term “licensee” is used in this section but it is not defined. It should be noted that the term is also used throughout this proposed regulation. The final-form rule-making should define this term or, if it is defined elsewhere, include a cross-reference.

Subsections (a)(2) and (3) mention “acceptable forms of identification” and “practices for checking identification,” and while it is understood, neither mention the actual purpose in reviewing identification. This should be clearly defined in the regulation. To improve clarity, the Board also should cross-reference section 495(a) of the Liquor Code (47 P. S. § 4-495 (a)), which provides the acceptable methods of identification.

Finally, the regulation does not detail what type of “criminal activity” new employees would learn about, as mentioned in Subsection (a)(6). The final-form regulation should include this information.

10. Section 5.251. Prohibited conduct.—Clarity.

Subsection (a)(9) refers to an instructor or provider receiving, as a result of class observations conducted by RAMP, an “unsatisfactory evaluation” regarding the presentation of the course of study. The final-form regulation should include examples of circumstances that would warrant an “unsatisfactory evaluation.”

For purposes of clarity, can subsections (b) and (c) be combined into one subsection?

11. Section 5.271. Premises certification.—Clarity.

Subsection (a) indicates that a licensee may request that the Board certify that it complies with section 471.1 of the Liquor Code (47 P. S. § 4-471.1), and that: “[t]his request may be made by personal contact, telephone or written communication to RAMP.” The final-form regulation should explain what types of “written communication” are appropriate (i.e., US mail, e-mail, etc.).

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-644. Filed for public inspection April 4, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Aetna Health, Inc.; Individual Advantage Plans (Superior and Standard); Rate Filing

On March 24, 2008, Aetna Health submitted a filing for the Individual Advantage Plans, requesting an overall aggregate rate increase of 16.8%. The filing will affect approximately 3,740 members and generate additional revenue of \$2.7 million annually. An effective date of July 1, 2008, is requested.

Unless formal administrative action is taken prior to June 19, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department’s (Department) web site at www.ins.state.pa.us. Under the Quick Links section, click on the link “Rate Filings Published in the PA Bulletin.”

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department’s Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-645. Filed for public inspection April 4, 2008, 9:00 a.m.]

Agency Contract Termination of Hurst-Weiss Insurance Agency, Inc.; Doc. No. AT08-03-027

A prereview conference initiated by this office is scheduled for April 25, 2008, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before April 4, 2008. A date for a review shall be determined, if necessary, at the prereview telephone conference.

Motion preliminary to those at the review, protests, petitions to intervene or notice of intervention, if any must be filed on or before April 11, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before April 18, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, shall contact Joel Cortes, Personnel Manager and EEO Division at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-646. Filed for public inspection April 4, 2008, 9:00 a.m.]

Application for Approval to Acquire Control

Columbia Insurance Company has filed an application to acquire control of Philadelphia Reinsurance Corporation, a Pennsylvania domiciled stock property insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1402—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a 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. 08-647. Filed for public inspection April 4, 2008, 9:00 a.m.]

Getty Petroleum Marketing; Hearing

Appeal of Getty Petroleum Marketing under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. GET021-250783; Doc. No. UT08-03-026

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on April 23, 2008, at 1:30 p.m. Each party shall supply to the Hearings Administrator on or before March 28, 2008, a telephone conference. A hearing shall occur on May 28, 2008, at 10 a.m., in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. On or before May 14, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within two (2) business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before May 16, 2008. Answers to petitions to intervene, if any, shall be filed on or before May 23, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-648. Filed for public inspection April 4, 2008, 9:00 a.m.]

HealthAmerica; Pharmacy Rider Rates for HMO and HSA HMO for Eastern, South-Eastern and Western Pennsylvania; Rate Filing

On March 17, 2008, HealthAmerica submitted a filing to change its rates for HMO pharmacy riders. The overall rate changes by service area are as follows:

Service Area	Rate Change	Members Affected	Additional Annual Income
Eastern PA	9.09%	23,500	\$1,036,000
South-Eastern	6.87%	160	\$147,000
Western PA	6.49%	25,180	\$4,000

An effective date of July 1, 2008 is requested.

Unless formal administrative action is taken prior to June 19, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department's Harrisburg Regional Office.

Interested parties are invited to submit written comment's, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-649. Filed for public inspection April 4, 2008, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative

Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Jennifer Weigert; file no. 08-214-47471; Merastar Insurance Company; doc. no. PH08-02-018; May 1, 2008, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst, (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-650. Filed for public inspection April 4, 2008, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Howard C. Herb, Jr. and Ellen W. Herb; file no. 08-214-48081; State Farm Fire and Casualty Ins. Co.; doc. no. PH08-03-022; May 1, 2008, 12:30 p.m.

Appeal of Scott Wotherspoon; file no. 07-265-46343; Donegal Mutual Insurance Company; doc. no. PH08-02-006; May 2, 2008, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-651. Filed for public inspection April 4, 2008, 9:00 a.m.]

Saul D. Wolfson, M. D.; Prehearing

Appeal of Saul D. Wolfson, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-07-049

A hearing is scheduled for June 17, 2008, at 10 a.m. in the Administrative Hearings Office, Room 200, 901 North Seventh Street, Harrisburg, PA. The Parties may present jointly executed stipulations, if any, at the beginning of the hearing. The stipulations will be marked for identification as "JS1." On or before June 3, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts, if any, to be called; and (2) a list of description of documents to be used at the hearing. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to the hearing shall be

supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-652. Filed for public inspection April 4, 2008, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board lease will expire:

Montgomery County, Wine & Spirits Shoppe #4616, 100 Main Street, Schwenksville, PA 19473.

Lease Expiration Date: April 30, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 5 mile radius of the intersection of Skippack Pike (Route 73) and Bridge Road (Route 113).

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

The Liquor Control Board seeks the following new site:

Bucks County, Wine & Spirits Shoppe #0913, Newtown, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Sycamore Street and Swamp Road, Newtown Township.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Bucks County, Wine & Spirits Shoppe #0934, New Hope, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Bridge Street and Main Street, Solebury Township.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Bucks County, Wine & Spirits Shoppe #0938, New Hope, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of 2nd Street Pike and Almshouse Road, Northampton Township.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Bucks County, Wine & Spirits Shoppe #0939, Washington Crossing, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Washington Crossing and River Roads, Upper Makefield Township.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5104, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Germantown and Willow Grove Avenues in Philadelphia.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5109, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of Lancaster and Garrett Avenues in Philadelphia.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5112, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of 2nd and Market Streets in Philadelphia.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5115, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of 18th and Walnut Streets in Philadelphia.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5123, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of 40th and Walnut Streets in Philadelphia.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

Philadelphia County, Wine & Spirits Shoppe #5125, Philadelphia, PA.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,000 to 1,500 net useable square feet of new or existing retail commercial space within a .50 mile radius of the intersection of 17th and Chestnut Streets in Philadelphia.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

Montgomery County, Wine & Spirits Shoppe #4601, Huntingdon Valley, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 net useable square feet of new or existing retail commercial space within a 1 mile radius of the intersection of Philmont Avenue and Red Lion Road, Huntingdon Valley.

Proposals due: April 25, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 08-653. Filed for public inspection April 4, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Tariff

P-2008-2032333. Peco Energy Company. Petition of Peco Energy Company for approval of Phase I of its Residential Real Time Pricing Program, Supplement Number 78 to Electric Tariff PA PUC Number 3.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before April 21, 2008. The documents filed in support of the petition 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 petitioner's business address.

Petitioner: Peco Energy Company

Through and By Counsel: Anthony E. Gay, Esquire, 2301 Market Street, P. O. Box 8699, Philadelphia, PA 19101-8699

Thomas P. Gadsden, Esquire, Kenneth M. Kulak, Esquire, Morgan, Lewis and Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

Petition of PECO Energy Company For Approval of Phase 1 of its Residential Real-Time Pricing Program

Notice

This is to inform you that an Initial Prehearing conference on the previously-captioned case will be held as follows:

Type: Initial Prehearing Conference
Date: Monday, April 21, 2008
Time: 10 a.m.
Location: Hearing Room 2
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Location: In an available hearing room—*Philadelphia Parties*
 Philadelphia State Office Building
 Broad and Spring Garden Streets
 Philadelphia, PA 19130
Presiding: Administrative Law Judge
 Susan D. Colwell
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 (717) 783-5452
 Fax (717) 787-0481

If you are a person with a disability, and you wish to attend the prehearing, the Pennsylvania Public Utility

Commission (Commission) may be able to make arrangements for your special needs. Call the scheduling office at the Commission at least 2 business days prior to your hearing:

Scheduling Office: (717) 787-1399, AT&T Relay Service number for persons who are deaf or hearing-impaired (800) 654-5988.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-654. Filed for public inspection April 4, 2008, 9:00 a.m.]

Local Exchange Carrier Services

A-2008-2031943, A-2008-2031944, A-2008-2031945, A-2008-2031946, A-2008-2031947, A-2008-2031948, A-2008-2031949, A-2008-2031950, A-2008-2031951, A-2008-2031952, A-2008-2031953, A-2008-2031954, A-2008-2031955, A-2008-2031956, A-2008-2031957, A-2008-2031958 and A-2008-2031959. **Armstrong Telephone Company North, Armstrong Telephone Company Pennsylvania, Buffalo Valley Telephone Company, Citizens Telephone Company of Kecksburg, Citizens Telephone Company of New York, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Pennsylvania, LLC, Ironton Telephone Company, Laurel Highland Telephone Company, North-Eastern Pennsylvania Telephone Company, North Pittsburgh Telephone Company, Palmerton Telephone Company and Pymatuning Independent Telephone Company.** Application of Level 3 Communications, LLC, for approval to provide Resold Facilities Based Competitive Local Exchange Carrier Services to the public in the service territories of Armstrong Telephone Company North, Armstrong Telephone Company Pennsylvania, Buffalo Valley Telephone Company, Citizens Telephone Company of Kecksburg, Citizens Telephone Company of New York, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, Frontier Communications of Breezewood, LLC, Frontier Communications of Canton, LLC, Frontier Communications of Lakewood, LLC, Frontier Communications of Pennsylvania, LLC, Ironton Telephone Company, Laurel Highland Telephone Company, North-Eastern Pennsylvania Telephone Company, North Pittsburgh Telephone Company, Palmerton Telephone Company and Pymatuning Independent Telephone Company.

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 21, 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: Level 3 Communications, LLC

Through and By Counsel: Daniel P. Delaney, Esquire, Kirkpatrick & Lockhart, Preston Gates Ellis, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-655. Filed for public inspection April 4, 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 21, 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-2008-2023177. **Sharon Confer, Randy Confer, Corey Confer and Kerry Confer, Copartners, t/d/b/a Nittany Limousine** (1211 East College Avenue, State College, Centre County, PA 16801)—persons, in limousine service, between points in the Counties of Centre, Clinton, Union, Mifflin, Huntingdon, Blair and Clearfield, and from points in the said counties to points in Pennsylvania, and vice versa.

A-2008-2025005. **Courteous Car Service, Inc.** (534 Scott Road, Gladwyne, Montgomery County, PA 19035), a corporation of the Commonwealth—persons, in paratransit service, from points in the Townships of Lower Merion and Radnor, 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 *persons* by *transfer of rights* as described under each application.

A-2008-2024166. **Kane Transportation Services, Inc.**, (P. O. Box 35, Montgomeryville, PA 18936), a corporation of the State of New Jersey—persons in limousine service, between points in Pennsylvania, excluding the right to transport between points in Allegheny County; which is to be a transfer of all the right authorized under the certificate issued at A-00113141 to Debra L. Evans, t/a Puttin' on the Ritz, subject to the same limitations and conditions. *Attorney:* Thomas P. Donnelly, 87 North Broad Street, Doylestown, PA 18901.

Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *household goods* as described under the application.

A-2008-2025345. John C. Delauter, t/a Delauter's A-1 Services (388 Newcomer Road, Windsor, York County, PA 17366), inter alia—household goods in use, between points in York County and from points in York County to points in Lancaster, Dauphin, Cumberland and Adams Counties and from points in Lancaster, Dauphin, Cumberland and Adams Counties to points in York County: *So As To Permit* the transportation of household goods in use, from points in the County of York to points in Pennsylvania and vice versa.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-656. Filed for public inspection April 4, 2008, 9:00 a.m.]

Telecommunications

A-2008-2031069. Verizon Pennsylvania, Inc. and Wholesale Carrier Services, Inc. Joint petition of Verizon Pennsylvania, Inc. and Wholesale Carrier Services, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Wholesale Carrier Services, Inc., by its counsel, filed on March 7, 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 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. 08-657. Filed for public inspection April 4, 2008, 9:00 a.m.]

Wastewater Service

A-2008-2032091. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply wastewater service to the public in portions of Highland Township, Chester 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 21, 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: Pennsylvania-American Water Company-Wastewater Division

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-658. Filed for public inspection April 4, 2008, 9:00 a.m.]

Water and Wastewater Service

A-2008-2032115 and A-2008-2032117. Pinebrook II Water and Pinebrook II Wastewater. Application of Pinebrook II Water and Pinebrook II Wastewater for approval of the sale of its water and wastewater system assets to the Schuylkill County Municipal Authority, and for the abandonment of water and wastewater service by Pinebrook II to its water and wastewater service customers located in Pinebrook II Development in West Brunswick Township, Schuylkill 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 21, 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: Pinebrook II Water and Pinebrook II Wastewater

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-659. Filed for public inspection April 4, 2008, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing on April 23, 2008, in the Susquehanna Room, Fish and Boat Commission, 1601 Elmerton Avenue, Harrisburg, PA 17110, beginning at 10 a.m. The purpose of the hearing is to receive comments on a proposed increase in the Commission's Consumptive Use Mitigation Fee and is being held in conjunction with a 60-day public comment period established for the proposal. Details concerning the subject matter of the public hearing are contained in the Supplementary Information section of this notice.

For further information contact: More information on the proposed increase can be obtained from the Commission's web site at www.srbc.net/programs/projreview.htm or by calling (717) 238-0423.

Supplementary Information

As noted in the summary, the purpose of the 60-day comment period and the hearing is to receive comments on a proposed increase in the Commission Consumptive Use Mitigation Fee. The fee, which is paid by the sponsors of consumptive use projects as an optional method of compliance with the Commission's consumptive use mitigation requirements, has not been adjusted since January 1, 1993. Under the proposal, the fee would increase from its current level of 14 ¢ per 1,000 gallons of water consumed to 28 ¢ per 1,000 gallons of water consumed, to take effect on January 1, 2009, with annual inflationary adjustments in subsequent years.

Opportunity to Appear and Comment

Interested parties may appear at the previous hearing to offer written or oral comments to the Commission. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Anyone planning to comment at the public hearing should contact Richard A. Cairo, General Counsel, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, (717) 238-0423, Ext. 306. Public comments will also be accepted during the 60-day comment period that begins April 1, 2008, and concludes May 31, 2008, and can be sent to Richard A. Cairo by mail by e-mail at SRBCfeecomments@srbc.net, and by fax at (717) 238-2436.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: March 24, 2008.

THOMAS W. BEAUDUY,
Deputy Director

[Pa.B. Doc. No. 08-660. Filed for public inspection April 4, 2008, 9:00 a.m.]

SUSTAINABLE WATER INFRASTRUCTURE TASK FORCE

Meeting Scheduled

The Sustainable Water Infrastructure Task Force (Task Force), established under Executive Order 2008-02, will convene its first meeting on April 14, 2008, at 9:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Information on the task force, including the agenda for the April 14, 2008, meeting, is available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Public Participation, Participate).

The Task Force was established by Governor Rendell to evaluate the resources needed to ensure the Commonwealth maintains a sustainable water and wastewater infrastructure in light of recent and continued cuts from the Federal government. The task force will issue a report by October 1, 2008, which will provide a comprehensive strategy including recommendations and financing options to support water-related services in the Governor's Fiscal Year 2009-2010 budget proposal.

Questions concerning the Task Force may be directed to Marcus Kohl at (717) 783-7404 or mkohl@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-7404 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Chairperson

[Pa.B. Doc. No. 08-661. Filed for public inspection April 4, 2008, 9:00 a.m.]