

PENNSYLVANIA BULLETIN

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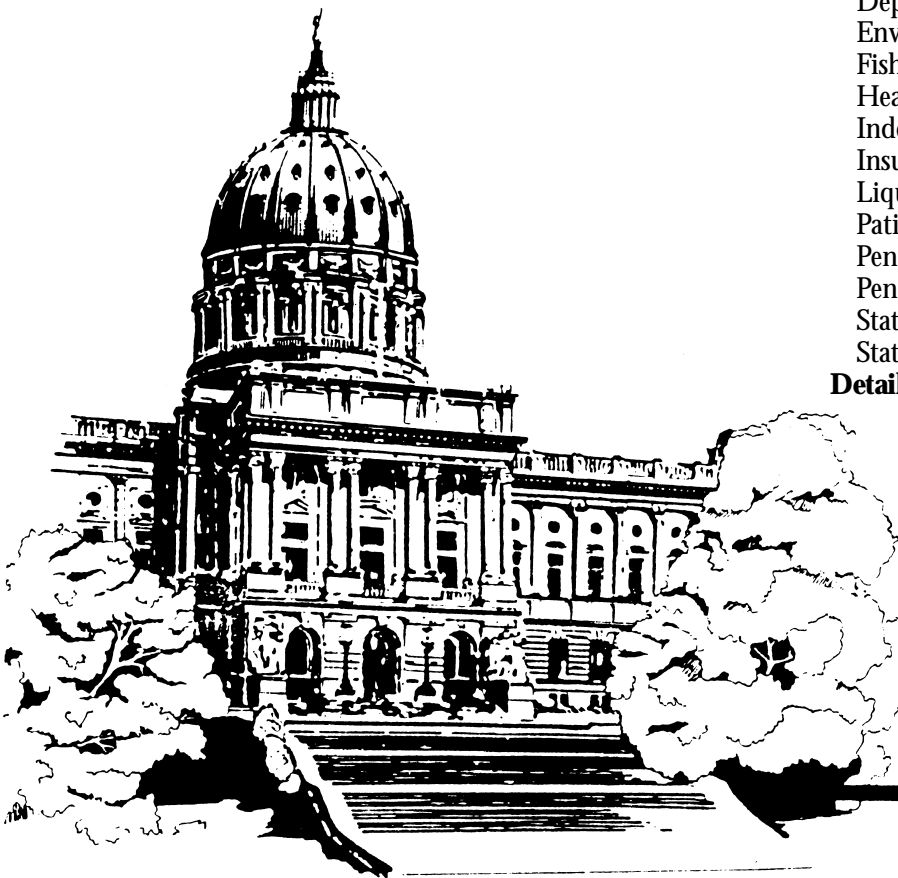
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No. 402, May 2008

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2008 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2008 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2008 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 013					
013	Apr 16	HB1152	PN1400	60 days	Commercial Code (13 Pa.C.S.)— omnibus amendments

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

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

[Pa.B. Doc. No. 08-820. Filed for public inspection May 2, 2008, 9:00 a.m.]

THE COURTS

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 1000]

Amendment of Rules 1008 and 1013 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 241 Magisterial Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 15th day of April, 2008, upon recommendation of the Minor Court Rules Committee, the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interest of justice and efficient administration, and a Final Report to be published with this *Order*.

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1008 and 1013 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges be, and hereby are, amended to read as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 15, 2008.

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 1000. APPEALS

APPEAL

Rule 1008. Appeal as Supersedeas.

A. Receipt by the magisterial district judge of the copy of the notice of appeal from the judgment shall operate as supersedeas, except as provided in [subdivision] subdivisions B and C of this rule.

B. When an appeal is from a judgment for the possession of real property, receipt by the magisterial district judge of the copy of the notice of appeal shall operate as a supersedeas only if the appellant at the time of filing the notice of appeal, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three (3) months' rent or the rent actually in arrears on the date of the filing of the notice of appeal, based upon the magisterial district judge's order of judgment, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings upon appeal are pending in the court of common pleas, such additional deposits to be made within thirty (30) days following the date of the appeal, and each successive thirty (30) day period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

In the event the appellant fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the prothonotary, upon praecipe filed by the appellee, shall terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded [via] by first class mail to [all parties, but if any party has an attorney] attorneys of record [named in the complaint form or other filings with the court, notice shall be given to the attorney instead of to the party. Notice to a party that does not have an attorney of record is sufficient if mailed] , or, if a party is unrepresented, to the party's last known address of record.

[Where] When the deposit of money or bond is made pursuant to the [Rule] rule at the time of filing the appeal, the prothonotary shall make upon the notice of appeal and its copies a notation that it will operate as a supersedeas when received by the magisterial district judge.

C. Indigent Tenants

(1) Residential tenants who seek to appeal from a magisterial district court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in subdivision (2).

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)

I, _____ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an in forma pauperis (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date _____

SIGNATURE OF TENANT

OR

[Caption]

SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT

I, _____ (print name and address here), have filed a notice of appeal from a magisterial district court judgment awarding my landlord possession of real property that I occupy, and I do not have the

financial ability to pay the lesser of three (3) times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an in forma pauperis (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ _____. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (i.e., non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date SIGNATURE OF TENANT

(3)(a) If the rent has already been paid to the landlord in the month in which the notice of appeal is filed, the tenant shall pay into an escrow account with the prothonotary the monthly rent as it becomes due under the lease for the months subsequent to the filing of the notice of appeal; or

(b) If the rent has not been paid at the time of filing the notice of appeal, the tenant shall pay:

(i) at the time of filing the notice of appeal, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within twenty (20) days of filing the notice of appeal; and

(iii) additional deposits of one month's rent in full each thirty (30) days after filing the notice of appeal. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's Supersedeas Affidavit" filed by the tenant.

(4) The prothonotary's office of the Court of Common Pleas in which the appeal is taken shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the website of the Minor Court Rules Committee.

Official Note: The website of the Minor Court Rules Committee is part of the home page of the Administrative Office of Pennsylvania Courts at www.aopc.org. The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(5) When the requirements of paragraphs (2) and (3) have been met, the prothonotary shall issue a supersedeas.

(6) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(7) If the tenant fails to make monthly rent payments to the prothonotary as described in paragraph (3), the supersedeas may be terminated by the prothonotary upon praecipe by the landlord or other party to the action. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

(8) If the Court of Common Pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of paragraph (1), supra, the Court may terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

D. If an appeal is stricken or voluntarily terminated, any supersedeas based on it shall terminate. The prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

Official Note: Subdivision A provides for an automatic supersedeas in appeals from [**trespass and assumpsit**] civil actions upon receipt by the magisterial district judge of a copy of the notice of appeal. [**It did not seem worthwhile to require bond or other security for costs as a condition for supersedeas in trespass and assumpsit appeals.**]

Subdivision B, however, does require the deposit of money or approved bond as a condition for supersedeas where the appeal is from a judgment for the possession of real property. [**This provision substantially incorporates the purpose and intent of the Legislative provision contained in Act No. 1995-33, approved July 6, 1995. The 1996 amendment provides a uniform, Statewide procedure (except Philadelphia County; See: Philadelphia Municipal Court Rules of Civil Procedure), and establishes a mechanism for the application of a supersedeas or the termination thereof without the need for any local court rule or order.**] A new subdivision (C) was created in 2008 to provide for appeals by indigent residential tenants who are unable to meet the bond requirements of subdivision (B).

The request for termination of the supersedeas, upon the praecipe filed with the prothonotary, may simply state: "Please terminate the supersedeas in the within action for failure of the appellant to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1008 [**for a period in excess of thirty (30) days**] when it became due" and will be signed by appellee. The prothonotary will then note upon the praecipe: "Upon confirmation of failure of the appellant to deposit the monthly rent [**for more than thirty (30) days**] when it became due, the supersedeas is terminated," and the prothonotary will sign and clock the praecipe. A copy of the praecipe may thereupon be displayed to the magisterial district judge

who rendered the judgment, and a request for issuance of an order for possession under Pa.R.A.P.M.D.J. No. 515 made.

The deposit of rent required hereunder is intended to apply in all cases, irrespective of the reasons which caused the filing of the complaint before the magisterial district judge in the first instance. Disposition of the monthly rental deposits will be made by the court of common pleas following its de novo hearing of the matter on appeal.

The money judgment portion of a landlord and tenant judgment (see Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by subdivision A.

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective in 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996; **April 15, 2008, effective May, 15 2008.**

Rule 1013. Writ of Certiorari as Supersedeas.

A. Receipt of the writ of certiorari by the magisterial district judge to whom it was directed shall operate as a supersedeas, except as provided in [subdivision] subdivisions B and C of this rule.

B. When the writ of certiorari involves a judgment for the possession of real property, receipt of the writ by the magisterial district judge shall operate as a supersedeas only if the party obtaining the writ at the time of filing the writ, deposits with the prothonotary a sum of money (or a bond, with surety approved by the prothonotary) equal to the lesser of three (3) months' rent or the rent actually in arrears on the date of the filing of [appeal] **the praecipe for writ of certiorari ("praecipe")**, as determined by the magisterial district judge, and, thereafter, deposits cash or bond with the prothonotary in a sum equal to the monthly rent which becomes due during the period of time the proceedings upon writ are pending in the court of common pleas, such additional deposits to be made within thirty (30) days following the date of the filing of the [writ] **praecipe**, and each successive thirty (30) day period thereafter.

Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the writ is pending and while the ensuing proceeding is pending (in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the writ and during the pendency of the ensuing proceeding (in the event the writ is granted).

In the event that the party filing the [writ] **praecipe** fails to deposit the sums of money, or bond, required by this rule when such deposits are due, the prothonotary, upon praecipe filed by the party that did not file the **praecipe for writ of certiorari**, shall terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded [via] by first class mail to [all parties, but if any party has an attorney] attorneys of record [named in the complaint form or other filings with the court, notice shall be given to the attorney instead of to the party. Notice to a party who or which does not have an attorney of record is sufficient if mailed], or, if a party is unrepresented to the party's last known address of record.

Where the deposit of money or bond is made pursuant to this Rule at the time of the filing of the [writ] **praecipe**, the prothonotary shall make upon the writ and

its copies a notation that the writ will operate as a supersedeas when received by the magisterial district judge.

C. Indigent Tenants

(1) Residential tenants who seek to file a praecipe involving a magisterial district court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the magisterial district court judgment for rent shall file with the office of the prothonotary a tenant's affidavit, as set forth in subdivision (2).

(2) The tenant's affidavit shall be substantially in one of the following two forms:

[Caption]

TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)

I, _____ (print name and address here), have filed a praecipe for a writ of certiorari to review a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the magisterial district court. My total household income does not exceed the income limits set forth in the instructions for obtaining a stay pending issuance of a writ of certiorari and I have completed an in forma pauperis (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date _____ SIGNATURE OF TENANT
OR
[Caption]

SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT

I, _____ (print name and address here), have filed a praecipe for a writ of certiorari to review a magisterial district court judgment awarding my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the actual rent in arrears. My total household income does not exceed the income limits set forth in the Instructions for obtaining a stay pending issuance of writ of certiorari and I have completed an in forma pauperis (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$ ____ . I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (i.e., non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date _____ SIGNATURE OF TENANT _____

(3)(a) If the rent has already been paid to the landlord in the month in which the praecipe is filed, the tenant shall pay into an escrow account with the prothonotary the monthly rent as it becomes due under the lease for the months subsequent to the filing of the praecipe; or

(b) If the rent has not been paid at the time of filing the praecipe, the tenant shall pay:

(i) at the time of filing the praecipe, a sum of money equal to one third (1/3) of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within twenty (20) days of filing the praecipe; and

(iii) additional deposits of one month's rent in full each thirty days after filing the praecipe. The amount of the monthly rent is the sum of money found by the magisterial district judge to constitute the monthly rental for the leasehold premises pursuant to Rule 514A. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's Supersedeas Affidavit" filed by the tenant.

(4) The prothonotary's office of the Court of Common Pleas in which the praecipe is filed shall provide residential tenants who have suffered a judgment for possession with a "Supplemental Instructions for Obtaining a Stay of Eviction" as it appears on the website of the Minor Court Rules Committee.

Official Note: The website of the Minor Court Rules Committee is part of the home page of the Administrative Office of Pennsylvania Courts at www.aopc.org. The Supplemental Instructions include both instructions and income limits.

The income limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.

(5) When the requirements of paragraphs (2) and (3) have been met, the prothonotary shall issue a supersedeas.

(6) Upon application by the landlord, the court shall release appropriate sums from the escrow account on a continuing basis while the writ is pending and while the ensuing proceeding is pending (in the event the writ is granted) to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the writ and during the pendency of the ensuing proceeding (in the event the writ is granted).

(7) If the tenant fails to make monthly rent payments to the prothonotary as described in paragraph (3), the supersedeas may be terminated by the prothonotary upon praecipe by the landlord or other party to the action. Notice of the termination of the supersedeas shall be forwarded by first class

mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

(8) If the Court of Common Pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of paragraph (1), supra, the Court may terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record.

D. If a writ of certiorari is stricken, dismissed or discontinued, any supersedeas based on it shall terminate. The prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

Official Note: As in appeals (see Pa.R.C.P.M.D.J. No. 1008), certiorari operates as an automatic supersedeas in [trespass and assumpsit matters] civil actions when the writ is received by the magisterial district judge. If the writ involves a judgment for the possession of real property, however, it will operate as a supersedeas upon receipt by the magisterial district judge only if money is paid or a bond is filed conditioned as stated in the rule. This Rule has been amended to require a payment equal to the lesser of three months rent or the rent actually in arrears in order for the writ involving a judgment for the possession of real property to act as a supersedeas to ensure consistency between this Rule and Pa.R.C.P.M.D.J. No. 1008. (Appeal as Supersedeas). **A new subdivision (C) was created in 2008 to provide a praecipe for writ of certiorari process for indigent residential tenants who are unable to meet the bond requirements of subdivision (B).**

The request for termination of the supersedeas, upon the praecipe filed with the prothonotary, may simply state: "Please terminate the supersedeas in the within action for failure of the party filing the writ to pay monthly rental as required by Pa.R.C.P.M.D.J. No. 1013 [for a period in excess of thirty (30) days] when it became due" and will be signed by landlord. The prothonotary will then note upon the praecipe: "Upon confirmation of failure of the party filing the writ to deposit the monthly rent [for more than thirty (30) days,] when it became due the supersedeas is terminated," and the prothonotary will sign and clock the praecipe. A copy of the praecipe may thereupon be displayed to the magisterial district judge who rendered the judgment, and a request for issuance of an order for possession under Pa.R.C.P.M.D.J. No. 515 may be made.

The money judgment portion of a landlord and tenant judgment (see Pa.R.C.P.M.D.J. Nos. 514 and 521) would be governed by subdivision A of this rule.

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective in 30 days after July 17, 1982; March 28, 1996, effective March 29, 1996; Jan. 6, 2005, effective Jan. 29, 2005; April 15, 2008, effective May 15, 2008.

SUPPLEMENTAL INSTRUCTIONS FOR OBTAINING A STAY OF EVICTION

****** IMPORTANT **** PLEASE READ THESE INSTRUCTIONS CAREFULLY!**

This document contains important information about your case. Failure to comply with any in-

structions provided in these materials may cause you to be evicted before your appeal or writ is heard.

1. FOR TENANTS—SUPERSEDEAS: If you are a tenant and you filed the notice of appeal or praecipe for writ of certiorari, you must pay money into an escrow account to remain in the property until your appeal or writ is decided. This is called a “supersedeas.” The supersedeas will suspend the magisterial district court judgment and will prevent your eviction until your case is heard by a judge and a final decision is made on the appeal or writ. **IF YOU FAIL TO PAY YOUR MONTHLY RENT INTO ESCROW IN FULL AND ON TIME, YOU COULD BE EVICTED BEFORE YOUR APPEAL OR WRIT IS HEARD.**

Begin by looking at the income limits attached to these instructions.

If your income is below the income limits, complete a Tenant’s Affidavit, pursuant to Pa.R.C.P.M.D.J. No. 1008(C)(2) or 1013(C)(2). These affidavits are available on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org). Then follow the instructions for low-income tenants below. There are several different options available; pick the option (A, B, or C) that best describes your situation.

If your income is *higher* than the income limits attached to these instructions, follow the instructions for D.

A. If you are a low-income tenant and there was a money judgment entered against you for non-payment of rent, and you **HAVE NOT** paid rent for the month in which the notice of appeal or praecipe for writ of certiorari is filed, you must:

1. File an in forma pauperis petition (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240;
2. Pay one-third of your monthly rent into an escrow account with the prothonotary’s office at the time the notice of appeal or praecipe for writ of certiorari (“praecipe”) is filed;
3. Pay the remaining two-thirds (2/3) of your monthly rent into the escrow account within twenty (20) days of the date the notice of appeal or praecipe was filed; and
4. Pay your monthly rent on an ongoing basis into the escrow account in thirty (30) day intervals from the date the notice of appeal or praecipe was filed until the time of your trial.

B. If you are a low-income tenant, and there was a money judgment against you for non-payment of rent, and you **HAVE** paid rent for the month in which the notice of appeal or praecipe for writ of certiorari (“praecipe”) is filed, you do not have to pay rent at the time you file your notice of appeal or praecipe. You must:

1. File an in forma pauperis petition (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the prothonotary in thirty (30) day intervals from the date the notice of appeal or praecipe was filed until the time of trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

C. If you are a low-income tenant, and no money judgment was entered against you for non-payment of rent, you do not have to pay rent at the time you file your

notice of appeal or praecipe for writ of certiorari (“praecipe”). *This option is to be used if at the magisterial district court hearing, the judge determined that you owed “zero” or “nothing” in rent.* You must:

1. File an in forma pauperis petition (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the prothonotary in thirty (30) day intervals from the date the notice of appeal or praecipe was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

D. If your income is higher than the income limits on the attached chart, you must:

1. Pay the fee to file a notice of appeal or praecipe for writ of certiorari (“praecipe”);
2. Pay the lesser of three (3) months’ rent or the amount of rent awarded to the landlord in magisterial district court into an escrow account with the prothonotary’s office at the time the notice of appeal or praecipe is filed; and
3. Pay your monthly rent into the escrow account in thirty (30) day intervals from the date the notice of appeal or praecipe was filed until the time of trial. It is important to count the thirty (30) days exactly because the date on your payment will change depending on the number of days in a given month.

INCOME LIMITS

2008 HHS Poverty Income Guidelines Expressed in Monthly Amounts

Size of Family Unit	Poverty Guideline Monthly Amount
1	\$866.66
2	1,166.66
3	1,466.66
4	1,766.66
5	2,066.66
6	2,366.66
7	2,666.66
8	2,966.66
For each additional person, add	300.00

FINAL REPORT

Recommendation 1-2008, Minor Court Rules Committee

Amendments to Rules 1008 and 1013 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

EXCEPTIONS FOR INDIGENT RESIDENTIAL TENANTS IN APPEALS

On April 15, 2008, effective May 15, 2008, upon recommendation of the Minor Court Rules Committee,¹ the Supreme Court of Pennsylvania approved amendments to Rules 1008 and 1013 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.²

¹ Minor Court Rules Committee Recommendation 1-2008.

² Supreme Court of Pennsylvania Order No. 241 Magisterial Rules Docket No. 1 (April 15, 2008).

I. Background

In late 2007, the Minor Court Rules Committee (“Committee”) became aware of federal district court lawsuits challenging the constitutionality of Pa.R.C.P.M.D.J. No. 1008B. In both *Jones v. Lamb*³ and *Santiago v. Sutton*⁴, federal district court judges enjoined the use of Rule 1008B as applied to indigent tenants. The courts relied upon federal constitutional guarantees of due process and equal protection in holding that indigent residential tenants’ rights were being violated by Rule 1008B’s requirement that tenants post three times the monthly rent or the rent determined to be in arrears so that they could remain in the home while appealing a magisterial district judge’s award of possession to the landlord.

The Committee learned that two counties—Allegheny and Berks—had already been subject to litigation of Rule 1008B but that other lawsuits on behalf of indigent tenants were likely. In order to comply with the federal district courts’ holdings; to limit litigation and associated expenses; and to provide a uniform, statewide procedure for indigent residential tenants, the Committee agreed that an immediate amendment to Rule 1008 was advisable. At the same time, the Committee decided to make similar revisions to Rule 1013.

II. Discussion

Rule 1008B (“Appeal as Supersedeas”) requires that residential tenants who want to remain in a rental unit during an appeal must post “a sum of money equal to the lesser of three (3) months’ rent or the rent actually in arrears on the date of the filing of appeal, based upon the magisterial district judge’s order of judgment . . .” Until the instant rule change, residential tenants who were unable to post this sum of money could not remain in their homes pending a de novo appeal by a common pleas court.

Similarly, Rule 1013B (“Writ of Certiorari as Supersedeas”) requires a residential tenant to post the same sum (three months’ rent or the rent actually in arrears) in order to receive a supersedeas from the prothonotary’s office, allowing the residential tenant to remain in the rental unit during the writ of certiorari process. The change to Rule 1013 allows indigent residential tenants to follow a procedure that maintains them in their homes during the writ of certiorari process.

In determining that these rules changes were necessary, the Committee reviewed pleadings from *Lamb* and *Santiago*, such as complaints and temporary restraining orders. In addition, the Committee reviewed the federal district court case *Pleasant v. Evers*. See *Wendolyn Pleasant and Tenants’ Action Group v. Evers*, 1998 WL 205431 (E.D. Pa. Apr. 24, 1998), C.A.NO. 97-4124 (Ludwig, J.). In *Evers*, Community Legal Services challenged Philadelphia Municipal Court’s Rule of Procedure 124, which required a deposit to be paid in almost the same fashion as Pa.R.C.P.M.D.J. No. 1008B. During the early phases of the protracted litigation, a temporary restraining order was entered enjoining the use of the Municipal Court rule. Ultimately, *Evers* led Municipal Court to change its practices and create a standing procedure for indigent residential tenants’ appeals. That procedure is still used today.

After reviewing the various federal court cases, the Committee proposed that Rule 1008 be amended to provide a procedure on appeal for indigent residential tenants. In addition, the Committee proposed that Rule 1013 be amended to cure the same type of problem, only in the praecipe for writ of certiorari arena.

III. Approved Rule Changes

A. Rule 1008

The Committee proposed amendment of Rule 1008 to include a new subdivision C that contains the appeal procedure for indigent residential tenants. Within new subdivision C, there is an explanation of how much tenants are to pay, including the scenarios of rent already being paid that month, or no rental payment for the month of the appeal. Two tenant’s affidavits are provided within the new C, while the new subdivision also references supplemental instructions that will be provided by the prothonotary’s office staff to residential tenants who have suffered a judgment for possession. The supplemental instructions and attached poverty income guidelines will be available on the Minor Court Rules Committee’s website, much in the same way that federal income guidelines are posted on the Civil Procedural Rules Committee’s website. See Pa.R.C.P. No. 3302(b). The income guidelines appended to the supplemental instructions are modeled upon the guidelines promulgated by the Civil Procedural Rules Committee for Pa.R.C.P. No. 3302(b).

In addition, the Note to the Rule has been amended to delete the obsolete terms “trespass” and “assumpsit.” They have been replaced with “civil action.” The Note to the Rule has also been amended to include a short explanation of the background of the Rule change. Finally, miscellaneous grammatical errors were corrected.

B. Rule 1013

The Committee proposed amendment of Rule 1013 to include a new subdivision C that contains the writ of certiorari procedure for indigent residential tenants. Within new subdivision C, there is an explanation of how much tenants are to pay, including the scenarios of rent already being paid that month, or no rental payment for the month of the writ. Two tenant’s affidavits are provided within the new C, while the new subdivision also references supplemental instructions that will be provided by the prothonotary’s office staff to residential tenants who have suffered a judgment for possession. The supplemental instructions and attached poverty income guidelines will be available on the Minor Court Rules Committee’s website, much in the same way that federal income guidelines are posted on the Civil Procedural Rules Committee’s website. See Pa.R.C.P. No. 3302(b). The income guidelines appended to the supplemental instructions are modeled upon the guidelines promulgated by the Civil Procedural Rules Committee for Pa.R.C.P. No. 3302(b).

In addition, the Note to the Rule has been amended to delete the obsolete terms “trespass” and “assumpsit.” They have been replaced with “civil action.” The Note to the Rule has also been amended to include a short explanation of the background of the Rule change. Finally, miscellaneous grammatical errors were corrected.

[Pa.B. Doc. No. 08-821. Filed for public inspection May 2, 2008, 9:00 a.m.]

³ Docketed in the U.S. District Court for the Western District of PA at: 05-1025.

⁴ Docketed in the U.S. District Court for the Eastern District of PA at: 07-2496.

PART I. GENERAL

[246 PA. CODE CH. 200]

Proposed Amendment to Rule 209 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges

The Minor Court Rules Committee (Committee) is planning to recommend that the Supreme Court of Pennsylvania amend Rule 209 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges to specify that military personnel shall be granted continuances in civil actions under certain circumstances. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

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

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

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

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

or email to: minorcourt.rules@pacourts.us

no later than May 31, 2008.

By the Minor Court Rules Committee:

M. KAY DUBREE,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION;
GENERAL PROVISIONS**Rule 209. Continuances.**

* * * * *

(E) Continuances shall be granted in compliance with the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 501.

Official Note: This rule was amended in 2005 to consolidate the provisions of former Rules 320 (relating to continuances in civil actions) and 511 (relating to continuances in possessory actions) into one general rule governing continuances. The limitations set forth in subdivision C are intended to ensure that these cases proceed expeditiously. The grounds set forth in subdivision D, of course, are not intended to be the only grounds on which a continuance will be granted.

Adopted March 15, 1994, effective April 2, 1994.
Amended December 16, 2004, effective July 1, 2005;
January 6, 2005, effective January 29, 2005.
Amended , 2008, **immediately effective.**

REPORT

Proposed Amendment to Rule 209 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges**I. Background**

In 2007, several magisterial district judges questioned why the rules of civil procedure did not specifically address continuances for military personnel. Based upon the reported uncertainty of some magisterial district judges in dealing with military personnel's requests for continuances, the Minor Court Rules Committee ("the Committee") is recommending an amendment to Rule 209 referencing the Servicemembers Civil Relief Act ("Act"). The Committee believes the amendment will provide a quick statutory reference as well as foster a uniform, statewide practice.

II. Discussion

The Committee determined that its main concern was ensuring that magisterial district judges are aware of the Act and follow it, when appropriate. In its deliberations, the Committee reviewed a sample request for a continuance pursuant to the Act; the Act itself; 51 Pa.C.S.A. § 7314 ("Stay of proceedings when military service affects conduct thereof") and Pa.R.C.P. No. 1920.46 ("Affidavit of Non-military Service").

The Committee decided that the simplest way to achieve its goal of compliance with the Act was through a statutory reference. While the Committee considered including a reference to the Act in the note, rather than the rule, the eventual decision was to draft a new subdivision within the rule itself. The Committee members felt strongly that individuals meeting the criteria of the Act should be granted continuances. By including the language in the rule, the exception for qualifying military personnel becomes mandatory; if simply included in the note, the reference would not be binding as the Supreme Court of Pennsylvania does not adopt the contents of the Committee's notes to the rules.

III. Proposed Rule Changes

To address the issues discussed above, the Committee proposes including a new subdivision "E," following directly after the current subdivision "D." As explained above, the new subdivision "E" will provide a statutory reference to the Act.

[Pa.B. Doc. No. 08-822. Filed for public inspection May 2, 2008, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Residential Mortgage Foreclosure Diversion Pilot Program April 1, 2008, and May 6, 2008, Sheriff Sales; Joint General Court Regulation No. 2008-01

Order

And Now, this 16th day of April, 2008, in order to permit the implementation of the Residential Mortgage Foreclosure Diversion Pilot Program adopted by Joint

General Court Regulation 2008-01, the sale of all owner occupied residential premises exposed to judicial sale on April 1, 2008 to enforce a residential mortgage whose sale was postponed by the Sheriff of Philadelphia, as well as the sale of all owner occupied residential premises which are scheduled to be exposed to judicial sale to enforce a residential mortgage at the Sheriff Sale on May 6, 2008 are, subject to further order of this Court, postponed until the Sheriff Sale scheduled for July 1, 2008 so that the Conciliation Conference required by Joint General Court Regulation No. 2008-01 can be held.

It is further *Ordered, Adjudged and Decreed* that:

(a) unless the sales are otherwise individually stayed or postponed, the Sheriff of Philadelphia shall proceed to sell on May 6, 2008, as scheduled and advertised, all premises which are not owner occupied, which are not residential, or which are not exposed to judicial sale to enforce a residential mortgage, (these properties shall hereinafter be collectively referred to as "Non Owner Occupied Non Residential Properties" including those Non Owner Occupied Non Residential Properties which were scheduled to be sold at the previously postponed April 1, 2008 Sheriff Sale;

(b) because of the difficulty involved in determining whether or not a Writ of Execution comes within the scope of this Order, all real estate scheduled for sale by the Sheriff of the City of Philadelphia on May 6, 2008, including the sales postponed from April 1, 2008, shall be postponed to the Sheriff Sale scheduled for July 1, 2008 unless:

(1) counsel for the Plaintiff on the Writ of Execution, on or before April 21, 2008, files, with the Prothonotary, and serves on the defendant (as provided in subsection 3) a copy of this Order and a Certificate, substantially in the format attached hereto as Exhibit "A," certifying whether the property on the Sheriff Sale list is or is not an Owner Occupied Residential Premises Exposed to Judicial Sale to Enforce a Residential Mortgage within the meaning of this Order;

(2) if Counsel for the Plaintiff certifies that a specific property is not a residential property within the meaning of this Order, is not owner occupied as of this date, is not exposed to judicial sale to enforce a residential mortgage, or is vacant, counsel shall mail to defendant(s) a copy of the Certificate, and the Important Notice substantially in the format attached hereto as Exhibit "B" and **Defendant's Objection to Plaintiff's Certification And Request For Postponement Of Sale** substantially in the format attached hereto as Exhibit "C";

(3) a copy of the Certificate and other documentation, as appropriate, shall be served on the Defendant by regular mail to the last known address of the Defendant(s) and to the address of the premises scheduled for sale;

(4) an Affidavit of Service, substantially in the format attached hereto as Exhibit "D" shall be filed with the Prothonotary along with a copy of the documents served upon the defendants;

(5) any Defendant who disagrees with the Certification filed by the Plaintiff which stated that the premises are not residential, or are not owner occupied, or are not exposed to judicial sale to enforce a residential mortgage must file an Objection, substantially in the format attached hereto as Exhibit "C," on or before April 30, 2008; and

(6) this Court shall issue an order before the May 6, 2008 Sheriff Sale identifying which owner occupied resi-

dential premises subject to this Order are postponed to the July 1, 2008 Sheriff Sale;

(c) the term "Residential Premises" means real property located within the City and County of Philadelphia containing not more than four residential units and shall include a residential condominium unit or a residential co-op unit;

(d) as authorized by Pa.R.C.P. 3129.3(a), any writ of execution which scheduled premises for judicial sale on April 1, 2008 which was postponed by the Sheriff, and any writ of execution which scheduled premises for judicial sale on May 6, 2008 which is being postponed as required by this Order, shall be permitted to proceed to judicial sale on July 1, 2008, or thereafter, without further posting, notice, advertisement or affidavit pursuant to Pa.R.Civ.P. 3129.1 to 3129.3. Moreover, the April 1, 2008 postponement and the postponement provided in this Order shall not affect the Plaintiffs right to postpone the sale twice further up to 130 days as permitted by Pa.R.C.P. 3129.3(b).

(e) This Order shall be published in the *Pennsylvania Bulletin* and *The Legal Intelligencer*; and shall be posted on the website of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

(f) The Sheriff shall advertise the entry of this Order (without Exhibits) on April 21, 2008, April 28, 2008 and May 5, 2008 in the *Philadelphia Inquirer*.

(g) The Sheriff shall announce the Postponements at the time and place scheduled for the May sale.

By the Court

HONORABLE C. DARNELL JONES, II,
President Judge, Court of Common Pleas

EXHIBIT A
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

Plaintiff,	:	_____ TERM, 200 ____
	:	NO. _____
v.	:	
	:	Book No. _____
Defendant	:	Writ No. _____
	:	Sale Date: _____

Certification Regarding Status of Foreclosed Premises as Residential and Owner Occupied

Pursuant to the Order dated April 16, 2008 issued by President Judge C. Darnell Jones II and entered in connection with Joint General Court Regulation No. 2008-01, I hereby certify that the premises at issue in this action known and numbered as:

Premises Address: _____
Philadelphia, PA _____ Ward: _____
BRT Number: _____

(CHECK APPLICABLE BOX OR BOXES)

PROTHY CODE

CEROC is an owner occupied Residential Premises exposed to judicial sale to enforce a residential mortgage;

CERNO is not a Residential Premises within the meaning of the aforementioned order;

CERNO □ is not owner occupied as of this date;
CERNO □ is not exposed to judicial sale to enforce a residential mortgage;
CERNO □ is vacant.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signature of Plaintiff or Counsel for Plaintiff

EXHIBIT B

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY CIVIL TRIAL DIVISION

Plaintiff, : _____ TERM, 200 ____
: NO. _____
v. :
Defendant : Book No. _____
: Writ No. _____
: Sale Date: _____

IMPORTANT NOTICE

YOUR PROPERTY HAS BEEN LISTED FOR SHERIFF SALE ON MAY 6, 2008 (A SALE WHICH MAY HAVE BEEN POSTPONED FROM AN EARLIER DATE). IF YOU OWN AND LIVE IN THE PROPERTY LISTED FOR SALE AND IT HAS FOUR OR FEWER RESIDENTIAL UNITS, YOU CAN HAVE THE SHERIFF SALE OF YOUR PROPERTY POSTPONED FROM MAY 6, 2008 TO JULY 1, 2008, SO YOU CAN PARTICIPATE IN A CONFERENCE THAT MAY ENABLE YOU TO SAVE YOUR HOME. YOU CAN ENSURE YOUR ABILITY TO PARTICIPATE IN THE CONFERENCE BY FILING THE OBJECTION TO PLAINTIFF'S CERTIFICATION, ATTACHED TO THIS NOTICE, IN ROOM 278 CITY HALL, PHILADELPHIA, PA 19107 ON OR BEFORE 2:00 PM, APRIL 30, 2008. YOU MUST MAIL A COPY TO THE PLAINTIFF'S ATTORNEY AT THE FOLLOWING ADDRESS:

[Attorney name and address]

UNLESS THE OBJECTION TO PLAINTIFF'S CERTIFICATION IS RECEIVED BY THE PROTHONOTARY, IN ROOM 278 CITY HALL, PHILADELPHIA, PA 19107 ON OR BEFORE 2:00 PM, APRIL 30, 2008, THE PREMISES MAY BE SOLD ON MAY 6, 2008.

YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER. YOU SHOULD TAKE THIS PAPER TO THE LAWYER. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL ASSISTANCE.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
Telephone: 215-238-1701

SAVE YOUR HOME PHILLY HOTLINE
(215) 334-HOME

EXHIBIT C

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY CIVIL TRIAL DIVISION

Plaintiff, : _____ TERM, 200 ____
: NO. _____
v. :
Defendant : Book No. _____
: Writ No. _____
: Sale Date: _____

DEFENDANT'S OBJECTION TO PLAINTIFF'S CERTIFICATION AND REQUEST FOR POSTPONEMENT OF SALE

I, the undersigned, object to Plaintiff's Certification and in support thereof I certify that:

- 1. I am the owner or an owner or an heir to a deceased owner of the property identified above;
2. That I live in the property described above;
3. That the property is my principal residential property;
4. That the judgment entered against me in the case described above was entered against me to collect a mortgage debt on my home; and

I request that the Sheriff Sale of the above premises be postponed so that I can take part in the conciliatory conference required for owner occupied residential premises.

I verify that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____ Signature of Defendant
Address:
Philadelphia, PA _____
Phone Number:
Mobile Number:
Fax Number:
Email Address:

EXHIBIT D

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY CIVIL TRIAL DIVISION

Plaintiff, : _____ TERM, 200 ____
: NO. _____
v. :
Defendant : Book No. _____
: Writ No. _____
: Sale Date: _____

CERTIFICATE OF SERVICE

The undersigned verifies, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the attached [Certification was] or [Certification, Important Notice, and Defendant's Objection To Plaintiff's Certification And Request For Postponement of

Sale form were] mailed to the defendant(s) at their last known address and, if different, to the address of the premises subject to sale and to counsel of record, if any, and to the owners of the noted premises via first class mail, as noted below.

NAME(S)

ADDRESS(ES)

Date: _____

Counsel for Plaintiff

[Pa.B. Doc. No. 08-823. Filed for public inspection May 2, 2008, 9:00 a.m.]

PHILADELPHIA COUNTY

Residential Mortgage Foreclosure Diversion Pilot Program; Joint General Court Regulation No. 2008-01

The Court takes judicial notice that in 1983 and 2004, the Philadelphia Court of Common Pleas was called upon to issue stop-gap relief to a large number of residential homeowners who were facing the loss of their homes due to their inability to pay their mortgages. Relief was granted in the form of a temporary stay and postponements in the Sheriff Sale of foreclosed residential properties.

Mortgage Foreclosure actions recently filed in the Court of Common Pleas, as well as reliable data, establish that a mortgage foreclosure crisis, caused in part by "subprime" and "predatory lending" practices as well as rising interest rates, unemployment and underemployment, have negatively impacted a substantial number of homeowners causing an increasing number of residential mortgage foreclosures actions which are being filed and will be filed in the Court of Common Pleas requiring the expenditure of substantial judicial resources.

Pennsylvania Rules of Civil Procedures authorize the Court to implement case management programs designed to assist the Court and the litigants in the simplification of the issues involved, and to address such other matters which may aid in the timely and efficient disposition of the action. The within General Court Regulation adopts a Residential Mortgage Foreclosure Diversion Pilot Program which is designed to provide early Court intervention in residential owner occupied mortgage foreclosure cases which will assure timely determination of eligibility under various federal, state and local programs established to facilitate loan work-out and other solutions to permit residential homeowners, where possible, to retain their properties and permit lenders to move forward to the Sheriff Sale of the properties upon conclusion of the process established pursuant to this General Court Regulation.

1. *Cases Subject to Residential Mortgage Foreclosure Diversion Pilot Program.*

(a) All Mortgage Foreclosure cases involving owner-occupied residential properties which are subject to execution to enforce a residential mortgage must be scheduled for a Conciliation Conference, as provided in this General Court Regulation, before a real property can be sold at Sheriff Sale. The term "residential premises" means real

property located within the City and County of Philadelphia containing not more than four residential units and shall include a residential condominium unit or a residential co-op unit, occupied by an owner as the owner's principal residence.

(b) Cases involving premises which are not owner occupied, which are not residential, or which are not exposed to judicial sale to enforce a residential mortgage are not subject to the Conciliation Conference and may be sold by the Sheriff of Philadelphia as scheduled and advertised unless the sales are otherwise individually stayed or postponed.

2. *Conciliation Conference and Sheriff Sale.* Owner-occupied residential properties which are subject to execution to enforce a residential mortgage cannot proceed to Sheriff Sale unless a conciliation conference is held as provided in this General Court Regulation.

3. *Scheduling of the Conciliation Conference.* The Conciliation Conference shall be scheduled as follows:

(a) *Cases on the April 2008 and May 2008 Mortgage Foreclosure Sheriff Sale List.* The sale of all owner occupied residential premises exposed to judicial sale on April 1, 2008 to enforce a residential mortgage whose sale was postponed by the Sheriff of Philadelphia, as well as the sale of all owner occupied residential premises which are scheduled to be exposed to judicial sale to enforce a residential mortgage at the Sheriff Sale on May 6, 2008 are postponed until the Sheriff Sale scheduled for July 1, 2008 so that the Conciliation Conference required by this General Court Regulation can be held.

The Court will issue orders designed to identify owner-occupied residential properties, subject to execution to enforce a residential mortgage, which were listed for Sheriff Sale in April 2008 and May 2008 which are to be postponed to a specific date pending the scheduling of a Conciliation Conference and those cases which can proceed to Sheriff Sale on May 6, 2008.

When the owner-occupied residential properties subject to execution to enforce a residential mortgage have been identified, a case specific Case Management Order will be issued, scheduling a Conciliation Conference, as provided in this Regulation.

(b) *Cases Filed but not yet scheduled for Sheriff Sale.* The Court will issue orders designed to identify owner-occupied residential properties, subject to execution to enforce a residential mortgage.

When the owner-occupied residential properties subject to execution to enforce a residential mortgage have been identified, a case specific Case Management Order will be issued, scheduling a Conciliation Conference, as provided in this Regulation.

(c) *New Mortgage Foreclosure cases filed on or after July 7, 2008.* Any Mortgage Foreclosure Case commenced on or after July 7, 2008 which involves owner-occupied residential properties subject to execution to enforce a residential mortgage must be identified as Case Type "3D—Mortgage Foreclosure—Owner Occupied Residential Premises" on the Civil Cover Sheet. A Case Management Order will be administratively issued and provided to the Plaintiff upon the filing of the Mortgage Foreclosure action which must be served on the Defendant(s) as provided in Section 5.

4. *Case Management Order.* The Case Management Order shall schedule a conference within thirty (30) to forty-five (45) days after the filing of the Complaint for cases subject to Section 3.(c), and as soon as practicable

for cases subject to Section 3.(a) and (b). As applicable, the Case Management Order shall, inter alia:

a. schedule a Conciliation Conference for a specific date, place and time;

b. require the attendance of the Defendant and the Plaintiff-Lender's Servicer (who may appear telephonically);

c. require the Defendant to call immediately upon receipt of the Case Management Order the **SAVE YOUR HOME PHILLY HOTLINE** at (215) 334-HOME and the Defendant-homeowner will be directed to a housing counseling agency;

d. require the Defendant to cooperate with the housing counseling agency, provide financial and employment information and complete loan resolution proposals and applications, as appropriate;

e. require the exchange of the information provided as required by subsection 4.d. to the Plaintiff—Lender representative;

f. authorize the Plaintiff to send the ten (10) day notice required by Pa.R.C.P. 237.1, if service is effectuated as permitted under the Civil Procedural Rules, but delay the request for the entry of a judgment by default until after the date of the Conciliation Conference; and

g. provide such other terms as may be necessary and appropriate.

5. *Service of the Case Management Order.* The Court shall serve the Case Management Order on all parties for cases subject to Section 3.(a) and (b). The Plaintiff shall serve the Case Management Order together with the Complaint or other initial process for cases subject to Section 3.(c).

6. *Conciliation Conference.*

a. *Presiding Officer:* As appropriate, the Conciliation Conference shall be conducted by a Civil Case Manager or other person designated by the Court, a Judge Pro Temp who possesses experience in the subject matter, or a judge of the Court of Common Pleas.

b. *Issues to be Addressed:* The following issues shall be addressed at the Conciliation Conference:

1. whether the Defendant is represented and if not represented, whether volunteer counsel may be available and appointed;

2. whether Defendant(s) met with a Housing Counseling Agency, as required;

3. whether the Housing Counseling Agency has prepared an assessment or report providing available loan work-out for the defendant;

4. Defendant's income and expense information;

5. Defendant's employment status;

6. Defendant's qualifications for any of the available work-out programs, upon review and application of guidelines established pursuant to this General Court Regulation;

7. assistance with preparation of work-out plans and required Court Orders, as appropriate;

8. the necessity of a subsequent Conciliation Conference;

9. whether the case may proceed to Sheriff Sale since there is no prospect of an amicable resolution; and

10. any other relevant issue.

c. *Defendant's Failure to Attend The Conference:* If a Defendant fails to appear for the mandatory Conciliation Conference, the requirement for a Conciliation Conference imposed by this Regulation may be deemed satisfied upon verification that the required notice was sent, and if so, an order will be issued authorizing the Plaintiff to proceed with the action.

7. *Case Management Order:* At the conclusion of the Case Management Conference, an appropriate Order shall issue memorializing the result of the Conciliation Conference.

8. *Duration of the Residential Mortgage Foreclosure Diversion Pilot Program.* Unless otherwise ordered the **Residential Mortgage Foreclosure Diversion Pilot Program** shall terminate on December 31, 2009.

This General Court Regulation is promulgated in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1, Phila.Civ.R. *51 and Pa.R.C.P. 212.3 and 239, and shall become effective immediately. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for General Court Regulations; and copies shall be submitted to the Supreme Court Civil Procedural Rules Committee, the Administrative Offices of Pennsylvania Courts, the Legislative Reference Bureau and the Legal Communications, Ltd., *The Legal Intel-ligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District.

By the Court

HONORABLE C. DARNELL JONES, II,
President Judge, Court of Common Pleas

Date: April 16, 2008

By the Court

HONORABLE D. WEBSTER KEOGH,
President Judge, Trial Division

Date: April 16, 2008

[Pa.B. Doc. No. 08-824. Filed for public inspection May 2, 2008, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BUCKS COUNTY

Administrative Order on Juvenile and Dependency Matters; No. 52; MD 700-08

Order of Court

And Now, this 28th day of March, 2008, Bucks County Administrative Order No. 52 is hereby promulgated as follows:

Administrative Order No. 52; Orders Entered Under the Pennsylvania Rules of Juvenile Court Procedure

Whereas the Supreme Court of Pennsylvania has initiated an electronic docketing system for juvenile and dependency matters which requires a high degree of uniformity in the reporting of dispositions, it is hereby ordered as follows:

Every order entered in a juvenile or dependency matter which is governed by a form of order promulgated by the Administrative Office of Pennsylvania Courts shall conform in all respects to the requirements of the form order promulgated by the Administrative Office.

By the Court

DAVID W. HECKLER,
President Judge

[Pa.B. Doc. No. 08-825. Filed for public inspection May 2, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated March 18, 2008, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 17, 2008, for Compliance Group 2 due August 31, 2007.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Bossong, Craig Peter
Ridgefield Park, NJ

Breen, John J.
Wiluku, HI

Brewer, Joel N.
Bethesda, MD

Brown, Samuel Z.
Lakewood, NJ

Carey, Christine A.
Randolph, NJ

Cohen, Martin J.
Tampa, FL

Corum, Caroline Ferguson
Seattle, WA

Cox, Curt James
Pennington, NJ

Dash, Benjamin L.
Moorestown, NJ

Davis, Deborah Klein
Cherry Hill, NJ

Denti, Kenneth M.
Westmont, NJ

Ellis, Leslie Marie
Milburn, NJ

Engster, Diane Carol
Alexandria, VA

Gervasi, Julie Rose
Stone Harbor, NJ

Gibson, Cicely Germain
Washington, DC

Gilmore, Barnerico
Baltimore, MD

Grasso, Gregory S.
Florham Park, NJ

Healey, Arthur T.
Clarksburg, MD

Henley, Angela Cecile
McLean, VA

Johnson, Stephen Hunter
Miami, FL

Jorge, Aisha Tyice
Atlanta, GA

Klotz, John R.
Clifton, NJ

Krysiak, Susan E.
North Cape May, NJ

Maltby, Lewis L.
Princeton, NJ

Mena-Brown, Maria
Silver Spring, MD

Muldoon, Carolyn Ann
Rochester, NY

Nguyen, Steven Huu
Union, NJ

Palchick, Mark J.
Washington, DC

Park, Yona S.
Washington, DC

Patterson, Colleen Elise
Cranford, NJ

Petrone II, John R.
Utica, NY

Reynolds, James Moul
Moorestown, NJ

Roberts, Douglas Alfred
La Jolla, CA

Rolfe, Jennifer Elizabeth
New York, NY

Rothstein, Neil
Santa Monica, CA

Stafford Jr., Charles Ronald
Princeton, NJ

Szymanski, Charles F. X.
Atlantic Highlands, NJ

Szymanski, Patricia
Atlantic Highlands, NJ

Van Fleet, Jeffrey M.
Cape Elizabeth, ME

Walsh, Christopher M.
Columbus, OH

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 08-826. Filed for public inspection May 2, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 171]

Auditing of Approved Private Schools and Chartered Schools for the Education of Deaf and Blind Children

The Secretary of Education (Secretary) proposes to amend Chapter 171 (relating to standards for approved private schools) to read as set forth in Annex A.

Statutory Authority

The Secretary acts under the authority of sections 1376(c.8) and 1376.1(f.5) of the Public School Code of 1949 (code) (24 P. S. §§ 13-1376(c.8) and 13-1376.1(f.5)), which were added by section 5 of the act of July 13, 2005 (P. L. 226, No. 46). Sections 1376(c.8) and 1376.1(f.5) of the code empower the Department of Education (Department) to promulgate standards for auditing of approved private schools and the four chartered schools for the education of the deaf and the blind (hereinafter collectively referred to as schools).

Purpose

The objective of these proposed audit standards is to ensure that revenues provided by the Commonwealth for approved students and the expenses of the schools have been presented appropriately in accordance with Generally Accepted Accounting Principles (GAAP). Interim standards were adopted on April 7, 2006. After a year under these interim standards, the Department was to prepare and propose final standards, which are the standards set forth in Annex A. The changes proposed to the interim standards are described as follows.

Section 171.202 (relating to general guidelines) is amended to limit the content of the independent auditors report to the approved private school program. This is because some approved private schools are components of larger organizations and the audits and reports governed by these standards do not encompass the entire corporate organization.

In §§ 171.206 and 171.207 (relating to administrative costs; and payments in excess of expenditures), the references to "the PDE 4010 process" have been replaced with the title of the form—the "Application for Educational Assignment to Approved Private School"—to promote clarity of language. Also, subsection (a) of the interim standard has been deleted because it applies to prior fiscal years and is no longer relevant.

Fiscal Impact and Paperwork Requirements

The standards are necessary to ensure that the approved private schools and the chartered schools for deaf or blind children continue to receive predictable funding and to reform the audit structure, thereby enhancing each school's ability to focus on students and programs. The standards will neither increase costs to the schools, nor to the Commonwealth. These standards do not impose additional paperwork requirements.

Affected Parties

The standards affect the approved private schools and the chartered schools for deaf or blind children in this Commonwealth.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on April 24, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Education. A copy of this material is available to the public upon request.

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

Effective Date

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

Sunset Date

The Department will review the effectiveness of Chapter 171 after 5 years. Thus, no sunset date is necessary.

Public Comments and Contact Person

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to Richard E. Brown, Director's Office, Bureau of Special Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-6906 within 30 days following publication in the *Pennsylvania Bulletin*.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

(*Editor's Note:* Sections 171.203—171.205 are not proposed to be amended.)

Fiscal Note: 6-305. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART XII. BASIC EDUCATION

CHAPTER 171. STANDARDS FOR APPROVED PRIVATE SCHOOLS

Subchapter C. [INTERIM] AUDIT STANDARDS

§ 171.201. Purpose and applicability.

[(a)] The purpose of these audit standards is to ensure that revenues provided by the Commonwealth for students whose placement in the approved private school has been approved by the Department have been spent on the provision of education services, including residential services in some cases, to children who are residents of this Commonwealth and who have been approved by the Department under § 171.16 (relating to assignment).

[(b) **These interim standards apply to audits conducted after July 1, 2005, and will apply until final standards are promulgated.**]

§ 171.202. General guidelines.

An approved private school shall maintain an accounting and bookkeeping system in accordance with the following standards:

* * * * *

(9) Reports of the independent auditors will be limited to the Approved Private School Program.
§ 171.206. Administrative costs.

* * * * *

(b) Costs or expenses related to the following functions are considered as administrative and are subject to the 10% administrative cap except when and to the extent that the costs or expenditures are incurred as a result of providing educational services to children who are residents of this Commonwealth and who have been approved by the Department through [**the PDE-4010 process**] **Application for Educational Assignment to Approved Private School**. To the extent that the following costs are for educational services, they are not subject to the administrative cap and are reported in the schedule of operating expenses:

* * * * *

§ 171.207. Payments in excess of expenditures.

[(a) If the amount of reportable costs in 2004-05 is less than the amount of revenues received by the schools for 2004-05 from the Commonwealth for the provision of educational services to children who have been approved through the PDE-4010 process, the difference may be retained by the school for use in 2005-06.

(b) **Beginning in 2005-06, if** If the amount of reportable costs in a year is less than the amount of revenues received in that year by the school from the Commonwealth for the provision of educational services to children who have been approved through [**the PDE-4010 process**] **Application for Educational Assignment to Approved Private School**, the difference will be remitted to the Commonwealth **by December 1 of each year**. Those funds shall be deposited in the Audit Resolution Fund for the resolution of previous audits.

[Pa.B. Doc. No. 08-827. Filed for public inspection May 2, 2008, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 401a]
Licensed Facility

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) proposes to amend Chapter 401a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking is intended to provide additional clarification as to how the Board interprets the term "licensed facility."

Explanation of Amendment to Chapters 401a

Currently, the Board's regulations use the definition of "licensed facility" that is contained in 4 Pa.C.S. § 1103 (relating to definitions).

However, a number of questions have arisen as to how the term should be interpreted. For example, 4 Pa.C.S. § 1305(b) (relating to Category 3 slot machine license) requires that no Category 3 license shall be located within 15 linear miles of another licensed facility. Questions have been raised as to whether the 15 linear miles should be measured from the property line of the licensed facility or the building that houses the gaming floor.

To provide greater clarity to applicants for and holders of slot machine licenses, the Board, through this proposed rulemaking, is expanding the definition of "licensed facility" to clarify that it includes the gaming floor, all restricted areas servicing the slot operations, all adjacent and proximate amenities, such as food, beverage and retail outlets and other areas directly accessible from the gaming floor or restricted areas. The term does not include areas that are exclusively devoted to pari-mutuel activities, hotel activities or other amenities not related to the slot machine gaming operations.

Affected Parties

Holders of and applicants for a slot machine license may be affected by this proposed rulemaking.

There are currently 11 slot machine licensees and 4 applicants for slot machine licenses.

Fiscal Impact

Commonwealth

The Board anticipates that this proposed rulemaking will have no fiscal impact on the Board or other agencies of this Commonwealth.

Political Subdivisions

Under 4 Pa.C.S. § 1403 (relating to establishment of State Gaming Fund and net slot machine revenue distribution), the distribution of funds from the local share assessment is based upon the location of the licensed facility. For slot machine licensees that have facilities in more than one county or municipality this proposed rulemaking could have a fiscal impact on those political subdivisions.

Private Sector

To the extent that this proposed rulemaking clarifies the definition of the term "licensed facility" there may be some small potential savings to applicants or potential applicants for a slot machine license.

General Public

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

Paperwork Requirements

This proposed rulemaking will create no new paperwork requirements.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary,

Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-85.

[58 PA. CODE CHS. 405a, 421a, 433a AND 435a]
Releases

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on April 21, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (Commission) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,
Chairperson

Fiscal Note: 125-85. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

* * * * *

Licensed facility—

(i) The physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines **including the gaming floor and all restricted areas servicing slot operations together with all adjacent and proximate amenities, including, but not limited to, food, beverage and retail outlets and other areas directly accessible from the gaming floor or the restricted areas servicing slot operations.**

(ii) **The term does not encompass areas or amenities exclusive to pari-mutuel activities, hotel activities and other amenities and activities not related to slot machine gaming operations.**

* * * * *

[Pa.B. Doc. No. 08-828. Filed for public inspection May 2, 2008, 9:00 a.m.]

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1311, 1311.1, 1311.2, 1317, 1317.1, 1318 and 1517, proposes to amend Chapters 405a, 421a, 433a and 435a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking is intended to implement the requirement that applicants for a principal or key employee license execute releases that will enable the Board to receive information under a request for information under the act of June 21, 1957 (P. L. 390, No. 212) known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4) and the Freedom of Information Act (5 U.S.C. § 552). It will also clarify that the Bureau of Investigations and Enforcement (Bureau) may request applicants for permits, certifications or registrations to also execute these releases.

Explanation of Amendments to Chapters 405a, 421a, 433a and 435a

Currently, as part of the application process, applicants for principal or key employee licenses are required to execute a number of releases that allow the Board to conduct an investigation of the applicant. These releases include items such as tax information from the Departments of Revenue and Labor and Industry, military records and information from past employers.

This proposed rulemaking amends the general language related to releases in Chapter 421a (relating to general provisions) to clarify that it includes releases that will enable the Board to receive information under a request for information under the Right-to-Know Law or the Freedom of Information Act in addition to the other releases required in the application.

The amendments to Chapters 433a and 435a (relating to principal licenses; and employees) specifically require applicants for principal or key employee licenses to execute releases that will enable the Board to receive information under a request for information under the Right-to-Know Law or the Freedom of Information Act in addition to the other releases required in the application.

The amendments to Chapter 405a (relating to Bureau of Investigations and Enforcement) are intended to clarify that the Bureau may require applicants for permits, certification or registration to also execute a release that will enable the Bureau and Board to receive information under a request for information under the Right-to-Know Law or the Freedom of Information Act. The decision to require an applicant for a permit, certification or registration to execute a release will be made on a case by case basis depending on the nature of the job the applicant will be performing and results of the review of the other information provided in the individual's application.

Affected Parties

Applicants for a principal or key employee license will be required to execute releases that will enable the Board to receive information under a request for information under the Right-to-Know Law or the Freedom of Information Act. The Board receives approximately 700 to 800 principal and key employee applications annually.

*Fiscal Impact
Commonwealth*

Applicants are responsible for paying the costs associated with the review of their applications. Therefore, these amendments will have no fiscal impact on the Board or other agencies of the Commonwealth.

Political Subdivisions

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

Private Sector

Applicants who are required to execute these releases will be responsible for reimbursing the Board for any costs associated with the filing of the requests for information and time spent reviewing the information that is received.

General Public

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

Paperwork requirements

The Board is in the process of amending its existing applications to include the releases related to requests for information under the Right-to-Know Law or the Freedom of Information Act. These releases are not lengthy and should only take a few minutes for an applicant to complete.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-84.

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on April 21, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (Commission) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,
Chairperson

Fiscal Note: 125-84. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

**CHAPTER 405a. BUREAU OF INVESTIGATIONS
AND ENFORCEMENT**

§ 405a.2. Information.

(a) An applicant for or holder of a license, permit, certification or registration shall provide all information, data and documents requested by the Bureau under section 1517(a) of the act (relating to enforcement). **The Bureau may also request the execution of any releases which would enable the Bureau and the Board to receive information pursuant to a request for information under the act of June 21, 1957 (P. L. 390, No. 212) known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4) or the Freedom of Information Act (5 U.S.C. § 552).**

* * * * *

**Subpart B. LICENSING, REGISTERING,
CERTIFYING AND PERMITTING**

CHAPTER 421a. GENERAL PROVISIONS

§ 421a.1. General requirements.

* * * * *

(c) By filing an application for a license, permit, certification or registration issuance, renewal or other approval from the Board, an applicant agrees to:

* * * * *

(3) Execute all releases requested by the Board, **including releases whereby the applicant consents to the release of information requested by an individual under the act of June 21, 1957 (P. L. 390, No. 212) known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4) or the Freedom of Information Act (5 U.S.C. § 552).**

* * * * *

CHAPTER 433a. PRINCIPAL LICENSES

§ 433a.8. Principal applications.

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

(1) An original and three copies of a completed Multi-Jurisdictional Personal History Disclosure Form.

(2) An original and three copies of a completed Principal/Key Employee Form—Pennsylvania Supplement to the Multi-Jurisdictional Personal History Disclosure Form.

(3) Executed releases requested by the Board, including releases whereby the applicant consents to the release of information requested by an individual under the Right-to-Know Law or the Freedom of Information Act.

(4) The nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

* * * * *

CHAPTER 435a. EMPLOYEES**§ 435a.2. Key employee license.**

(a) An applicant for a key employee license from the Board, **unless otherwise directed by the Board**, shall submit:

(1) An original and three copies of **[the] a completed [Multi-jurisdictional] Multi-Jurisdictional Personal History Disclosure Form [and the]**.

(2) **An original and three copies of a completed Principal/Key Employee Form—Pennsylvania Supplement to the [Multi-jurisdictional] Multi-Jurisdictional Personal History Disclosure Form [unless otherwise directed by the Board]**.

(3) **Executed releases requested by the Board, including releases whereby the applicant consents to the release of information requested by an individual under the act of June 21, 1957 (P. L. 390, No. 212) known as the Right-to-Know Law (65 P. S. §§ 66.1—66.4) or the Freedom of Information Act (5 U.S.C. § 552).**

(4) The nonrefundable application fee posted on the Board's **[website] web site** (pgcb.state.pa.us).

* * * * *

[Pa.B. Doc. No. 08-829. Filed for public inspection May 2, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 63]

[L-2008-2020165/57-261]

Telecommunications Relay Service System and Relay Service Fund

The Pennsylvania Public Utility Commission (Commission) on January 24, 2008, adopted a proposed rulemaking order which ensures adequate Telecommunications Relay Service (TRS) fund balances, timely remittance of TRS fund revenues and cooperation with TRS fund audits.

Executive Summary

On January 25, 2008, at Docket No. L-2008-2020165, the Commission entered a proposed rulemaking order soliciting comments on changing, clarifying and codifying provisions of the existing Policy Statement in 52 Pa. Code §§ 69.511—69.513 relating to the operation of the TRS System and the Relay Service Fund. Interested persons will be provided with 30 days from the date the order is published in the *Pennsylvania Bulletin* to submit comments regarding the proposed regulation.

The Commission is proposing to codify existing reporting and remitting obligations of the wireline carriers, which have been the operative norm for a number of years, under both the Commission's 1990 orders at M-00900239 and the existing Policy Statement. Voluntary compliance with the policy statement has been spotty, leading to extended collection efforts, estimated surcharges, and inequitable allocations of the costs of the funded programs. The proposed regulation will not create any significant new burdens on affected wireline carriers. The reporting and remitting forms will stay the same, but

the filing dates and filing destinations would change. The Annual Access Line Summary Report (number of lines in service as of a particular day) would be due 2 months earlier than under the existing Policy Statement. The Annual Tracking Report (list of monthly remittances for a prior 12-month period) would be due 1 month earlier than under the existing Policy Statement. Both forms would be filed with the Commission's Secretary's Bureau.

The Commission views the proposed regulation as a tool to ensure timely, accurate and equitable funding of the programs mandated by the Universal Telecommunications and Print Media Access Act (35 P. S. §§ 6701.1—6701.4).

Public Meeting held
January 24, 2008

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzingrilli, Statement follows

Proposed Rulemaking to Amend 52 Pa. Code Chapter 63 (relating to Telephone Service) re Operation of Telecommunications Relay Service System and Relay Service Fund; Doc. No. L-2008-2020165

Proposed Rulemaking Order

By the Commission:

The Commission's Policy Statement in 52 Pa. Code §§ 69.511—69.513 became effective after publication at 29 Pa.B. 2034 (April 17, 1999). The Policy Statement establishes parameters for collecting information necessary to manage the TRS fund. We propose herein a rulemaking to codify provisions of the Policy Statement so as to ensure adequate TRS fund balances, timely remittance of TRS fund revenues, and cooperation with TRS fund audits. Comments on this Proposed Rulemaking may be filed on or before 30 days after the date of publication of this Order in the *Pennsylvania Bulletin*. Reply comments will not be accepted.

Specifically, we propose to: (1) move the due date for the filing of the annual access line summary report from April 30 to March 1; (2) move the due date for the filing of the annual tracking report from April 30 to March 31 and adjust the reporting year from April-through-March to March-through-February; (3) direct that both reports be filed with the Commission's Secretary's Bureau; and (4) establish enforcement procedures for inaccurate, late, or missing TRS reports and for inaccurate, late, or missing TRS fund payments. Upon completion of the rulemaking, we shall rescind the Policy Statement.

Background

On May 24, 1990, at Docket No. M-00900239, the Commission approved the implementation of the Pennsylvania TRS¹ and established a funding mechanism. The TRS assists people with hearing and/or speech disabilities to use the telephone and seeks to ensure equivalent access to telecommunications services. In 1996, the Telecommunications Device Distribution Program (TDDP) was implemented to provide assistive customer premises equipment based upon income-level criteria. In 2005, the Print Media Access System Program (PMASP) was added to provide newspaper reading services for persons who are blind. These three programs are now collectively codified at the Universal Telecommunications and Print Media Access Act.

Costs associated with the intrastate operations of the three programs are recovered from residential and business wireline access line end-users by a monthly sur-

¹See http://www.puc.state.pa.us/telecom/telecom_relay_service.aspx for complete information on TRS. The traditional TRS program is also known as PA Relay.

charge (TRS Surcharge) on local service telephone bills. The TRS Surcharge is recalculated annually and adjusted as necessary, effective July 1, based upon projected costs of the various programs and the number of wireline access lines in service as of December 31 of the preceding year. LECs remit the TRS Surcharge collection revenues monthly to the TRS Fund Administrator. See annual orders at TRS, Docket No. M-00900239.

In 1999, to ensure the successful operation of the TRS fund, the Commission, at Docket No. M-00900239, adopted the existing Policy Statement. The intent of the Policy Statement was to address the difficulties that the Commission was experiencing in collecting the surcharge revenues and to foster cooperation from the LECs in submitting the documentation required to conduct annual audits of the TRS fund.

The existing Policy Statement provides that LECs "file" their annual access line summary reports² with the Bureau of Fixed Utility Services (FUS) by April 30. The Commission uses the annual summary line count information to establish adjustments to the TRS Surcharge by June 1, and the LECs implement any required changes by July 1. The existing Policy Statement also provides that the LECs "file" their annual tracking reports with FUS by April 30, tallying the monthly collected TRS surcharge revenues. The tracking reports cover a 12-month period from April to March. The tracking information is used by the Commission to reconcile the TRS Fund. 52 Pa. Code §§ 69.511—69.513.³

²The Annual Access Line Summary Report and the Annual Tracking Report forms may be downloaded from the Commission's web site at: <http://www.puc.state.pa.us/general/onlineforms.aspx#Telecommunications%20Forms>.

³The Policy Statement may be found online at <http://www.pacode.com/secure/data/052/chapter69/s69.511.html>; <http://www.pacode.com/secure/data/052/chapter69/s69.512.html>, and <http://www.pacode.com/secure/data/052/chapter69/s69.513.html>. It provides as follows:

§ 69.511. General.

(a) On May 24, 1990, at Docket M-900239, entitled "Pennsylvania Telecommunications Relay Services," the Commission granted approval of the implementation of the Pennsylvania Telecommunications Relay Service (TRS) for people with hearing or speech, or both, disabilities. A Relay Service Fund (Fund) was established to recover charges associated with the operation of the TRS. The Commission established a mechanism to adequately compensate the Fund through a monthly end-user billing surcharge, based on access lines, collected by Pennsylvania's Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs). These revenues are to be remitted on a monthly basis.

(b) To effectively monitor and evaluate the revenue data, the Commission established a tracking schedule for the filing of tracking reports. All ILECs and CLECs are required to file an Annual Tracking Report and an Annual Access Line Summary Report by April 30th. These reports require that the ILECs and CLECs break out the requisite data consistent with the current report forms. Further, the Annual Tracking Report requires that the data be broken out on a monthly basis beginning with April of the previous year and ending with March of the current year. The surcharge revenue collections data for each month includes the actual surcharge revenues collected from a company's end-users that month and remitted to the Fund by the 20th of the following month. The Commission directed the Bureau of Audits to conduct an annual audit of the TRS in its order dated September 3, 1992.

§ 69.512. Timely remittance of revenues.

(a) Under existing Commission Orders, Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) which collect revenues owed to the Relay Service Fund (Fund) are to remit these revenues to the Fund by the 20th of each month for revenues collected during the prior month. Delays in remitting revenues to the Fund result in lost earnings. The Commission intends to ensure that the Fund is properly funded through a reimbursement by the companies which fail to timely remit revenues.

(b) To properly reimburse the Fund, each company which is late in remitting surcharge revenues will be required to calculate for lost earnings based upon the base rate on corporate loans posted by at least 75% of the Nation's 30 largest banks, also known as the "prime rate," beginning at the date of the occurrence of the error and continue until the revenues are properly remitted to the Fund.

§ 69.513. Filing of Telecommunications Relay Service (TRS) reports.

(a) *Annual tracking report.* Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs) are currently required to submit an Annual Tracking Report to the Bureau of Fixed Utility Services by April 30th which delineates the monthly revenues collected based upon the number of each company's access lines. A company's failure to submit its Annual Tracking Report by April 30th impairs the Bureau of Audits' ability to complete the required annual audit of the Fund. The Annual Tracking Reports effectively include revenues actually collected during the prior 12-month period. The timely filing of the tracking reports is essential to avoid underfunding the Relay Service Fund (Fund) by the surcharge revenue and related investment income which the revenues would have earned.

(b) *Annual Access Line Summary Report.* ILECs and CLECs are currently required to submit an Annual Access Line Summary Report to the Bureau of Fixed Utility Services by April 30th detailing each company's access line count. A company's failure to submit its Annual Access Line Summary Report or to correctly report its access line information, impairs the ability of the Bureau of Fixed Utility Services to establish the proper TRS surcharge rates. The receipt of a timely and correct Annual Access Line

Under 66 Pa.C.S. §§ 3015(e)(3) and (6), the Commission is expressly authorized to require the submission of annual access line summary reports and annual tracking reports.

Discussion

Our Policy Statement specifying filing dates, payment obligations, and enforcement procedures has been in effect since 1999. At this time, we propose to codify portions of its provisions in our regulations in 52 Pa. Code § 63.37. Promulgating parameters for the annual reporting and monthly payments in our regulations will ensure that all LECs are held to the same standards for compliance and ensure that the binding norms are properly imposed in compliance with the Regulatory Review Act (71 P. S. §§ 745.1—745.14).

The purpose for the Policy Statement was to ensure accurate TRS Surcharge calculations, accurate and timely remittance of TRS Surcharge revenues, and cooperation with audit procedures. These goals remain equally valid today for the proposed rulemaking. The Bureau of Audits (Audits) uses the tracking report data to conduct periodic audits of the TRS fund. A LEC's failure to submit its annual tracking report on a timely and accurate basis impairs Audits' ability to complete the required audits of the Fund. Timely and accurate remittance of the TRS revenues and timely and accurate filing of the tracking reports are essential to properly capitalize the Fund by the surcharge revenue and the related investment income that the revenues would have earned.

Similarly, FUS uses the access line counts to calculate the next years' TRS surcharge. A LEC's failure to timely submit its annual access line summary report or to accurately report its access line information impairs FUS' ability to calculate the proper TRS surcharge rates. Receipt of a timely and accurate annual access line summary report is essential to avoid underfunding (or overfunding) the TRS Fund.

Rather than use the exact language of the existing Policy Statement, however, we are proposing to streamline and clarify the language. We also propose to adjust time lines and to provide that the requisite reports be filed with the Secretary's Bureau rather than with FUS.

Sections 69.511(b) and 69.513(b) of the existing Policy Statement provide that LECs submit their annual access line summary report by April 30. This would change to March 1 under the proposed regulations. With the increase in the number of LECs and the additional funded programs since 1990, the window between April 30 when line count reports are submitted under the Policy Statement and July 1 when the new TRS Surcharge takes effect is insufficient. To establish the monthly surcharge for each year, the Commission has only 1 month to receive the reports of annual access line counts from individual LECs, track down missing reports, factor in the cost estimates of the three programs and ancillary costs, and approve and publish the new surcharge. The new surcharge is published by June 1 so as to give the LECs time to file tariff changes and process billing system adjustments in order to implement the new surcharge by July 1. Missing reports require Staff to estimate line counts. Estimated or inaccurate line counts can skew the TRS surcharge and result in over or under

Summary Report is essential to avoid underfunding the TRS Fund.

(c) An ILEC or CLEC which fails to timely remit an Annual Tracking Report may need to reimburse the Fund under § 69.512 (relating to timely remittance of revenues). The Commission may also utilize all available remedies to ensure reporting and remittance compliance including fines and the revocation of Certificates of Public Convenience.

collections in the TRS fund. Moving the due date for the annual access line summary reports to March 1 will ensure greater precision in setting the TRS surcharge each year. We do not propose to change the date to count the lines in service. We believe that the time period between January 2 and February 28 should be sufficient to count and report access lines in service.

Sections 69.511(b) and 69.513(a) of the existing Policy Statement provide that LECs submit their annual tracking reports by April 30. This would change to March 31 under the proposed regulation. This earlier date will allow better tracking of the filing compliance by the LECs. The months covered by the tracking report would shift from April-through-March to March-through-February for the preceding year.

Under the Policy Statement, LECs file their access line count and tracking reports with FUS. Under the proposed regulations, the LECs would file their annual access line summary reports and their annual tracking reports directly with the Commission's Secretary's Bureau rather than with FUS. This change is appropriate because the Secretary's Bureau is the official recipient of all matters to be filed with the Commission. See 52 Pa. Code § 1.4.

Finally, we propose to clarify the language relating to enforcement matters. The Policy Statement provides, *inter alia*, that a LEC that fails to remit timely tracking data may need to reimburse the Fund for lost earnings and is subject to all available remedies to ensure reporting and remittance compliance including fines and the revocation of Certificates of Public Convenience. The proposed regulation addresses failures to submit the line count reports, the tracking reports, or the payments in an accurate and timely manner. Under the proposed regulations, LECs that fail to timely and accurately submit a tracking report or an access line summary report or that fail to timely and accurately remit TRS surcharge revenues will be subject to reimbursement obligations. The Commission will utilize all available remedies to ensure accurate and timely reporting and remittance compliance, including interest on late payments, fines, and the revocation of certificates of public convenience.

Interested parties shall have 30 days to comment on the proposed regulations, which are attached in Annex A. Reply comments will not be accepted.

Conclusion

Accordingly, under 66 Pa.C.S. §§ 501, 1501, 3015 and 3019; sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the associated regulations in 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 5 of the Regulatory Review Act (71 P. S. § 745.5); section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the associated regulations in 4 Pa. Code §§ 7.231, 7.232, 7.233 and 7.234, we are considering adoption of the proposed regulation in Chapter 63 to our regulation in telephone service as set forth in Annex A; *Therefore*,

It Is Ordered that:

1. This docket be opened to consider the proposed regulation set forth in Annex A.

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

3. The Secretary shall submit this order and Annex A for review and comment to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of any comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. In addition, one copy in electronic format (Microsoft Office Word® 2003 or readable equivalent) on diskette shall be provided to the Secretary. Additionally, electronic copies of the filings should be emailed to Louise Fink Smith, Esq., Law Bureau at finksmith@state.pa.us and to Anthony J. Rametta, Fixed Utility Services at arametta@state.pa.us. No reply comments are permitted.

6. The contact persons for this rulemaking are Anthony Rametta, Bureau of Fixed Utility Services, (717) 787-2359 (technical), and Louise Fink Smith, Assistant Counsel, Law Bureau, (717) 787-8866 (legal). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

7. A copy of this order and Annex A shall be served upon the Pennsylvania Telephone Association, all jurisdictional local telecommunications utilities in this Commonwealth, the Office of Trial Staff, the Office of Consumer Advocate, the Office of the Small Business Advocate and the Telecommunications Relay Service Advisory Board and posted on the Commission's web site.

8. A copy of this order be filed at Docket No. M-00900239.

JAMES J. MCNULTY,
Secretary

(Editor's Note: It is the intent of the Commission to rescind the statement of policy in §§ 69.511—69.513 upon final adoption of this proposed rulemaking.)

Fiscal Note: 57-261. No fiscal impact; (8) recommends adoption.

STATEMENT OF COMMISSIONER KIM PIZZINGRILLI

Today the Commission initiates a rulemaking to codify our current policy statement governing the filing and reporting requirements related to the Commission's monitoring of the Telecommunication Relay Service (TRS) program. See 52 Pa. Code §§ 69.511—69.513. The Policy Statement requires that local exchange carriers file an annual access line count summary and tracking report with the Commission. The information contained in these reports is used by the Commission to calculate the annual TRS Surcharge Adjustment and audit the TRS program.

I fully support the codification of the Policy Statement and believe that promulgating regulations will promote a greater level of compliance with the reporting requirements set forth in the Policy Statement and enhance the ability of the Commission to enforce these requirements.

I also support moving the access line count summary reporting date from April 30 to March 1 of each year. The earlier reporting date affords Commission Staff much needed time to collect line count information and ensure a timely and accurate calculation of the TRS surcharge.

However, I question whether the need exists, at this time, to adjust the reporting period and filing deadline for the annual tracking report from April 30 to March 31. This report is used by the Commission to audit the TRS program. A change to the filing date of the access line report does not necessarily support a change to the tracking report filing deadline.

Despite my reservation regarding the change proposed to the tracking report deadline, I support the initiation of this rulemaking and look forward to reviewing the comments of the parties. In light of this proposed rulemaking, it may be prudent for the Commission to begin a comprehensive review of the reporting deadlines for each of the reports required by the Commission and evaluate whether consistency can be established for reporting deadlines rather than the current varying due dates.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITIY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 63. TELEPHONE SERVICE

Subchapter C. ACCOUNTS AND RECORDS

§ 63.37. Operation of the Telecommunications Relay Service System and Relay Service Fund.

(a) *General.*

(1) The Pennsylvania Telecommunications Relay Service (TRS), the Telecommunications Devices for the Deaf Program, and the Print Media Access System Program are codified in the Universal Telecommunications and Print Media Access Act (35 P. S. §§ 6701.1—6701.4). The Relay Service Fund (Fund) covers eligible intraState costs associated with the operation of the three programs. The costs are recovered from residential and business wireline access line end-users by a monthly surcharge on local service telephone bills.

(2) To permit the Commission to effectively monitor and evaluate the revenue and cost data associated with the Fund, each local exchange carrier (LEC) shall file an annual tracking report delineating monthly revenues collected and remittances for late payments for the preceding 12-month year and an annual access line summary report detailing its access line count as of December 31 of the preceding year. The tracking data are used for periodic audits of the Fund. The access line counts are used to calculate the next year's TRS surcharge.

(b) *Timely remittance of revenues.*

(1) LECs shall remit the TRS surcharge revenues to the Fund Administrator by the 20th of each month for revenues collected during the prior month.

(2) Delays or inaccuracies in remitting revenues to the Fund result in lost earnings by the Fund. An LEC that is late in remitting surcharge revenues shall remit an additional contribution to the Fund to make up for lost Fund earnings. The additional contribution must be based upon the published prime rate in effect at the time of the missed due date and cover the period beginning at the date of the occurrence of the failure to remit and continue until the surcharge revenues are properly remitted to the Fund.

(c) *Filing of TRS reports.*

(1) *Annual tracking report.* An LEC shall submit its annual tracking report to the Secretary's Bureau by

March 31 of each year, in the format and detail specified on the Commission's web site (www.puc.state.pa.us).

(2) *Annual access line summary report.* An LEC shall submit its annual access line summary report to the Secretary's Bureau by March 1 of each year, in the format and detail specified on the Commission's web site.

(d) *Failure to remit TRS revenues or to file TRS reports.* An LEC that fails to timely and accurately submit a tracking report or an access line summary report or that fails to timely and accurately submit TRS surcharge revenues may need to reimburse the Fund under subsection (b). The Commission will utilize all available remedies to ensure reporting and remittance compliance including fines and the revocation of Certificates of Public Convenience.

[Pa.B. Doc. No. 08-830. Filed for public inspection May 2, 2008, 9:00 a.m.]

STATE BOARD OF MEDICINE

[49 PA. CODE CH. 18]

Acupuncture Registration

The State Board of Medicine (Board) proposes to amend § 18.15 (relating to practice responsibilities of acupuncturist who is not a medical doctor), to read as set forth in Annex A.

A. *Effective Date*

The amendments will be effective upon publication as final-form rulemaking in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The act of November 29, 2006 (P. L. 1625, No. 186) (Act 186) amended the Acupuncture Registration Act (act) (63 P. S. §§ 1801—1806) to authorize an acupuncturist or practitioner of Oriental medicine (hereinafter referred to collectively as acupuncturists) to treat a patient's condition through acupuncture or by dispensing or administering medicinal herbs for up to 60 days without the patient's condition first being diagnosed by a physician, dentist or podiatrist. See 63 P. S. § 1803.1. In addition, section 21 of the Medical Practice Act of 1985 (63 P. S. § 422.21), provides for the various levels of required medical doctor involvement with the care of patients who are being treated by nonphysicians.

C. *Background and Purpose*

This proposed rulemaking seeks to amend the Board's existing regulations to implement the 60-day direct access provision of Act 186 and provide for patient safety by establishing protocols for a cooperative relationship between the patient's acupuncturist and the patient's treating physician, as applicable.

Act 186 contains two substantive provisions regarding the practice of acupuncture:

1. It gives acupuncturists the authority to treat patients for 60 days without any physician involvement.

2. It deletes from the act the statutory requirement that a patient obtain a referral or prescription for acupuncture services and substitutes a requirement for a medical examination and diagnosis if treatment will continue beyond 60 days.

The 60-day access provision is self-executing. However, the provision dealing with physician involvement keeps open the question as to what responsibilities the physician still has under the Medical Practice Act regarding to the needs of the patient if the patient has contraindications for acupuncture or herbal treatments. Similarly, the act does not provide for the acupuncturists responsibilities to their patient when it is apparent that despite acupuncture treatment the patient's condition is worsening. Accordingly, it is appropriate for the Board to establish regulations to address the question as to the professionals' obligation to safeguard the well being of their joint patients.

D. *Description of Amendments*

The rulemaking proposes to amend § 18.15 to comport with Act 186 to authorize an acupuncturist or practitioner of Oriental medicine to treat a patient's condition for up to 60 days without the condition first being diagnosed by a physician, dentist or podiatrist. The rulemaking also proposes to amend § 18.15 to provide for the responsibilities of the acupuncturist regarding the coordination of patient care with the patient's physician, dentist or podiatrist.

Section 18.15 would be amended throughout to add "practitioners of Oriental medicine" consistent with the Board's prior final rulemaking published at 37 Pa.B. 1644 (April 14, 2007).

Subsection (a)(1) would require acupuncturists to perform an evaluation of the patient and develop an acupuncture or Oriental medicine treatment plan.

Subsection (a)(2) would provide for the acupuncturist to treat patients for 60 calendar days without the patient's condition being first diagnosed by a physician, dentist or podiatrist.

Subsection (a)(3) would permit continued acupuncture or Oriental medicine treatment beyond 60 calendar days if the patient obtains an examination and diagnosis from a physician, dentist or podiatrist.

Subsection (a)(4) would require acupuncturists to refer a patient within the 60 calendar days to a physician, dentist or podiatrist, as appropriate to the patient's condition, if acupuncture or Oriental medicine treatment is contraindicated for the patient or if the patient's condition worsens.

Subsection (a)(4) would require the acupuncturist to consult with the patient's physician, dentist, podiatrist or other health care practitioner at the patient's request.

Subsection (a)(5) would require the acupuncturist to cooperate with the patient's physician, dentist or podiatrist regarding the coordination of the patient's care, and to comply with restrictions or conditions as directed by the patient's physician, dentist or podiatrist.

Subsection (a)(6) would prohibit acupuncturists from diagnosing a physical or mental ailment or condition or prescribing or dispensing a drug. The subsection would allow practitioners of Oriental medicine to dispense and administer therapeutic herbs that contain ingredients that are similar or equivalent to active ingredients in drugs as classified by the Food and Drug Administration.

The subsection would also permit the use of diagnostic billing codes used for payment and reimbursement.

Subsection (a)(7) would require compliance with sterilization standards relative to aseptic practices.

Subsection (a)(8) would require that patient records be maintained in a manner consistent with the Board's recordkeeping regulation in § 16.95 (relating to medical records).

Subsection (b) would be amended to delete outdated provisions pertaining to supervision of acupuncturists. The requirement that acupuncturists identify themselves as such is retained.

E. *Compliance*

The Board met with representatives of the Pennsylvania Association for Professional Acupuncture (Association). The comments from the Association were primarily technical in nature and were incorporated into this proposed rulemaking. The Association also commented on the language requiring referral if the patient's condition worsens. The Association's comments expressed concern that the patient's perception of his condition may not be accurate from clinical perspective. In recognition that the initial determination of the progress and appropriateness of treatment is a professional one, the Board has made it clear to the Association that it is the acupuncturist who is responsible for making that determination.

The law firm of Kalegredis, Sansweet, Dearden and Burke, LTD, submitted written comments. The comments asserted that requiring the acupuncturist to refer patients to other health care practitioners was problematic because such a requirement was not contemplated by Act 186 and because "worsening" of the patient's condition was subjective and undefined. The Board disagrees. Act 186 does not preclude the Board from adopting regulations giving effect to other related provisions of law, including section 21 of the Medical Practice Act of 1985, which provides for necessary medical doctor involvement with health care being administered by persons other than medical doctors. Moreover, one need only examine the warning labels of over-the-counter medications to appreciate that the term "worsens" is a commonly understood concept by patients as well as health care practitioners. Indeed, during Board meetings at which the proposal was being discussed, when asked by the Board how an acupuncturist knows when the acupuncture treatment being provided is contraindicated, the acupuncturist representatives of the Pennsylvania Association for Professional Acupuncture stated that the patient gets "worse." Lastly, this provision is consistent with existing § 18.15(b)(1), which this proposal would merely relocate to § 18.15(a).

Kalegredis, Sansweet, Dearden and Burke, LTD, also recommended that the Board allow for the use of diagnostic billing codes in § 18.15(a)(6). The Board agrees that this is a helpful clarification and has incorporated it into this proposed rulemaking. Kalegredis, Sansweet, Dearden and Burke, LTD, also recommended that the rulemaking clarify that practitioners of Oriental medicine may use other supplemental techniques. The Board does not believe this is necessary because under the Board's regulations all practitioners of Oriental medicine are acupuncturists, with the additional authority of being authorized

to provide Chinese herbal therapy. Accordingly, practitioners of Oriental medicine may use all the modalities that acupuncturists are authorized to use without further revision to the regulations.

Kalegredis, Sansweet, Dearden and Burke, LTD, also suggested that requiring acupuncturists to maintain records in a manner consistent with the Board's regulations in § 16.95 is inappropriate because that section refers to physicians. The Board believes the comment misapprehends that the use of the phrase "consistent with" qualifies the reference to § 16.95. The Board has not incorporated § 16.95 by reference, but rather requires the acupuncturist to maintain those records developed during the acupuncturist-patient relationship in a manner so that the records are accurate, legible, complete and accessible to patients. The Board believes it unnecessary to recreate these requirements for each Board-regulated practitioner. The Board has plans for future rulemaking that will amend and make more generic certain regulations that are of common application to all Board-regulated practitioners. This rulemaking is consistent with that plan.

F. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, political subdivision or the private sector.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on April 21, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

I. Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking to Gerald S. Smith, Senior Counsel in Charge, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication for the proposed regulation in the *Pennsylvania Bulletin*. Refer to 16A-4924: Acupuncture when submitting comments.

CHARLES D. HUMMER, Jr., M. D.,
Chairperson

Fiscal Note: 16A-4924. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter B. REGISTRATION AND PRACTICE OF ACUPUNCTURISTS AND PRACTITIONERS OF ORIENTAL MEDICINE

§ 18.15. Practice responsibilities of acupuncturist and practitioner of Oriental medicine who [is] are not [a] medical [doctor] doctors.

(a) *Responsibilities to patient.* In relation to the acupuncture patient, the acupuncturist [shall comply with the following] and the practitioner of Oriental medicine:

(1) [Received, in writing, from the acupuncturist supervisor, approval to initiate acupuncture treatment] Shall perform an acupuncture or Oriental medicine evaluation and develop an acupuncture or Oriental medicine treatment plan.

(2) [Comply strictly with conditions or restrictions that may be placed on the course of acupuncture treatment by the acupuncturist supervisor] May treat the patient's condition without the condition being diagnosed by a physician, dentist or podiatrist for 60 calendar days from the date of the first treatment.

(3) May treat the patient's condition beyond 60 calendar days from the date of first treatment if the patient has obtained an examination and diagnosis from a physician, dentist or podiatrist.

(4) Shall, within 60 calendar days from the date of first treatment, refer the patient to a physician, dentist or podiatrist, as appropriate to the patient's condition, if the acupuncturist or practitioner of Oriental medicine determines that further acupuncture or Oriental medicine treatment is contraindicated for the patient or determines that the patient's condition has worsened.

(5) Shall consult with the patient's physician, dentist, podiatrist or other health care practitioner upon request of the patient.

(6) Shall cooperate with the patient's physician, dentist or podiatrist regarding the coordination of the patient's care, and comply with restrictions or conditions as directed by the physician, dentist or podiatrist.

(7) [Not] May not medically diagnose a physical or mental ailment or condition or prescribe or dispense a drug. A practitioner of Oriental medicine is not prohibited from dispensing or administering therapeutic herbs that contain ingredients that are similar or equivalent to active ingredients in drugs as classified by the Food and Drug Administration. This provision does not prohibit the use of diagnostic billing codes for billing or reimbursement purposes.

[(4) Comply] (8) Shall comply strictly with sterilization standards relative to aseptic practices.

(9) Shall maintain patient records in a manner consistent with § 16.95 (relating to medical records).

(b) [*Responsibility to acupuncturist supervisor.* In relation to the acupuncturist supervisor, the acupuncturist shall comply with the following:

(1) Consult promptly with the acupuncturist supervisor regarding a new ailment or condition or a worsened ailment or condition of an acupuncture patient.

(2) Consult with the acupuncturist supervisor upon request of either the acupuncturist supervisor or the acupuncture patient.

(3) Practice acupuncture only under the general supervision of an acupuncturist supervisor.

(c) *Scope of acupuncturist's responsibility.*

(1) An acupuncturist is responsible solely for acupuncture evaluation and acupuncture treatment. The medical diagnosis is the responsibility of the acupuncturist supervisor.

(2) An acupuncturist is not required to practice acupuncture in the physical presence of the acupuncturist supervisor or at the location where the acupuncturist supervisor provides medical services. Where the acupuncturist may provide acupuncture services, and whether the acupuncturist may provide acupuncture services without the acupuncturist supervisor being physically present, shall be determined by the acupuncture supervisor.

(d) [*Identification of acupuncturist or practitioner of Oriental medicine.* An acupuncturist who is not a medical doctor shall wear a tag or badge with lettering clearly visible to the patient bearing [his] the acupuncturist's name and the title "acupuncturist" or "practitioner of Oriental medicine," as appropriate. The use of the word doctor on this tag or badge is prohibited.

[Pa.B. Doc. No. 08-831. Filed for public inspection May 2, 2008, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

[4 PA. CODE CH. 247]

Priority of Taxation, Attachment and Assignment of Funds

The State Employees' Retirement Board (Board) proposes to add § 247.11 (relating to priority of taxation, attachments and assignments of funds).

A. *Effective Date*

This proposed rulemaking will go into effect upon publication in the *Pennsylvania Bulletin* as a final-form rulemaking.

B. *Contact Person*

For further information contact Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 787-9657, or Brian E. McDonough, Deputy Chief Counsel, State Employees'

Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716, (717) 783-7317. Information regarding submitting comments on this proposal appears in Section H of this preamble.

C. *Statutory Authority*

This proposed rulemaking is being made under the authority of 71 Pa.C.S. § 5902(h) (relating to administrative duties of the board).

D. *Background and Purpose*

This proposed new section sets priorities among conflicting demands of taxation, attachments and assignments on members' retirement benefits authorized under 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code). The court's decision in *Gail G. Marshall v. State Employees' Retirement System*, 887 A.2d 351 (Pa. Cmwlth. 2005) has offered partial guidance in this area. The regulation would enable consistent application of the statute and could avoid litigation of priority issues.

E. *Benefits, Costs and Compliance*

Benefits

The proposed rulemaking is intended to alleviate confusion and prevent possible disputes with regard to conflicting demands on members' retirement benefits.

Costs

There are no costs to the Commonwealth, its citizens or State employees associated with this proposal.

Compliance Costs

The proposed rulemaking is not expected to impose any additional compliance costs on State employees.

F. *Sunset Review*

There is no sunset review.

G. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on April 18, 2008, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Finance Committee and the House State Government Committee. A copy of this material is available to the public upon request.

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

H. *Public Comments*

Written Comments—Interested persons are invited to submit comments regarding the proposed rulemaking to Robert Gentzel, Director of Communications and Policy, State Employees' Retirement System, 30 North Third Street, Suite 150, Harrisburg, PA 17101-1716. Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections within 30 days of publication in the *Pennsylvania Bulletin*.

Electronic Comments—Comments may be submitted electronically to the Board at rgentzel@state.pa.us and must be received by the Board within 30 days of publication in the *Pennsylvania Bulletin*. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

NICHOLAS J. MAIALE,
Chairperson

Fiscal Note: 31-7. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART X. STATE EMPLOYEES' RETIREMENT BOARD

CHAPTER 247. BENEFITS

§ 247.11. Priority of taxation, attachments and assignments of funds.

(a) The right of a person to any benefit or right accrued or accruing under the code, and the moneys in the fund are subject to prior payment or forfeiture of rights, as set forth in section 5953 of the code (relating to taxation, attachment and assignment of funds), in the following sequential priority to the extent the forfeitures and competing claims exist at the time the distribution is made:

(1) For pension forfeitures, fines and restitution as provided by the Public Employee Pension Forfeiture Act (43 P. S. §§ 1311—1315) or under the Pa. Const. Article V, § 16(b) or as otherwise provided by law.

(2) To the employer after certification by the head of the employer of the amount that the member is obligated to pay, and after review and approval by the employer's

legal representative or upon receipt of an assignment from the member in the amount so certified.

(3) To each appropriate taxing authority for money owed on account of taxes.

(4) To an alternate payee or attaching authority as set forth in an approved domestic relations order, order for support, or order for the enforcement of arrearages as described in section 5953.1 of the code (relating to approval of domestic relations order).

(5) To the member directly or to an eligible retirement plan by way of an eligible rollover distribution.

(b) Payments from a member's retirement benefits under subsection (a)(2) and (3) shall first be made from the entire accumulated deductions then standing to the credit of the member upon entering pay status. The remaining balance, if any, of payments due under subsection (a)(2) and (3) and payments due under subsection (a)(4) for orders for support or orders for the enforcement of arrearages, or both, shall be paid out of the monthly annuity payable to or on behalf of the member at the rate of up to 50% (as determined by SERS consistent with applicable law) of the gross monthly annuity until paid in full. The amount payable under subsection (a)(4) under an approved domestic relations order may be paid out of the monthly annuity paid to or on behalf of the member at the rate of up to 100% (as determined by the System consistent with applicable law) of the member's remaining monthly annuity until paid in full. Unpaid amounts remaining after termination of an annuity paid to or on behalf of the member or, after the death of the member prior to receiving an annuity, shall be paid out of the remaining initial present value then standing to the credit of the member, if any.

(c) Payments under those pension forfeitures described in subsection (a)(1) shall be made under the operative forfeiture law.

[Pa.B. Doc. No. 08-832. Filed for public inspection May 2, 2008, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, May 14, 2008. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Independence Seaport Museum at Penn's Landing, 211 South Columbus Boulevard and Walnut Street, Philadelphia, PA.

The conference among the commissioners and staff will begin at 10:30 a.m. Topics of discussion will include: update on a request for proposal for the Reassessment Study to be undertaken in accordance with the Decree Parties' Agreement of September 26, 2007; and presentation by Lori Dillard Rech, President of the Independence Seaport Museum. Because of the large number of dockets scheduled for public hearing on May 14, in a departure from the customary schedule, the portion of the business meeting consisting of the hearing on Project Review applications will be held at approximately 11:15 a.m., immediately following the morning conference session. At the conclusion of the hearing on Project Review applications, there will be a break for lunch. The business meeting will resume at 1:30 p.m.

1. *Valley Township D-88-31 CP-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 4.5 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. V1, V2 and V4. The project is located in the Precambrian Gabbroic Gneiss Formation in the Brandywine Creek Watershed in Valley Township, Chester County, PA.

2. *Monroe Township Municipal Utilities Authority D-93-9 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 25.92 mg/30 days from existing Wells Nos. 9 and 10 to supply the portion of the applicant's public water supply distribution system that is located in the Delaware River Basin. The project is located in the Kirkwood Cohansen Aquifer in the Scotland Run Watershed in Monroe Township, Gloucester County, NJ, in New Jersey Critical Water Supply Area 2.

3. *Borough of Milford D-68-100 CP-2*. An application to upgrade the applicant's wastewater treatment plant (WWTP) to provide improved nutrient removal. No increase in the approved 0.4 mgd WWTP capacity is proposed. The project is located off Carpenter Street in Milford Borough, Hunterdon County, NJ and discharges to Spring Mills Creek, approximately 0.1 mile upstream from its confluence with Lower Delaware River Special Protection Waters. The project is also within the Lower Delaware River Management Plan area. The WWTP will continue to serve a portion of Holland Township and Milford Borough, both in Hunterdon County, NJ.

4. *Siemens Healthcare Diagnostics D-70-86-2*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 8.64 mg/30 days to 12.08 mg/30 days to supply the applicant's manufacturing facility from existing Well No. 4 and to decrease the total

system allocation from 15.12 mg/30 days to 12.1 mg/30 days in the Columbia Formation. The project is located in the C & D Canal and the Red Lion Creek watersheds in the City of Newark, New Castle County, DE.

5. *Aqua New Jersey, Inc. D-77-49-2*. An application for approval of a groundwater withdrawal project to supply up to 8.6 mg/30 days of water to the applicant's Warren Glen, Riegel Ridge and Fox Hollow distribution systems from new Wells Nos. 4—7, which represents an increase in the existing withdrawal 5.6 mg/30 days to 8.6 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Leithsville Formation in the Musconetcong and Delaware River Watersheds in Holland Township, Hunterdon County and Pohatcong Township, Warren County, NJ. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

6. *Upper Gwynedd Township D-91-88 CP-4*. An application for approval of the addition of an effluent filter on the Upper Gwynedd Township WWTP. The WWTP's average annual flow of 5.7 mgd will not change. The WWTP will continue to discharge to the Wissahickon Creek, a tributary of the Schuylkill River. The facility is located in Upper Gwynedd Township, Montgomery County, PA.

7. *Township of Pemberton D-92-56 CP-3*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 38.75 mg/30 days to 58 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 4, 6, 7, 8A and 11 and new Wells Nos. 1, 2 and 13 in the Mt. Laurel/Wenonah and Englishtown Formations. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Rancocas Creek Watershed in Pemberton Township, Burlington County, NJ.

8. *The Premcor Refining Group, Inc. D-93-4-6*. An application to replace the withdrawal of water from Wells Nos. P-3A and P-4A in the applicant's water supply system that have become unreliable sources of supply and to increase the applicant's surface water withdrawal from the Delaware River and Red Lion Creek. Premcor requests that its combined withdrawal from replacement Wells Nos. P-3B and P-4B and seven existing wells remain limited to 180 mg/30 days; that its withdrawal from the Delaware River intake remain at 13,560 mg/30 days; that the docket authorize withdrawals of 38.9 mg/30 days from the Red Lion Creek intake and up to 56.2 mg/30 days from the Dragon Run intake, and that Premcor's combined withdrawal from all sources be limited to 13,835.1 mg/30 days. The proposed allocation represents no increase in groundwater withdrawals, no increase from the Delaware River intake and the inclusion in a Commission docket of previously undocketed pre-Compact DNREC allocations from Dragon Run and Red Lion Creek. The project is located in the Potomac Formation in the C & D Canal East, Dragon Run Creek, Red Lion Creek and Delaware River watersheds in Delaware City, New Castle County, DE.

9. *AES Ironwood, LLC D-97-45-2*. An application for the renewal of a surface water withdrawal project to increase the applicant's withdrawal from 64.8 mg/30 days to 70.2 mg/30 days to supply the applicant's power

generation facility. The withdrawal is made by means of the diversion of a portion of an existing quarry discharge to Tulpehocken Creek within the Schuylkill River Watershed, and the diversion of a portion of the City of Lebanon sewage treatment plant wastewater discharge to Quittapahilla Creek, which is located in the Susquehanna River Basin. The portion of the withdrawal diverted from the City of Lebanon treatment plant discharge constitutes an inter-basin transfer. The project is located in South Lebanon Township in Lebanon County, PA.

10. *Milford Valley Convalescent Home D-98-51-2*. An application to modify an existing 0.015 mgd WWTP with the addition of a prefabricated equalization tank. The WWTP will continue to serve the Milford Valley Convalescent Home, located in Westfall Township, Pike County, PA. The WWTP discharges to the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters.

11. *Penn Estate Utilities D-99-20-2*. An application for approval of the addition of a denitrification filter on the Penn Estates Utilities WWTP. The existing design flow of 0.56 mgd will not change as a result of this project. The WWTP will continue to discharge to Cranberry Creek, a tributary of the Brodhead Creek, which is a tributary of the section of the nontidal Delaware River known as the Middle Delaware. The Middle Delaware is designated as Special Protection Waters. The facility is located in Stroud Township, Monroe County, PA.

12. *Sussex County Municipal Utilities Authority D-2006-6 CP-2*. An application requesting approval for an increase in the average monthly Total Dissolved Solids effluent limit for the docket holder's Hampton Commons WWTP. The request is to increase the average monthly limit from 1,000 milligrams per liter (mg/l) to 1,500 mg/l. The 50,000 gallons per day (gpd) Hampton Commons WWTP discharges to Marsh's Farm Creek, a tributary to the Paulins Kill River. The facility is located in Hampton Township, Sussex County, NJ, within the drainage area of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

13. *Whitemarsh Township D-93-37 CP-2*. An application for the approval of modifications to an existing but previously undocketed WWTP that will continue to serve a portion of Whitemarsh Township. The project involves replacing the original process equipment with new equipment. The 2.0 mgd WWTP will continue to provide secondary biological treatment by means of the trickling filter process and will continue to discharge to an unnamed tributary of the Schuylkill River. The facility is located in Whitemarsh Township, Montgomery County, PA.

14. *Valero Paulsboro Refinery D-2006-28-1*. An application for approval of an existing surface water withdrawal project to supply up to 414 mg/30 days (~13.8 mgd) of water to the applicant's petroleum refinery from an existing surface water intake. The project is located in the Delaware Watershed in Greenwich Township, Gloucester County, NJ, in New Jersey Critical Water Supply Area 2.

15. *Rock Tenn Company D-2006-41-1*. An application for approval of the Rock Tenn Company's existing non-contact cooling water (NCCW) and IWTP discharge from the company's Stroudsburg paper mill. The combined discharge of 0.295 mgd of NCCW and IWTP effluent will continue to be discharged to the Brodhead Creek. The Brodhead Creek is tributary to the Middle Delaware Special Protection Waters. The facility is located in Delaware Water Gap Borough, Monroe County, PA.

16. *Skyview Golf Course, Inc. D-2007-19-1*. An application for approval of a ground and surface water withdrawal project to supply less than 3.1 mg/30 days of water to the applicant's golf course irrigation system from new Wells Nos. 2 and 11 and Intake No. 1 and to limit the withdrawal from all sources to less than 3.1 mg/30 days. The project is located in the Hypersthere-Quartz-Oligoclase Gneiss Formation in the Paulins Kill Watershed in Sparta Township, Sussex County, NJ, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

17. *City of Easton D-2007-31 CP-1*. An application for the approval of the existing Easton water treatment plant's (WTP) 0.75 mgd backwash discharge. The WTP discharges filter backwash and sludge filter press filtrate to the section of the Delaware River known as the Lower Delaware Special Protection Waters. The facility is located in the City of Easton, Northampton County, PA.

18. *Empire Golf Management d/b/a Pine Hill Golf Club D-2007-33-1*. An application for approval of a ground and surface water withdrawal project to supply up to 12 mg/30 days of water to the applicant's golf course irrigation system from new Wells TW1, PW1, PW2, PW5B and PW6B and a pond intake. The project is located in the Kirkwood-Cohansey Formation in the Big Timber Creek Watershed in Pine Hill Borough, Camden County, NJ.

19. *East Stroudsburg Borough D-2007-39 CP-1*. An application for approval of the existing East Stroudsburg Borough Water Filtration Plant's (WFP) 0.09 mgd backwash discharge. The East Stroudsburg WFP discharges filter backwash to Sambo Creek, as do the plant's sludge decanting basins. Sambo Creek is a tributary to the Brodhead Creek, which is a tributary to the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. The facility is located in Smithfield Township, Monroe County, PA.

20. *Laurel Pipe Line Company D-2007-40-1*. An application for the approval of the existing Laurel Pipe Line Company's groundwater remediation discharge of 0.070 mgd. The applicant's groundwater remediation system will continue to discharge to an unnamed tributary of Green Creek, a tributary of Chester Creek. The facility is located in Bethel Township, Delaware County, PA.

21. *East Brandywine Township Municipal Authority D-2007-43 CP-1*. An application for the approval of the construction of the new 61,400 gpd Hillendale WWTP and the associated pump stations, collection system, and drip irrigation disposal facility. The Hillendale WWTP will serve the 140 acre Pine Hill Subdivision. The WWTP will discharge treated effluent to approximately 9.3 acres of spray irrigation fields. The subdivision and associated facilities are located adjacent to the East Branch Brandywine Creek. The facilities will be located in East Brandywine Township, Chester County, PA.

22. *Tidewater Utilities, Inc. D-2008-3 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 5.7 mg/30 days of water to the applicant's Chimney Hill/Hillside/Woodbury district public water supply distribution system from new Wells Nos. 159102, 190503 and 209110. The project is located in the Frederica and Federalsburg formations in the Murderkill River Watershed in Kent County, DE.

23. *Warwick Township D-2008-4 CP-1*. An application for the approval of the construction of the new 63,050 gpd St. Peters Village WWTP and the associated pump station

and 12.67 acre spray irrigation disposal facility. The St. Peters Village WWTP will serve existing and proposed development within the St. Peters Village and Knauertown areas. The WWTP will discharge treated effluent to approximately 12.67 acres of spray irrigation fields. The treatment facilities are located adjacent to French Creek. The facilities will be located near Knauertown, in Warwick Township, Chester County, PA.

24. *Pleasant Valley School District D-2008-5 CP-1.* An application for the approval of the expansion of the Pleasant Valley School District (PVSD) Brodheads ville Campus WWTP and spray irrigation system. The PVSD WWTP will be expanded from 10,200 gpd to 30,000 gpd and the spray irrigation system will have two new storage lagoons (Nos. 3 and 4) and 7 new spray fields equal to a combined area of approximately 16 acres. The PVSD Brodheads ville WWTP will be expanded to serve the Middle School, High School, J.C. Mills School, Chestnuthill Elementary School and Bus Transportation Facility. Previously, the High School and Chestnuthill Elementary School discharged to their own individual onlot septic systems, and the J.C. Mills School had its own WWTP. The treatment facilities are located adjacent to an unnamed tributary to Weir Creek, a tributary to the Pohopoco Creek, which is tributary to the Lehigh River. The facilities are located near Brodheads ville, in Chestnuthill Township, Monroe County, PA.

25. *Morrisville Borough Municipal Authority D-2008-6 CP-1.* An application for approval of the existing Morrisville Borough Municipal Authority's Water Filtration Plant backwash discharge. The 150,000 gpd backwash discharge is to the portion of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The facilities are located in Morrisville Borough, Bucks County, PA.

26. *Keystone Mobile Home Park D-2008-7-1.* An application for approval of the reconstruction of the Keystone Mobile Home Park (KMHP) WWTP. The KMHP WWTP will continue to discharge 40,000 gpd to the Lehigh River, which is a tributary to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The KMHP WWTP is located near Laurys Station, North Whitehall Township, Lehigh County, PA.

27. *Green Walk Trout Hatchery, Inc. D-2008-8-1.* An application for approval of a groundwater withdrawal project to supply up to 13.824 mg/30 days of water to the applicant's trout hatchery facility from Wells Nos. 1 and 2. Although not previously approved by the Commission, this project has been in operation since 1971. The project is located in the Martinsburg Formation in the Jacoby Creek Watershed in Upper Mount Bethel Township, Northampton County, PA, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

28. *Joseph Wick Nurseries, Ltd. D-2008-10-1.* An application for approval of a groundwater withdrawal project to supply up to 11.6 mg/30 days of water to the applicant's nursery from new Wells Nos. 1 and 2. The project is located in the Federalsburg Formation in the St. Jones River Watershed in the City of Dover, Kent County, DE.

29. *Evergreen Community Power D-2008-11-1.* An application for approval of a groundwater withdrawal project to supply up to 51.84 mg/30 days of water to the applicant's steam turbine power plant from new Wells Nos. PW2 and PW3. The project is located in the

Cambrian Carbonate Formation in the Schuylkill River Watershed in the City of Reading, Berks County, PA.

30. *White Haven Borough D-2008-12 CP-1.* An application for approval of a groundwater withdrawal project to supply up to 4.189 mg/30 days of water to the applicant's bottled water operations from existing Wells Nos. 1 and 2. The project is located in the Mauch Chunk Formation in the Linesville Creek Watershed in Foster Township, Luzerne County, PA, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

At the conclusion of the hearing on Project Review applications the business meeting will adjourn for lunch. The meeting will resume at 1:30 p.m. with consideration of the draft Minutes from the March 12, 2008, business meeting, announcements of upcoming events, including meetings of Commission advisory committees; a hydrologic report; a report by the Executive Director; and a report by the Commission's General Counsel.

The Commission will then consider a series of resolutions, among which the following will include public hearings: a resolution approving the 2008-2013 Water Resources Program; a resolution to amend the composition of the Monitoring Advisory Committee by the addition of a representative from the Partnership for the Delaware Estuary; a resolution authorizing the executive director to enter into contracts for the analysis of ambient water samples to characterize the nature and extent of chronic toxicity in the Delaware Estuary; a resolution authorizing the executive director to accept funds from the Department of Environmental Protection for development of an integrated Water Resources Program for the Schuylkill River Watershed; a resolution authorizing the executive director to accept funds from NOAA-NWS for flood warning improvements and flood warning outreach initiatives recommended by the Interstate Flood Mitigation Task Force Report of July 2007; and a resolution providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year 2008-2009, commencing July 1, 2008.

The business meeting also will include consideration of a resolution amending the Water Quality Regulations and Comprehensive Plan to permanently designate the Lower Delaware River as a Special Protection Water and clarify certain aspects of the rule. A public hearing on this item was conducted on December 4, 2007, and the comment period closed on December 6, 2007.

Draft dockets scheduled for public hearing on May 14, 2008, will be posted on the Commission's web site, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission secretary directly at (609) 883-9500, ext. 203 or through the Telecommunications Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 08-833. Filed for public inspection May 2, 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 April 22, 2008.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-2008	Northwest Savings Bank Warren Warren County	5835 Forbes Avenue Pittsburgh Allegheny County	Approved
4-18-2008	PeoplesBank, A Codorus Valley Company York York County	65 Eisenhower Drive Hanover York County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-2008	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> 10 Marketplace Boulevard Monroe Township Snyder County <i>From:</i> 48 Orchard Drive Shamokin Dam Snyder County	Approved
4-16-2008	Susquehanna Bank PA Lititz Lancaster County	<i>To:</i> Lincoln Highway East (Route 30) and Hartman Bridge Road (Route 896) East Lampeter Township Lancaster County <i>From:</i> 35 South Willowdale Drive East Lampeter Township Lancaster County	Approved
4-17-2008	Fulton Bank Lancaster Lancaster County	<i>To:</i> 9030 Stony Point Parkway Richmond Richmond County, VA <i>From:</i> 8730 Stony Point Parkway Suite 100 Richmond Richmond County, VA	Filed
4-18-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	<i>To:</i> 110 Kings Highway Haddonfield Camden County, NJ <i>From:</i> 30 Kings Highway East Haddonfield Camden County, NJ	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-16-2008	Susquehanna Bank PA Lititz Lancaster County	<i>Into:</i> Lincoln Highway East (Route 30) and Hartman Bridge Road (Route 896) East Lampeter Township Lancaster County <i>From:</i> 366 Hartman Bridge Road East Lampeter Township Lancaster County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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. 08-834. Filed for public inspection May 2, 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>
PA0062855 (Industrial)	Mary-D Community Association 36 Forest Lane Mary-D, PA 17952	Schuylkill County Schuylkill Township	Swift Creek 3A	Y
PA0021873	Borough of Jim Thorpe 421 North Street Jim Thorpe, PA 18229-2528	Borough of Jim Thorpe Carbon County	Lehigh River 2B TSF	Y
PA0070254 (Minor Sewage)	Lynn Township Sewer Authority P. O. Box 208 New Tripoli, PA 18066	Lehigh County Lynn Township	Ontelaunee Creek 3B	N

Note: Permit contains effluent limit for total phosphorous—244 lbs/yr and total suspended solid—7,306 lbs/yr based on Lake Ontelaunee Total Maximum Daily Load (TMDL).

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>
PA0086878 (IW)	Hamburg Municipal Authority 61 North Third Street Hamburg, PA 19526	Berks County Windsor Township	Furnace Creek 3-B	Y
PA0247073 (Sew)	Hopewell Township—Sunnyside 2759 Raystown Road Hopwell, PA 16650	Bedford County Hopewell Township	Raystown Branch— Juniata River 11-D	Y
PA0044628 (IW) Transfer	York Haven Power Company, LLC P. O. Box 67 York Haven, PA 17370	York County York Haven Borough	Susquehanna River 7-G	Y
PAG2003603022R	CAREL USA 18334 Freedom Road Box 10278 Lancaster, PA 17601	Lancaster County Manheim Borough	UNT Chickies Creek WWF	Y
PAG2003603035R	Manor Oaks General Partnership 111 Centerville Road Lancaster, PA 17603	Lancaster County Manor Township	Little Conestoga Creek TSF	Y
PA0033057 (Sew)	Henry Nolt Crestview Village Mobile Home Park 455B Middlecreek Road Lititz, PA 17543	Dauphin County Londonderry Township	Iron Run 7-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>
PA0113158 Sewerage	Daniel R. Hawbaker 5881 Buffalo Run Road Port Matilda, PA 16870	Patton Township Centre County	UNT To Buffalo Run 9C	Y
PAS224803 (SW)	Haven Homes, Inc. 306 Runville Road Bellefonte, PA 16823	Centre County Boggs Township	Wallace Run 09C	Y
PA0208728 SP	Mountaintop Area Municipal Authority P. O. Box 275 Snowshoe, PA 16874	Centre County Snowshoe Township	North Fork Beech Creek 8C	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>
PA0034738	Coolspring Inc. 835 Perry Highway Mercer, PA 16137	East Lackawannock Township Mercer County	UNT to Neshannock Creek 20-A	Y

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

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

PA0056766, Industrial Waste, SIC 481, **City of Philadelphia Department of Commerce—Division of Aviation**, Philadelphia International Airport, Terminal E, Philadelphia, PA 19153. This proposed facility is located in Tincum Township, **Delaware and Philadelphia Counties**.

Description of Proposed Activity: Renewal of permit to discharge stormwater from Philadelphia International Airport. This is an existing discharge from Outfall 001 (Mingo Creek); Outfalls 003—005 (Delaware River); and Outfall 007 (Darby Creek)

The receiving stream, Delaware River and Mingo Creek, is in the State Water Plan Watershed 3F and is classified for: WWF.

The proposed effluent limits for representative Outfalls 001 and 005 are based on a storm event.

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor and Report		
Chemical Oxygen Demand	Monitor and Report		
Oil and Grease	Monitor and Report		
pH	Within limits of 6.0 and 9.0 Standard Units at all times		
Total Suspended Solids	Monitor and Report		
Iron, total	Monitor and Report		
Total Kjeldahl Nitrogen	Monitor and Report		
Nitrite + Nitrate	Monitor and Report		
Ammonia Nitrogen	Monitor and Report		
Phosphorus, total	Monitor and Report		
Potassium	Monitor and Report		
Acetic Acid	Monitor and Report		
Acetaldehyde	Monitor and Report		
Urea	Monitor and Report		
Potassium Acetate	Monitor and Report		
Ethylene Glycol	Monitor and Report		
Diethylene Glycol	Monitor and Report		
Propylene Glycol	Monitor and Report		

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

1. Stormwater Monitoring Requirements and Best Management Practices.

PA0042927, Sewage, SIC 4952, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. This proposed facility is located in South Coventry Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Owen J. Roberts School District Main Campus STP.

The receiving stream, a UNT to French Creek, is in the State Water Plan Watershed 3D and is classified for: exceptional value waters, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA Main System is located on the Schuylkill River and is 13.8 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.039 mgd:

<i>Parameters</i>	<i>Concentration</i>	
	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
TSS	30	60
Ammonia as N	10	20
Fecal Coliform	# 200/100 ml	# 1,000/100 ml
TRC	Not detectable all the time	
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. Operator Notification.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Dry Stream Discharge.
7. Change of Ownership.
8. Chlorine Minimization.
9. Proper Sludge Disposal.
10. Operator Education.
11. I-Max Limits.
12. 2/Month Sampling.
13. Not Detectable Limit.
14. Fecal Coliform Reporting.

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

PA0065218, Sewage, **Mr. and Mrs. Paul Geiger**, 8393 Hawkview Road, Germansville, PA 18053. This proposed facility is located in Heidelberg Township, **Lehigh County**.

Description of Proposed Activity: Sewage treatment facility for a single-family residence.

The receiving stream, Jordan Creek, is in the State Water Plan Watershed 2C and is classified for: HQ-CWF. The nearest downstream public water supply intake is located on the Delaware River and is greater than 60 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0005 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	10		20
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)	6.0 to 9.0 Standard Units at all times.		
pH	Monitor and Report		
Total Residual Chlorine	2.0		
Phosphorus			

PA0063754, Industrial, **Pennsylvania American Water**, 100 North Pennsylvania Avenue, Wilkes-Barre, PA 18701-1347. This proposed facility is located in DallasTownship, **Luzerne County**.

Description of Proposed Activity: Discharge of treated industrial wastewater from the Huntsville Water Purification Plant.

The receiving stream, Huntsville Reservoir, is in the State Water Plan Watershed 5B and is classified for: CWF. The nearest downstream public water supply intake for Huntsville Reservoir is located in the Huntsville Reservoir.

The proposed effluent limits for Outfall 001 based on a design flow of 0.479 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Suspended Solids			30	60
Total Aluminum			4.0	8.0
Total Iron			2.0	4.0
Total Manganese			1.0	2.0
pH	6 to 9 Standard Units at all times.			
Total Residual Chlorine			0.5	1.0

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

Application No. PA0081868, Sewage, **Fairview Township Authority**, 599 Lewisberry Road, New Cumberland, PA 17070-2399. This facility is located in Fairview Township, **York County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, Susquehanna River, is in Watershed 7-E, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Company is located on the Susquehanna River, approximately 25 miles downstream. The discharge is not expected to affect the water supply.

NOTICES

The proposed effluent limits for Outfall 001 for a design flow of 0.726 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine*	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			

* The permittee will have 3 years to achieve compliance with the Total Residual Chlorine limitation.

Chesapeake Bay Requirements

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	13,333*
Net Total Phosphorus	XXX	Report	1,778*

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental DMRs submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

The EPA waiver is not in effect.

Application No. PA 0010502, Industrial Waste, SIC Code 3489, 3471 and 3483, **Letterkenny Army Depot**, One Overcash Avenue, Building 14, Chambersburg, PA 17201-4150. This facility is located in Greene Township, **Franklin County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated industrial waste.

The receiving stream, Rowe Run (Outfalls 001 and S02), is in Watershed 7-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Carlisle Borough located on the Conodoguinet Creek, approximately 44.9 miles downstream. The discharge is not expected to affect the water supply.

The receiving stream, a UNT to Conococheague Creek (Outfall S01), is in Watershed 13-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Hagerstown Borough, MD located on the Conococheague Creek, approximately 62 miles downstream. The discharge is not expected to affect the water supply.

The receiving stream, Rocky Spring Branch (Outfall S03), is in Watershed 13-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Hagerstown Borough, MD located on the Conococheague Creek, approximately 60 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.290 mgd are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (Standard Units)	XXX	XXX	6.0 (Minimum)	XXX	9.0
Oil and Grease	36	72	15	30	30
CBOD ₅	48	97	20	40	50
Total Suspended Solids	24	48	10	20	25
Total Phosphorus	4.8	9.7	2.0	4.0	5.0
Total Chromium	1.93	3.87	0.80	1.60	2.0
Total Lead	0.034	0.068	0.014	0.028	0.035
Total Nickel	0.58	1.16	0.24	0.48	0.60
Total Cyanide	Monitor and Report	Monitor and Report	0.65	1.20	1.62
Total Silver	0.0005	0.0010	0.00022	0.00044	0.00055
Total Zinc	0.53	1.05	0.218	0.436	0.545
Total Toxic Organics	XXX	XXX	XXX	2.13	XXX
Interim Total Cadmium (PED to)	0.007	0.014	0.003	0.006	0.0075
Final Total Cadmium (to expiration)	0.0027	0.0053	0.0011	0.0022	0.0027
Interim Total Copper (PED to)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Final Total Copper (to expiration)	0.104	0.208	0.043	0.086	0.107
Interim Bis (2-Ethylhexyl) Phthalate (PED to)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report
Final Bis (2-Ethylhexyl) Phthalate (to expiration)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	0.032
	0.031	0.063	0.013	0.026	0.032

The proposed effluent limits for Outfalls S01 and S03 discharging stormwater are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	XXX	XXX	Monitor and Report
Chemical Oxygen Demand	XXX	XXX	Monitor and Report
Total Suspended Solids	XXX	XXX	Monitor and Report
Total Phosphorus	XXX	XXX	Monitor and Report
Total Kjeldahl Nitrogen	XXX	XXX	Monitor and Report
Total Iron	XXX	XXX	Monitor and Report
Oil and Grease	XXX	XXX	Monitor and Report
pH (Standard Units)	XXX	XXX	Monitor and Report

The proposed effluent limits for Outfall S02 discharging stormwater are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	XXX	XXX	Monitor and Report
Chemical Oxygen Demand	XXX	XXX	Monitor and Report
Total Suspended Solids	XXX	XXX	Monitor and Report
Total Phosphorus	XXX	XXX	Monitor and Report
Total Kjeldahl Nitrogen	XXX	XXX	Monitor and Report
Total Iron	XXX	XXX	Monitor and Report
Oil and Grease	XXX	XXX	Monitor and Report
pH (Standard Units)	XXX	XXX	Monitor and Report
Total Cadmium	XXX	XXX	Monitor and Report
Total Chromium	XXX	XXX	Monitor and Report
Total Copper	XXX	XXX	Monitor and Report
Total Lead	XXX	XXX	Monitor and Report
Total Nickel	XXX	XXX	Monitor and Report
Total Silver	XXX	XXX	Monitor and Report
Total Zinc	XXX	XXX	Monitor and Report

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Cyanide	XXX	XXX	Monitor and Report
TTO	XXX	XXX	Monitor and Report

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

The EPA waiver is not in effect.

Application No. PA0086878, Sewage, **Hamburg Municipality Authority**, 61 North Third Street, Hamburg, PA 19526. This facility is located in Windsor Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Furnace Creek, is in Watershed 3-B, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on the Maiden Creek, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001 and 002 for a design flow of 0.03 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Aluminum	2.1	4.2	5.2
Total Suspended Solids	30	60	75
Total Magnesium	1	2	2.5
Total Residual Chlorine	0.5		1.64
Total Iron	2	4	5
pH		From 6.0 to 9.0 inclusive	

Lake Ontelaunee TMDL Requirements

	<i>Monthly</i>	<i>Mass (lbs)</i>	<i>Annual</i>
Total Suspended Solids	Report		2,739
Total Phosphorus	Report		91

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

The EPA waiver is in effect.

Application No. PA 0085375, Industrial Waste, SIC Code 4951, **Newport Borough Water Authority**, 231 Market Street, Newport, PA 17074-1590. This facility is located in Oliver Township, **Perry County**.

Description of activity: The application is for renewal of an NPDES permit for existing discharge of treated industrial waste.

The receiving stream, Little Buffalo Creek, is in Watershed 12-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.015 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Total Iron	2	4	5
Total Manganese	1	2	2.5
Total Residual Chlorine	0.5		1.6
pH		6.0 to 9.0 at all times	

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.

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

PA0222437, Sewage, **PEC Management, Burger King 74**, 1250 Tower Road, Erie, PA 16505. This proposed facility is located in East Lackawannock Township, **Mercer County**.

Description of Proposed Activity: New NPDES permit for an existing discharge of treated sewage.

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 Beaver Falls Municipal Authority intake on the Beaver River, located at Eastvale, Beaver County, and is approximately 37 miles below point of discharge.

The receiving stream, the UNT to Neshannock Creek, is in Watershed 20-A and classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.012 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a Geometric Average 2,000/100ml as a Geometric Average	
Total Residual Chlorine	1.5		3.5
Dissolved Oxygen		minimum of 3 mg/l at all times	
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. 1508404, Sewerage, **Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: Upgrades to the existing WWTP, replace the chlorine disinfection sys.

WQM Permit No. 4608404, Sewerage, **Plymouth Township**, 700 Belvoir Road, Plymouth Meeting, PA 19462. This proposed facility is located in Plymouth Township, **Montgomery County**.

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

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

WQM Permit No. 5208401, Sewerage, **Kam S. Shi, Maple Park Garden Apartments**, 206 West Harford Street, Milford, PA 18337. This proposed facility is located in Dingman Township, **Pike County**.

Description of Proposed Action/Activity: This project is for the construction of a new wastewater treatment plant utilizing a community onlot sewage disposal system to service the Maple Park Garden Apartments which consists of 14 new units in addition to the seven existing units to treat 8,400 gpd of sewage flow.

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

WQM Permit No. 0195402, Transfer No. 1, Sewerage, **Patrick Luckenbaugh**, 2830 Old Route 30, Orrtanna, PA 17373. This proposed facility is located in Straban Township, **Adams County**.

Description of Proposed Action/Activity: Application for Transfer of Permit.

WQM Permit No. 2808403, Sewerage, **Franklin County General Authority**, 5540 Coffey Avenue, Chambersburg, PA 17201-8380. This proposed facility is located in Greene Township, **Franklin County**.

Description of Proposed Action/Activity: Application for construction/operation of sewage pumping station at the Cumberland Valley Business Park to serve existing and future customers.

WQM Permit No. 2208405, Sewerage, **Susquehanna Township Authority**, 1900 Linglestown Road, Harrisburg, PA 17110. This proposed facility is located in Susquehanna Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for construction/operation of additions and alteration to the 2nd Street Pump Station.

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

WQM Permit No. WQG016160, Sewerage, **Adelphoi, Inc., Adelphoi Village**, 310 Ligonier Street, Latrobe, PA 15650. This existing facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a small flow sewage treatment facility.

WQM Permit No. WQG016146-A1, Sewerage, **William Greenwood**, 4158 State Game Land Road, Wexford, PA 15090. This existing facility is located in Marshall Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment for an individual small flow sewage treatment facility.

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

WQM Permit No. 2006403, Sewerage, Amendment No. 1, **Cochranton Borough**, 109 East Adams Street, P. O. Box 66, Cochranton, PA 16314. This proposed facility is located in Cochranton Borough and Wayne Township, **Crawford County**.

Description of Proposed Action/Activity: This WQM amendment application proposes to change the disinfection type to ultraviolet light instead of chlorination, for the new proposed 0.175 mgd design flow sewage treatment plant. This is to ensure increased protection of endangered species downstream of the discharge. This is the only change proposed to the original STP design.

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>
PAI011504013A1	ACMEC of North America P. O. Box 1485 Blue Bell, PA 19422	Chester	West Pikeland Township	Pine and Pickering Creeks HQ-TSF
PAI011508029	Cedar Properties, LLC 1700 Horizon Way Suite 100 Mt. Laurel, NJ 08054	Chester	Thornbury Township	Chester Creek WWF
PAI015108002	School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130	Philadelphia	City of Philadelphia	Delaware River WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025208004	Milford Equities, LLC 414 Main Street Suite 202 Jefferson, NY 11777	Pike	Milford Township	Saw Kill Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033108001	Turnpike Commission Gary Graham 700 South Eisenhower Boulevard Middletown, PA 17057	Huntingdon	Dublin Township	UNT to North Branch Little Aughwick Creek HQ-CWF

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

Erie County Conservation District: 1927 Wager Road, Erie, PA 16509, (814) 825-6403.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062508002	Swingers Unlimited, LLC 9620 Donation Road Waterford, PA 16441	Erie	McKean Township	Thomas Run HQ, CWF, MF

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

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

CAFO Notices of Intent Received

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

PAG124827, CAFO (SIC 0213), **Shady Rill Farm**, 252 Tharp Road, Mt. Pleasant Mills, PA 17853-8310. This existing facility is located in Washington Township, **Snyder County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for this existing swine farm. The facility is comprised of multiple barns with two manure storages.

The receiving stream, UNT to Trout Valley Run is in Watershed 06C (Mahantango Creek) and is classified for CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PAG124826, CAFO (SIC 0241), **Katzmaier Farms**, 521 Katzmaier Road, Montoursville, PA 17754. This existing facility is located in Eldred Township, **Lycoming County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for this existing dairy farm. The facility is comprised of a freestall barn and one manure storage.

The receiving stream, UNT to Mill Creek, is in Watershed 10B (Loyalsock Creek) and is classified for TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and The Clean Stream Law constitutes compliance with the State narrative water quality standards.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4608501, Public Water Supply.

Applicant	Superior Water Company
Township	Douglass
County	Montgomery
Responsible Official	Robert Braglio, Manager 1885 Swamp Pike Suite 109 P. O. Box 525 Gilbertsville, PA 19525-0525
Type of Facility	PWS
Consulting Engineer	Entech Engineering, Inc. 4 South Fourth Street P. O. Box 32 Reading, PA 19603
Application Received Date	January 7, 2008
Description of Action	Installation of an arsenic treatment unit at Winding Creek Pump Station.

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

Permit No. 2908501, Public Water Supply.

Applicant	McConnellsburg Borough Municipal Authority
Municipality	Todd Township

County **Fulton**
 Responsible Official **McConnellsburg Borough**
 Municipal Authority Chairperson
 P. O. Box 218
 McConnellsburg, PA 17233

Type of Facility **Public Water Supply**
 Consulting Engineer **James C. Elliot, P. E.**
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100

Application Received **March 25, 2008**
 Description of Action **Approval to use the Stenger Well**
 as a source of supply for the
 existing authority water system.
 Permit includes associated
 treatment equipment including a
 membrane filtration plant.

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

Permit No. 0308501, Public Water Supply.

Applicant **Templeton Water Company**
 Box 345
 Templeton, PA 16259

Township or Borough **Pine Township**
 Responsible Official **John and LaMay Lasher**
 Owner
 Templeton Water Company
 Box 345
 Templeton, PA 16259

Type of Facility **Water treatment plant**
 Consulting Engineer **Morris Knowles & Associates,**
 Inc.
 443 Athena Drive
 Delmont, PA 15626

Application Received **April 8, 2008**
 Date
 Description of Action **Installation of a line booster**
 station and approximately 1,000
 feet of 2" PVC waterline.

Permit No. 6593510A1, Public Water Supply.

Applicant **Highridge Water Authority**
 17 Maple Avenue
 Blairsville, PA 15717

Township or Borough **Pine Township**
 Responsible Official **George Sulkosky**
 Executive Director
 Highridge Water Authority
 17 Maple Avenue
 Blairsville, PA 15717

Type of Facility **Sugar Run Water treatment**
 plant
 Consulting Engineer **Gibson-Thomas Engineering Co.,**
 Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650

Application Received **April 4, 2008**
 Date

Description of Action **Construction of the Brush Valley**
 project which includes a pump
 station, 520,000 gallon water
 storage tank and approximately
 155,000 feet of 6" and 8"
 waterline.

WATER ALLOCATIONS

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

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

WA56-1004, Water Allocations, **Confluence Borough
 Municipal Authority**, P. O. Box 6, Confluence, PA
 15424, **Somerset County**. The applicant is requesting
 the right to withdraw 172,000 gallons of water per day,
 peak day, from Drake Run Reservoir.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
 mental 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 Stan-
 dard, the Site-Specific Standard or who intend to remedi-
 ate 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 demon-
 strates 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 pub-
 lished 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.

Village Center Shopping Center, Richland Township, **Bucks County**. Michael S. Kozar, P. G., O'Brien & Gere, 512 Township Line Road, 2 Valley Square, Suite 120, Blue Bell, PA 19422 on behalf of Anthony J. DePaul, DePaul Management Company, 1750 Walton Road, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of chlorinated solvents. A summary of the Notice of Intent to Remediate was reported to have been published in the *Intelligencer* on March 16, 2008.

Hymm, Inc. Property, Concord Township, **Delaware County**. John Kollmeier, Brownfield Associates, Inc., 500 Coatesville Road, West Grove, PA 19390 on behalf of Tony Chen, Hymm, Inc., 23 Brook Lane, Chadds Ford, PA 19317 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of leaded gasoline. A summary of the Notice of Intent to Remediate was reported to have been published in the *Delaware County Daily Times* on April 7, 2008.

Harmon Residence, North Coventry Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18703 on behalf of Paul Harmon, 1271 Dimity Court, Pottstown, PA 19465 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. A summary of the Notice of Intent to Remediate was reported to have been published in *The Mercury* on March 12, 2008.

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

70 Hilton Street Property, Williams Township, **Northampton County**. John Epps, Earth Data Northeast, Inc., 924 Springdale Drive, Exton, PA 19341 has submitted a Notice of Intent to Remediate (on behalf of his clients, Jeffrey Edwards and Michael Moss, Quantico Associates, LTD, 50 Hilton Street, Easton, PA 18042), concerning soils sampled because of historical site operations, including foundry operations and manufacturing at the property. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Donald Dean & Sons, Bridgewater Township, **Susquehanna County**. Dawn Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 has submitted a Notice of Intent to Remediate (on behalf of her client, Susan Dean, P. O. Box 246, Montrose, PA 18801), concerning the remediation of soils and/or groundwater found or suspected to have been impacted by No. 2 heating oil as the result of an accidental release from a 10,000 gallon underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Deer Head Inn, Inc., Spring Creek Township, **Warren County**. ENSR Corporation, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222 on behalf of Deer Head Inn, Inc. has submitted a Notice of Intent to Remediate. On September 3, 2003, a tanker truck overturned on Route 426 and spilled approximately 5,000 gallons of unleaded gasoline on the Deer Head Inn property. The regulated substances of concern are benzene, toluene, ethylbenzene, xylenes, methyl tert-butyl ether, cumene and naphthalene. Current site use is residential. It is expected the future use of the site will continue to be used for residential purposes. The Notice of Intent to Remediate was published in the *Corry Journal* on March 8, 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. 101680. Waste Management Disposal Service of Pennsylvania Inc., GROWS North Landfill, 1000 New Ford Road, Morrisville, PA 19067, Falls Township, **Bucks County**. This permit modification application is for revisions to Forms J and 24 at GROWS North Landfill. The application was received by the Southeast Regional Office on April 15, 2008.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101666. Gotto Go Septics, 1939 SR 903, Jim Thorpe, PA 18229. A modification and permit renewal application for the continued operation of this municipal waste sewage sludge (septage) transfer facility located in Penn Forest Township, **Carbon County**. This permit modification includes reissuing the permit to Gotto Go Septic, B & R Nauman, Inc. The application was received in the Regional Office on February 20, 2008, and was found to be administratively complete as of 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 publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

PLAN APPROVALS

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

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

48-318-138: Circle System Group (8 McFadden Road, Easton, PA 18045) for construction of a painting operation at their facility in Palmer Township, **Northampton County**.

54-302-075: Pine Grove Area School District (103 School Street, Pine Grove, PA 17963) for construction of a new hot water boiler to fire on coal/oil at their facility in Pine Grove Borough, **Schuylkill County**.

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

31-05013A: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664) for modification of an existing asphalt plant in Warriors Mark Township, **Huntingdon County**. The modification involves the firing of waste derived liquid fuel in addition to propane. The source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

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.

23-0106: BPG Real Estate Investors Straw Party I, LP (3815 West Chester Pike, Betsy Ross Cottage, Newtown Square, PA 19073) plan approval for two 20.412 mmBtu/hr Boilers at the Ellis Preserve in Newtown Township, **Delaware County**. This central utilities plant provides for the distribution of certain utilities to all tenants located on the Ellis Preserve campus, and is currently operating under the State-only Operating Permit No. 23-00106. Two 34.0 mmBtu/hr boilers have been removed from the plant. The new Clever Brooks Boilers utilize low-NOx burners and flue gas recirculation and burn natural gas and No. 2 fuel oil. The facility is subjected to 40 CFR Subpart Dc—New Source Performance Standards for Small Industrial, Commercial and Institutional Steam-Generating Units. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

48-307-063: Effort Foundry, Inc. (P. O. Box 158, Bath, PA 18014) for modification of the existing sand handling/reclamation system and associated fabric collectors at their facility in East Allen Township, **Northampton County**. The facility is a non-Title V facility. The modification consists of the venting of each fabric collector's exhaust into the outdoor atmosphere (each collector's exhaust is currently being vented inside the building). As a result, the expected total emission rates from the collectors will be 0.9 tpy of PM and 4.8 tpy of VOCs. The plan approval will contain operating restrictions, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

52-310-012: Springbrook Enterprises, Inc. (504 Well Road, Hawley, PA 18424) for modification to their stone crushing plant with watersprays at their site in Blooming Grove Township, **Pike County**. The modification involves installing additional crushers to their plant. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart OOO. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

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

06-05007H: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) for installation of an additional fabric collector to control PM emissions for one of the Midwest grinders at their facility in the City of Reading, **Berks County**. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source 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).

21-05045B: Metropolitan Edison Co. (P. O. Box 16001, Reading, PA 19612) for construction of ten portable 1,500 kW diesel-fired peak electrical generating units at their existing Allen Substation in Monroe Township, **Cumberland County**. The facility has the following annual potential emissions based on an annual restriction of 438 operating hours per unit: 63 tons NO_x; 9 tons CO; 2 tons VOC; 1 ton SO_x and 1 ton PM₁₀. The plan approval and subsequent State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

21-05064D: Atlas Roofing Corp. (817 Spangler Road, Camp Hill, PA 17011) for use of an alternate chemical formulation in their foam manufacturing process at their polyisocyanurate foam manufacturing facility in Camp Hill Borough, **Cumberland County**. The company will limit the actual (total) facility VOC emissions to less than 50 tons per 12-month rolling total so as to maintain a State-only operating permit status. The Department of Environmental Protection reserves the right to require further stack testing and the plan approval and operating permit shall contain monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

67-05009B: York Plant Holding, LLC (P. O. Box 3492, York, PA 17402) for Turbine No. 1 core replacement at their electrical generating facility in Springettsbury Township, **York County**. The source's potential emissions will not increase. The plan approval and subsequent Title V operating permit renewal will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

55-00001C: Sunbury Generation, LP (Old Trail Road, P. O. Box 517, Shamokin Dam, PA 17876) has submitted an application (No. 55-00001C) to the Department of Environmental Protection (Department) for plan approval for the construction and operation of a wet flue gas desulfurization (FGD) system to control the SO_x and mercury emissions from the facility's existing six coal fired utility boilers. The application also proposes to replace the four existing pressurized type baghouses that control the PM emissions from existing boilers 1A, 1B, 2A and 2B with new balanced draft pulse jet type fabric filters. Additionally, the plan approval proposes to construct a limestone handling and storage operation along with a gypsum dewatering and handling system. The gypsum generated by the proposed FGD will be temporarily stored onsite and sold as a product. The facility is located in Shamokin Dam Borough, **Snyder County**. The respective facility is a major facility for which a Title V operating permit 55-00001 has been issued.

Sunbury Generation, LP conducted a modeling analysis to demonstrate that the operation of the proposed flue-gas desulfurization system will not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS) in accordance with 25 Pa. Code §§ 127.11 and 127.12(6) and the Pennsylvania Ambient Air Quality Standards (PAAQS) set forth in 25 Pa. Code § 131.3. Please see the table:

<i>Pollutant</i>	<i>Avg Period ($\mu\text{G}/\text{M}^3$)</i>	<i>Max Model ($\mu\text{G}/\text{M}^3$)</i>	<i>Background ($\mu\text{G}/\text{M}^3$)</i>	<i>Sum ($\mu\text{G}/\text{M}^3$)</i>	<i>NAAQS ($\mu\text{G}/\text{M}^3$)</i>	<i>% of NAAQS</i>
Carbon Monoxide (CO)	1-hr	59	3,208	3,267	40,000	8.2 %
	8-hr	16	2,406	2,422	10,000	24.2%
Sulfur Oxides (SO ₂)	3-hr	816	87	903	1,300	69.5%
	24-hr	188	40	228	365	62.5%
	Annual	22	8	30	80	37.5%
Particulate Matter < 10 microns (PM ₁₀)	24-hr	34	49	83	150	55.3%
Nitrogen Oxides (NO ₂)	Annual	31	10	41	100	41.0%

SO₂ concentrations were significantly lower due to the use of the lower emission rates. An emission rate of 0.56 pound per mmBtu (3-hour block average) was used for the FGD stack, which was agreed to by the Department and Sunbury Generation, LP. Beryllium concentrations were based on emission rates included in Sunbury's revised plan approval application and maximum 1-hour modeled concentrations adjusted to the PAAQS 30-day Beryllium standard (0.01 microgram per cubic meter). The final modeled Beryllium concentrations were below

the PAAQS. Hydrogen Fluoride (HF) concentrations were based on emission rates included in Sunbury's revised plan approval application and maximum 1-hour modeled concentrations adjusted to the PAAQS 24-hour HF standard (5 micrograms per cubic meter). The final modeled HF concentrations were below the PAAQS.

Sunbury's modeling analysis has adequately demonstrated that the proposed emissions from the FGD system associated with the boilers will not cause or contribute to a violation of the NAAQS or PAAQS.

The Department's review of the information submitted by Sunbury Generation, LP indicates that the proposed FGD system, fabric collectors and limestone and gypsum handling/dewatering system will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive PM emission limitation of 25 Pa. Code § 123.1, the PM and SO₂ emission limitations of 25 Pa. Code §§ 123.11 and 123.22, respectively, and BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. The limestone handling and gypsum dewatering systems will also meet the requirements of Subpart OOO of Federal New Source Performance Standards, 40 CFR Part 60 §§ 60.670—60.676. Based on these findings, the Department intends to approve the application and issue a plan approval for construction and operation of all the sources and the air cleaning devices proposed in the plan approval application. Additionally, if the Department determines that the sources and air cleaning devices are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 55-00001 by means of an administrative amendment under 25 Pa. Code § 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. The PM emissions from Source ID 031 shall be controlled with a balanced draft pulse jet fabric collector (ID BH1A). Control Device ID BH1A shall have an air to cloth ratio of 4:1, a design inlet volume of 169,775 SCFM and contain eight compartments with 288 filters per compartment. The SO_x, mercury and PM emissions from Source ID 031 shall be controlled with a wet flue gas desulfurization system (ID FGD01). Control Device ID FGD01 shall consist of a wet scrubber with a two stage mist eliminator, and a recirculating limestone slurry system. ID FGD01 shall have a design inlet volume of 1,328,192 SCFM. Source ID 031 is a Foster Wheeler pulverized coal and petroleum coke arch-fired boiler with an input capacity of 525 mmBtu/hr and equipped with LoNO_x retrofit burners.
2. Compliance with this plan approval condition assures compliance with 25 Pa. Code § 123.11, the PM emissions from the exhaust of ID FGD01 associated with Source ID 031 shall not exceed 0.10 pound per mmBtu of heat input.
3. The permittee shall comply with all applicable Mercury Regulations specified in 25 Pa. Code §§ 123.201—123.215 for Source ID 031.
4. The balanced draft pulse jet fabric collector (ID BH1A) associated with Source ID 031 shall be equipped with instrumentation to continuously monitor and record the pressure drop across the fabric collector.
5. The air compressor that supplies compressed air to the fabric collector associated with Source ID 031 shall be equipped with an air dryer and oil trap.
6. The permittee shall keep on hand a sufficient quantity of spare fabric filters for the fabric collector associated with Source ID 031 in order to be able to immediately replace any filter requiring replacement.
7. The heat input to Source ID 031 shall not exceed 525 mmBtu/hr at any time.
8. The PM emissions from Source ID 032 shall be controlled with a balanced draft pulse jet fabric collector (ID BH1B). Control Device ID BH1B shall have an air to cloth ratio of 4:1, a design inlet volume of 169,775 SCFM and contain eight compartments with 288 filters per compartment. The SO_x, mercury and PM emissions from Source ID 032 shall be controlled with a wet FGD system (ID FGD01). Control Device ID FGD01 shall consist of a wet scrubber with a two stage mist eliminator, and a recirculating limestone slurry system. ID FGD01 shall have a design inlet volume of 1,328,912 SCFM. Source ID 032 is a Foster Wheeler pulverized coal and petroleum coke arch-fired boiler with an input capacity of 525 mmBtu/hr and equipped with LoNO_x retrofit burners.
9. Compliance with this plan approval condition assures compliance with 25 Pa. Code § 123.11, the PM emissions from the exhaust of ID FGD01 associated with Source ID 032 shall not exceed 0.10 pound per mmBtu of heat input.
10. The permittee shall comply with all applicable Mercury Regulations specified in 25 Pa. Code § 123.201—123.215 for Source ID 032.
11. The balanced draft pulse jet fabric collector (ID BH1B) associated with Source ID 032 shall be equipped with instrumentation to continuously monitor and record the pressure drop across the fabric collector.
12. The air compressor that supplies compressed air to the fabric collector associated with Source ID 032 shall be equipped with an air dryer and oil trap.
13. The permittee shall keep on hand a sufficient quantity of spare fabric filters for the fabric collector associated with Source ID 032 in order to be able to immediately replace any filter requiring replacement.
14. The heat input to Source ID 032 shall not exceed 525 mmBtu/hr at any time.
15. The PM emissions from Source ID 033 shall be controlled with a balanced draft pulse jet fabric collector (ID BH2A). Control Device ID BH2A shall have an air to cloth ratio of 4:1, a design inlet volume of 169,775 SCFM and contain eight compartments with 288 filters per compartment. The SO_x, mercury and PM emissions from Source ID 033 shall be controlled with a wet FGD system (ID FGD01). Control Device ID FGD01 shall consist of a wet scrubber with a two stage mist eliminator, and a recirculating limestone slurry system. ID FGD01 shall have a design inlet volume of 1,328,912 SCFM. Source ID 033 is a Foster Wheeler pulverized coal and petroleum coke arch-fired boiler with an input capacity of 525 mmBtu/hr and equipped with LoNO_x retrofit burners.
16. Compliance with this plan approval condition assures compliance with 25 Pa. Code § 123.11, the PM emissions from the exhaust of ID FGD01 associated with Source ID 033 shall not exceed 0.10 pound per mmBtu of heat input.
17. The permittee shall comply with all applicable Mercury Regulations specified in 25 Pa. Code § 123.201—123.215 for Source ID 033.
18. The balanced draft pulse jet fabric collector (ID BH2A) associated with Source ID 033 shall be equipped with instrumentation to continuously monitor and record the pressure drop across the fabric collector.
19. The air compressor that supplies compressed air to the fabric collector associated with Source ID 033 shall be equipped with an air dryer and oil trap.

20. The permittee shall keep on hand a sufficient quantity of spare fabric filters for the fabric collector associated with Source ID 033 in order to be able to immediately replace any filter requiring replacement.

21. The heat input to Source ID 033 shall not exceed 525 mmBtu/hr at any time.

22. The PM emissions from Source ID 034 shall be controlled with a balanced draft pulse jet fabric collector (ID BH2B). Control Device ID BH2B shall have an air to cloth ratio of 4:1, a design inlet volume of 169,775 SCFM and contain eight compartments with 288 filters per compartment. The SO_x, mercury and PM emissions from Source ID 034 shall be controlled with a wet FGD system (ID FGD01). Control Device ID FGD01 shall consist of a wet scrubber with a two stage mist eliminator, and a recirculating limestone slurry system. ID FGD01 shall have a design inlet volume of 1,328,912 SCFM. Source ID 034 is a Foster Wheeler pulverized coal and petroleum coke arch-fired boiler with an input capacity of 525 mmBtu/hr and equipped with LoNO_x retrofit burners.

23. Compliance with this plan approval condition assures compliance with 25 Pa. Code § 123.11, the PM emissions from the exhaust of ID FGD01 associated with Source ID 034 shall not exceed 0.10 pound per mmBtu of heat input.

24. The permittee shall comply with all applicable Mercury Regulations specified in 25 Pa. Code §§ 123.201—123.215 for Source ID 034.

25. The balanced draft pulse jet fabric collector (ID BH2B) associated with Source ID 034 shall be equipped with instrumentation to continuously monitor and record the pressure drop across the fabric collector.

26. The air compressor that supplies compressed air to the fabric collector associated with Source ID 034 shall be equipped with an air dryer and oil trap.

27. The permittee shall keep on hand a sufficient quantity of spare fabric filters for the fabric collector associated with Source ID 034 in order to be able to immediately replace any filter requiring replacement.

28. The heat input to Source ID 034 shall not exceed 525 mmBtu/hr at any time.

29. The SO_x and mercury emissions from Source ID 035 shall be controlled with a wet FGD system (ID FGD01). Control device ID FGD01 shall consist of a wet scrubber with a two stage mist eliminator, and a limestone slurry recirculation system. ID FGD01 shall have a design inlet volume of 1,328,912 SCFM. Source ID 035 is a pulverized bituminous coal front wall-fired boiler with a heat input of 1,100 mmBtu/hr equipped with low NO_x burners and separated overfire air.

30. The permittee shall comply with all applicable Mercury Regulations specified in 25 Pa. Code §§ 123.201—123.215 for Source ID 035.

31. The heat input to Source ID 035 shall not exceed 1,100 mmBtu/hr at any time.

32. The SO_x and mercury emissions from Source ID 036 shall be controlled with a wet FGD system (ID FGD01). Control device ID FGD01 shall consist of a wet scrubber with a two stage mist eliminator, and a limestone slurry recirculation system. ID FGD01 shall have a design inlet volume of 1,328,912 SCFM. Source ID 036 is a pulverized bituminous coal front wall-fired boiler with a heat input of 1,360 mmBtu/hr equipped with low NO_x burners and separated overfire air.

33. The permittee shall comply with all applicable Mercury Regulations specified in 25 Pa. Code §§ 123.201—123.215 for Source ID 036.

34. The heat input to Source ID 036 shall not exceed 1,360 mmBtu/hr at any time.

35. Compliance with this plan approval condition assures compliance with 25 Pa. Code § 123.22, under 25 Pa. Code § 121.7, the SO_x emissions (expressed as SO₂) from the exhaust of ID FGD01 associated with Source IDs 031—036 shall not exceed 0.56 pound per mmBtu of heat input (3-hour block average).

36. Under 25 Pa. Code § 121.7 the HF emissions from the exhaust of ID FGD01 associated with Source ID 031—036 shall not exceed 0.007 pound per mmBtu of heat input, 31.92 pounds per hour and 139.81 tons in any 12-consecutive month period.

37. The permittee shall continuously monitor and record the heat input from the exhaust of ID FGD01 in order to verify compliance with the heat input restrictions associated with Source IDs 031—036.

38. The permittee shall submit to the Department for approval the specific make and model of the proposed balanced draft pulse jet fabric collectors and wet scrubber, which includes design details, monitoring plans and design parameters (such as, but not limited to, the pressure drop ranges, maximum exhaust gas flow rate for the fabric collectors, the range for the slurry recirculation rate for the scrubber, and the like) within 30 days of issuing the purchase order for the specified control devices by submitting the appropriate pages of the plan approval application in order to verify that they meet the design parameters specified in this plan approval.

39. In the event of a malfunction or scheduled maintenance of the FGD system (ID FGD01), Source ID 036 shall be the only boiler permitted to operate without the simultaneous operation of ID FGD01. Under this scenario, the flue gas from Source ID 036 may be exhausted through the existing Unit No. 4 stack. Source ID 036 shall not operate in excess of 1,000 hours in any 12-consecutive month period under this scenario. Additionally, Source ID 036 shall not operate at below 50% capacity.

40. Compliance with this plan approval condition assures compliance with 25 Pa. Code § 123.22, under 25 Pa. Code § 121.7, in the event the FGD system (ID FGD01) is bypassed, the SO₂ emissions shall not exceed 1.7 pounds per mmBtu of heat input (3-hour block average), 2,312 pounds per hour and 1,156 tons in any 12-consecutive month period. Additionally, the HF emissions from the existing Unit No. 4 stack associated with Source ID 036 shall not exceed 0.007 pound per mmBtu of heat input, 9.52 pounds per hour and 4.76 tons in any 12-consecutive month period. The existing Wahco SO₃ flue gas conditioning system (ID C44) associated with Source ID 036 shall remain in standby mode and be operated when ID FGD01 is down.

41. All continuous emissions monitoring systems (CEMS) for SO₂, NO_x, and CO emissions including the opacity monitor currently installed and operated in the existing Unit No. 4 stack shall remain operable and certified by the Department. All CEMS including opacity monitor shall continuously record the emissions and opacity from Source ID 036 at any time that ID FGD01 is not in operation.

42. The permittee shall keep records of the number of hours operated without the simultaneous operation of ID FGD01 to verify compliance with the operating hours limitation for Source ID 036.

43. The permittee shall maintain a separate coal pile which contains the low sulfur coal which will be burned in Source ID 036 while the FGD (ID FGD01) is not in operation.

44. The permittee shall operate Source IDs 031—036 at operating capacity's between 50% and 100% as was shown in the modeling analysis.

45. The permittee or its designee must obtain a Department Authorization to construct the proposed fiberglass reinforced plastic (FRP) stack onsite prior to the commencement of construction of the stack.

46. The total VOC organic compound emissions from the construction of the FRP stack associated with ID FGD01 shall not exceed 3.96 tons in any 12-consecutive month period. This includes the emissions associated with the resin storage tank.

47. The styrene, and dimethyl phthalate emissions that result from the construction of the FRP stack associated with ID FGD01 shall not exceed 3.35 and 0.29 ton in any 12-consecutive month period respectively. This includes the emissions associated with the resin storage tank.

48. Within 180 days of the initial operation of the wet FGD system, associated with Source IDs 031—036, the permittee shall perform PM/PM10, also known as PM10 and PM2.5, SO₂, NO₂, CO and HF stack testing at the exhaust of ID FGD01 to verify compliance with the emissions limitations. Additionally the permittee shall conduct PM emissions testing (PM and PM10) at the inlet of the scrubber to determine the PM emission rate. The testing shall be performed while the boilers are operating at capacity's between 50% and 100%, as approved by the Department. All testing shall be performed using test methods and procedures approved by the Department. For PM emission testing, the permittee shall perform EPA Method 5 (40 CFR Part 60, Appendix A-3), EPA Method 201 or 201A (40 CFR Part 51, Appendix M), and EPA Method 202 (40 CFR Part 51, Appendix M) testing, or other testing methods as approved by the Department.

49. (a) At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(b) The Department shall be given at least 15 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval.

(c) Within 60 days of the completion of the stack tests required by this plan approval, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

50. The permittee shall equip the wet FGD associated with Source IDs 031—036 with instrumentation which continuously monitors and records the recycle slurry pH, limestone slurry feed rate and pH, recycle pump amps,

bleed flow rate, make up water flow rate and pressure drop across the scrubber. These records shall be retained onsite and shall be presented to the Department upon request. The Department may require additional scrubber monitoring parameters and establish scrubber operating parameters at the time of operating permit issuance or as part of a Compliance Assurance Monitoring (CAM) determination.

51. The stack associated with ID FGD01 shall exhaust to the atmosphere at a height of no less than 293 feet above grade and the inside diameter of the stack shall be no greater than 27 feet at the point of exhaust.

52. The permittee shall install certify, maintain and operate continuous monitoring systems for NO_x emissions, SO₂ emissions (expressed as SO₂), CO, mercury and volumetric flow on the exhaust of ID FGD01 in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's "Continuous Source Monitoring Manual." The permittee shall also install a continuous opacity monitor prior to the scrubber to monitor visible emissions.

53. All CEMS and flow monitoring systems associated with Source IDs 031—036 shall be installed and capable of operation before startup of ID FGD01 on the respective boilers and before the boilers are exhausted to the atmosphere through the new stack. No new CEMS or flow monitoring system may however be installed unless Phase I approval has first been obtained from the Department.

54. The permittee shall submit a Phase I application to the Department for all new CEMS and flow monitoring systems at least 6 months prior to the startup date of ID FGD01.

55. The NO_x and SO_x emission monitoring systems shall be capable of monitoring the NO_x and SO_x emission rates expressed in pounds per mmBtu of heat input as well as in pounds per hour. They shall also be capable of monitoring the total emission of the respective air contaminants in any 12-consecutive month period.

56. Source IDs 031—036 shall be not exhausted to the new stack associated with ID FGD01 for any reason unless the NO_x and SO_x CEMS and gas flow monitoring systems associated with Source IDs 031—036 have received Phase I approval from the Department and has subsequently been installed and made operational in accordance with the conditions of this plan approval. Furthermore, the CEMS and flow monitoring systems associated with Source IDs 031—036 shall be operated in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139, as well as with all the applicable requirements specified in the Department's "Continuous Source Monitoring Manual."

57. Relative accuracy testing shall be completed on the CEMS and flow monitoring systems associated with Source IDs 031—036 and the respective monitoring systems shall be fully certified in accordance with all applicable requirements specified in the Department's "Continuous Source Monitoring Manual" within 180 days of startup of ID FGD01.

58. In accordance with 25 Pa. Code §§ 123.210, 123.213 and 123.215, the permittee shall install and operate a mercury CEMS, and follow the reporting requirements specified by these sections.

59. Source ID P350 is a limestone and gypsum handling/storage operation consisting of the following sources:

- Truck Unloading Station.
- Reversing Conveyor.
- Silo feed conveyor.
- Stacking conveyor.
- Magnetic separator.
- Reclaim conveyor.
- Limestone diverter gate.
- Silo crossover conveyor.
- Two 400 ton storage silos.
- Two Limestone silo vibrating hoppers.
- Two 25 TPH limestone crushers.
- Two 25 TPH limestone feed chutes.
- Two 25 TPH limestone ball mills.
- Two limestone slurry tanks.
- Two limestone slurry pumps.
- Two limestone slurry hydroclones.
- One Limestone slurry tank and feed pump.

Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from each 400-ton limestone storage silo shall be controlled by an Airtol model 30BSRF96 fabric collector or equivalent as determined by the Department, one for each silo (IDs C350A and C350B).

60. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions in the exhaust of fabric collector (IDs C350A and C350B) associated with Source ID P350 shall not exceed 0.005 grain per dry standard cubic foot, 0.09 pound per hour and 0.40 ton in any 12-consecutive month period.

61. Source ID P350 is subject to 40 CFR Part 60 Subpart OOO §§ 60.670–60.676. The permittee shall comply with all applicable requirements of 40 CFR Part 60 §§ 60.670–60.676.

62. The permittee shall comply with all recordkeeping and reporting requirements specified in 40 CFR Part 60 § 60.676 for Source ID P350.

63. Any piece of equipment of Source ID P350 can be replaced provided that the replacement equipment is of equal or smaller size as defined in Subpart OOO of the Standards of performance for New Stationary Sources, 40 CFR 60.670–60.676, and provided that the replacement equipment is of equivalent design and function (that is, a vibrating hopper is replaced with a vibrating hopper of the same size, and the like). The permittee shall notify the Department prior to the replacement.

64. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Control device IDs C350A and C350B associated with Source ID P350 shall be equipped with instrumentation to continuously monitor the pressure drop across IDs C350A and C350B. Additionally, the permittee shall record the pressure drop across IDs C350A and C350B at least once per day. These records shall be retained for a minimum of 5 years and shall be provided to the Department upon request.

65. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare fabric filters for the fabric collectors associated with Source ID P350 in order to be able to immediately replace any filter requiring replacement.

66. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, all conveyors associated with Source ID P350 shall be covered with three quarter hoods unless otherwise completely enclosed in the building.

67. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the gypsum product shall be stored in an enclosed building.

68. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, all trucks that deliver limestone to the facility and trucks that remove gypsum from the facility shall only travel on roads that have been paved.

69. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, trucks that transport limestone to or gypsum from the facility will be required to be covered with a tarp when full to minimize emissions.

70. Under the BAT provisions in 25 Pa. Code §§ 127.1 and 127.12, an operable water truck equipped with a pressurized water spray mechanism shall be kept onsite and filled with water at all times (except when refilling the truck) that the facility is in operation. The permittee shall implement any effective winterization measures necessary to render this water truck capable of use under all weather conditions.

71. All conditions contained in operating permit TVOP 55-00001 remain in effect unless superseded or amended by conditions contained herein. If there is a conflict between a condition or requirement contained in the plan approval and a condition contained in operating permit 55-00001, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in operating permit 55-00001.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

08-00003: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) for renewal of a Title V Operating Permit for their engineered wood products facility in Wysox Township, **Bradford County**.

The facility's major sources include a 273.2 mmBtu/hr natural gas/wood fired boiler, two lines of first and second stage fiber dryers, three hardboard presses, two natural gas fired tempering kilns, five coating lines, numerous woodworking operations (that is, sawing, sanding, planing, hogging, and the like) and wood fuel handling operations. The sources at the facility have the potential to emit major quantities of CO, PM₁₀, NO_x, VOCs and HAPs. The facility emits SO_x below the major emission thresholds. The proposed renewal Title V operating permit includes compliance assurance monitoring conditions as required in 40 CFR Part 64 and applicability conditions for two maximum achievable control technology (MACT) rules, including, 40 CFR Part 63 Subpart QQQQ and 40 CFR Part 63 Subpart DDDD. The proposed renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Copies of the application, the Department of Environmental Protection's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling (570) 327-3693.

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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.

23-00046: Container Research Corp. (Hollow Hill Road, Glen Riddle, PA 19037) for operation of one boiler unit and two paint spray booths in Aston Township, **Delaware County**. The main emissions from this facility are VOCs. This action is a renewal of the original State-only Operating Permit (Synthetic Minor), which was issued in September, 2002. The renewal contains conditions including monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00107: Pet Memorial Services Corp. (319 Westtown Road, Suite Q, West Chester, PA 19382) for operation of three crematory incinerators in West Goshen Township, **Chester County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on February 6, 2003. Several typographical changes have been made to the permit. Otherwise, there have been no other changes made to the permit since it was last issued on February 6, 2003. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00018: Wyeth Pharmaceuticals (31 Morehall Road, Frazer, PA 19355) for operation of a pharmaceutical manufacturing plant in East Whiteland Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility has elected to cap NO_x emis-

sions to less than major threshold (less than 25 tpy); the facility is a Synthetic Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

46-00114: Profiners, Inc. (2299 Amber Drive, Hatfield, PA 19440) for operation of three melting furnaces, two incinerators and three kettles in Hatfield Township, **Montgomery County**. This action is a renewal of the State-only Operating Permit (Natural Minor). The original State-only Operating Permit was issued on January 7, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

09-00109: Bucks County SPCA (1665 Street Road, Lahaska, PA 18931) for operation of an animal crematorium at the facility in Solebury Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility has a potential to emit less than 25 tpy of NO_x; the facility is a Natural Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

54-00033: Waste Management and Processors, Inc. (Box K, Frackville, PA 17931) for operation of a Facility State-only Natural Minor Operating Permit for an anthracite culm prep plant in Frackville Borough, **Schuylkill County**.

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

41-00072: Reynolds Iron Works, Inc. (157 Palmer Industrial Road, Williamsport, PA 17701) for their structural and miscellaneous steel fabrication facility in Woodward Township, **Lycoming County**. The facility's main source include a steel parts surface coating operation consisting of one spray booth. The facility has the potential to emit SO_x, NO_x, CO, PM₁₀, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

17-00030: Clearfield Machine Company (3rd and Everett Street, P. O. Box 992A, Clearfield, PA 16830) for their gray and ductile iron foundry located in Clearfield Borough, **Clearfield County**. The facility's main sources include two natural gas/No. 2 fuel oil fired melting furnaces, one molding sand reclamation system, mold painting operation, mold pouring, cooling and shakeout operation, cleaning and finishing operation. The facility has the potential to emit SO_x, NO_x, CO, PM₁₀, VOCs, and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

17-00025: K & F Wood Products, Inc. (84 Sawmill Street, Beccaria, PA 16616) for their sawmill and wood products facility located in Beccaria Township, **Clearfield County**. The facility's main sources include two waste wood fired boilers each with a rated heat input of 6.8 mmBtu/hr, woodworking operations controlled by two cyclones and five steam heated wood drying kilns. The facility has the potential to emit VOCs, HAPs, PM10, NOx, CO and SOx below the major emission thresholds. The proposed State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

11-00506: Ebensburg Power Co. (P. O. Box 857, Ebensburg, PA 15931) for operation of Refuse Site in Jackson Township and Nanty Glo Borough, **Cambria County**.

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

37-00241: Laurel School District—Laurel High School (R. R. 4, Box 30, New Castle, PA 16101) to re-issue a Natural Minor Operating Permit in Hickory Township, **Lawrence County**. The facility's primary emissions are two boilers used to provide heat and hot water to the facility.

43-00284: Keystone Rolls, Inc.—Xaloy Plant (40 Council Avenue, Wheatland, PA 16161) to re-issue a Natural Minor Operating Permit in the Borough of Wheatland, **Mercer County**. The facility's primary emissions are from two Hard Chromium Electroplating processes.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

Permit Number 30031301 and NPDES Permit No. PA0235610, Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the 4 West Mine in Dunkard Township, **Greene County** to add underground permit and subsidence control plan acres to the existing permit. Underground Acres Proposed 28.0, Subsidence Control Plan Acres Proposed 28.0. No additional discharges. Application received April 3, 2008.

Permit Number 30901601 and NPDES Permit No. PA0214035, Chess Coal Company, (155 Chess Road, Smithfield, PA 15478), to renew the permit for the Poland Dock in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. Application received February 8, 2008.

Permit Number 32031301 and NPDES Permit No. PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to transfer the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit from Britt Energies, Inc. No additional discharges. Application received February 5, 2008.

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

56920110. Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface mine in Black Township, **Somerset County**, affecting 174.9 acres. Receiving streams: two UNTs of Coxes Creek, a UNT of Laurel Run and a UNT of Wilson Creek, all to Coxes Creek to the Casselman River classified for the following uses: Laurel Run, Wilson and Coxes Creeks—WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 24, 2008.

32000105 and NPDES No. PA0235326. D J & W Mining, Inc., P. O. Box 425, Indiana, PA 15701, revision of an existing bituminous surface and auger mine to change land use from cropland to pastureland/land occasionally cut for hay in Washington Township, **Indiana County**, affecting 121.0 acres. Receiving stream: South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 10, 2008.

56080104 and NPDES No. PA0262625. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Paint and Adams Townships, **Somerset and Cambria Counties**, affecting 295.4 acres. Receiving streams: UNT to Paint Creek, and Paint Creek to Stony Creek River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 15, 2008.

56080103 and NPDES No. PA0262617. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650 commencement, operation and restoration of a bituminous surface mine in Milford Township, **Somerset**

County, affecting 105.5 acres. Receiving streams: UNTs to South Glade Creek to South Glade Creek to the Casselman River to the Youghiogheny River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 10, 2008.

56693103 and NPDES No. PA0608017. Diamond T Coal Company, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface and auger; reclamation only—water treatment mine to change land use from pastureland to unmanaged natural habitat in Stonycreek Township, **Somerset County**, affecting 828.8 acres. Receiving streams: UNT Lamberts Run, Lamberts Run, UNT Grove Run and Grove Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority: Stonycreek River. Application received April 9, 2008.

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

65960108 and NPDES Permit No. PA0201669. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only to an existing bituminous surface mine, located in Unity and Ligonier Townships, **Westmoreland County**, affecting 105.8 acres. Receiving streams: UNT to Fourmile Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received April 1, 2008.

03050103 and NPDES Permit No. PA0250961. Mountain Coal Co., Inc. (11931 SR 85, Kittanning, PA 16201). Application received to revise permit to add acres to an existing bituminous surface mining permit site located in Madison Township, **Armstrong County**, affecting 140.8 acres. Receiving streams: UNT to Allegheny River, classified for the following use: WWF. The first downstream public water supply intake within 10 miles from the point of discharge is Allegheny Power. Revision application received March 24, 2008.

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

33960108 and NPDES Permit No. PA0227315. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Transfer of an existing bituminous surface strip operation in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: UNTs to Painter Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Opal Industries, Inc. Application received April 16, 2008.

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

40840206T2. Jeddo-Highland Coal Company, (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), transfer of an existing anthracite coal refuse reprocessing operation from Northampton Fuel Supply Co., Inc. in Plains Township, **Luzerne County** affecting 126.9 acres, receiving stream: none. Application received April 11, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

58080301 and NPDES Permit No. PA0224685. BS Quarries, Inc., (R. R. 3, Box 324A-1, Montrose, PA 18801), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Lanesboro Borough and Harmony Township, **Susquehanna County** affecting 465.6 acres, receiving stream: intermittent tributary to Starucca Creek classified for the following use: CWF. Application received April 8, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E45-522. PPL—Attention: Mark Richel, 2 North Nine Street Genn 3, Allentown, PA 18101, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two utility line crossings under Swiftwater Creek (HQ-CWF) to provide electrical service to Sanofi Pasteur. The project is located on the south side of Manor Drive, east of SR 0611 (Mt. Pocono, PA Quadrangle N: 14.73 inches; W: 11.25 inches).

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

E41-587. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 2063 Segment 0020 Offset 0320—0363 and Segment 0030 Offset 0025—0400 and Offset 0500—0800. Bank Stabilization Project along Cox Run in Muncy Creek, Moreland and Wolf Townships, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 13.9 inches; W: 11.3 inches).

The proposed project will stabilize approximately 593 linear feet of embankment along SR 2063 in Muncy Creek, Wolf and Moreland Townships, Lycoming County. The work area is approximately 1 mile straight line distance east northeast of Clarkstown. Approximately 4,050 tons of R-6 rock, 2,610 square yards of geotextile, 265 tons of R-3 rock and 235 tons of 2(A) subbase will be used to complete the project. Prior to placement of these materials, Department of Transportation expects to remove approximately 3,080 cubic yards of existing material.

This project proposes to have a minimal impact on Cox Run, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands.

E41-588. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0442 Segment 0190 Offset 0853 to Segment 0200 Offset 0440. Bank Stabilization Project along Laurel Run in Moreland Township, **Lycoming County**, ACOE Susquehanna River Basin District (Hughesville, PA Quadrangle N: 10.3 inches; W: 3.2 inches).

The proposed project will stabilize approximately 750 linear feet of an embankment along SR 0442, Segment 0190 in Moreland Township, Lycoming County. The work area is approximately 4.2 miles straight line distance east northeast of Clarkstown. Approximately 3,745 tons of R-6 rock, 2,328 square yards of geotextile, 421 tons of R-3 rock and 266 tons of 2A sub base will be used to construct

the project. Prior to installing the rock, the Department of Transportation expects to remove 1,420 cubic yards of existing material.

This project proposes to have a minimal impact on Laurel Run, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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>
PA0061441	Freeman Mobile Home Park R. R. 1 Box 160-14 Dallas, PA 18612	Wyoming County Monroe Township	UNT to Leonard Creek 4G	Y

Chesapeake Bay nutrient monitoring requirements for ammonia nitrogen, kjeldahl nitrogen, nitrite-nitrate as N, total nitrogen and total phosphorus are added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0036765 (Minor Sewage)	Tyler Memorial Hospital 880 SR 6W Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	UNT to Taques Creek 04F	Y

Chesapeake Bay nutrient monitoring requirements for ammonia nitrogen, kjeldahl nitrogen, nitrite-nitrate as N, total nitrogen and total phosphorus are added to this permit.

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>
PA0083267 (IW)	Butler Manufacturing Company 400 North Weaver Street Annville, PA 17003	Lebanon County Annville Township	Quittapahilla Creek 7-D	Y
PA0110442 (Sew)	Carl E. Dallmeyer Family Limited Partnership 4775 North Sherman Street Extension Mount Wolf, PA 17347	Bedford County Bedford Township	Brush Run 11-C	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>
PAS406101 Industrial Waste	Siemens Water Technologies Corporation 118 Park Road Darlington, PA 16115	Beaver County Darlington Township	North Branch Little Beaver Creek	Y
PA0026841 Sewage	Borough of Oakmont Fifth Street and Virginia Avenue P. O. Box 206 Oakmont, PA 15139-0206	Allegheny County Oakmont Borough	Allegheny River	Y
PA0007196 Sewage	Charles Shay 12840 Route 286 West Clarksburg, PA 15725	Indiana County Young Township	UNT of Blacklegs Creek	Y
PA0217646 Sewage	Dunbar Borough/Township Sanitary Authority 93 Connellsville Street Dunbar, PA 15431	Fayette County Dunbar Borough	Dunbar Creek	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>
PA0222429	Pilot Travel Centers, LLC Route 422 (West)/I-79 Intersection Porterville, PA 16051	Muddycreek Township Butler County	Muddy Creek 20-C	Y
PA0222267	Dennis and Laura Baker Lovett's Manufactured Home Park 1850 Factory Road Corry, PA 16407	Washington Township Erie County	Darrows Creek 16-A	Y

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

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

NPDES Permit No. PA0054909, Industrial Waste, **North Penn and North Wales Water Authorities**, 144 Park Avenue, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the North Branch Neshaminy Creek in Watershed 2F—Neshaminy.

NPDES Permit No. PA0058572, Sewage, **Penn Township**, 260 Lewis Road, West Grove, PA 19390. This proposed facility is located in Penn Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into a UNT to East Branch Big Elk Creek in Watershed 7K.

NPDES Permit No. PA0035769, Amendment No. 2, Sewage, **Smithfield Beef Group—Souderton, Inc.**, 2580 University Avenue, Green Bay, WI 54311. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the transfer of ownership of the Moyer Packing Company to Smithfield Beef Group—Souderton Inc. The discharge of will be to Skippack Creek in Watershed 3E—Perkiomen.

NPDES Permit No. PA0054917, Sewage, **Uwchlan Township Municipal Authority**, 715 North Ship Road, Exton, PA 19341-1940. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge of treated sewage to discharge into Shamona Creek in Watershed 3H.

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

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

WQM Permit No. 5508401, Sewerage, SIC 4952, **Spring Township Municipal Authority**, P. O. Box 133, Beaver Springs, PA 17812. This proposed facility is located in Spring Township, **Snyder County**.

Description of Proposed Action/Activity: A permit has been issued for several renovations to the existing sewage treatment facilities in Spring Township, Snyder County. The renovations include repainting the plant as well as the addition of a 79,000 gallon sludge digestion tank to increase the sludge digestion capacity of the facility. The existing sludge digestion tanks will be modified and used as additional aeration capacity for the treatment process.

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

WQM Permit No. 5607402, Sewerage, **Somerset Township Municipal Authority**, P. O. Box 247, Somerset, PA 15501. This proposed facility is located in Jefferson Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a pump station and force main.

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

WQM Permit No. 4601416, Sewerage, **Amendment, Upper Hanover Authority**, 1704 Pillsbury Road, P. O. Box 205, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Action/Activity: Upgrade and expansion of the Upper Hanover Authority Macoby WWTP from 0.15 mgd to 0.4 mgd.

WQM Permit No. WQG010021, Sewerage, **David A. Thomas**, 3877 Gradyville Road, Newtown Square, PA 19073-3960. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a single residence sewage treatment plant.

WQM Permit No. 2307404, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a new low pressure system to serve the proposed Creighton Tract Subdivision serving 51 units with one grinder pump.

WQM Permit No. WQG02150805, Sewerage, **Kennett Land Development, LLC**, 150 Onix Drive, Kennett Square, PA 19348. This proposed facility is located in Kennett Township, **Chester County**.

Description of Action/Activity: Construction and operation of a pump station and force main to serve the Pines Development.

WQM Permit No. 4605202A1, Industrial Waste, **Cabot Corporation—Boyertown Plant**, County Line Road, Boyertown, PA 19512. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Modifications to the plant which includes replacement of candle filter with conventional sludge thickening and two new belt filter presses. All other treatment units are rerated at 0.150 mgd annual average flow and 0.170 mgd maximum month flow.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010903003	Fountainhead Properties, LLS 70 Limeliln Pike Glenside, PA 19038	Bucks	Solebury Township	Aquetong Creek HQ-CWF
PAI011506090	Megill Homes, LLC 276 A Dilworthtown Road West Chester, PA 19382	Chester	Upper Oxford Township	Big Elk Creek HQ-TSF-MF
PAI015108001	HERB, CDC c/o OKKS Development, LP 1501 Cecil B. Moore Avenue Suite 300 Philadelphia, PA 19012	Philadelphia	City of Philadelphia	City of Philadelphia Wastewater Treatment Plant Combined Sewer System

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025207004	John Dzienzina 223 Charmonix Drive Saint Davids, PA 19087	Pike	Lackawaxen Township	Lords Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806009	Mark Bard 75 South Second Street Chambersburg, PA 17201	Franklin	Antrim Township	Muddy Run HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041407007	Patton Development—Toftrees Company I and II Charlestown Partners 2121 Old Gatesburg Road State College, PA 16803	Centre	Patton Township	UNT to Buffalo Run HQ-CWF UNT of Spring Creek CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)

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

General Permit Type—PAG-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>
Kennett Township Chester County	PAR10G379R	Wilkinson Heritage, LLC 1020 Broad Run Road Landenberg, PA 19350	Red Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG2001507053	Coatesville Area School District 545 East Lincoln Highway Coatesville, PA 19320	UNT West Branch Brandywine Creek WWF, MF Beaver Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG2001507074	Michael J. Gann 305 West Minor Street West Chester, PA 19382	Taylor Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Aston Township Delaware County	PAG2002308010	Neumann College 1 Neumann Drive Aston, PA 19014	Marcus Hook, West Branch Chester and Chester Creeks WWF, TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107014	Samuels and Son Seafood 3407 South Lawrence Street Philadelphia, PA 19148	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethlehem Township Northampton County	PAR10U0991R	Kerry Wrobel Lehigh Valley Industrial Park, Inc. 1805 East 4th Street Bethlehem, PA 18015	Nancy Run CWF, MF Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Upper Mt. Bethel Township Portland Borough Northampton County	PAR10U076R	Portland Industrial Park, LLC/Ultra Poly Corp. 102 Demi Road Portland, PA 18351	Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
Plainfield and Washington Townships Northampton County	PAG2004807026	Peter J. Iselo Slate Hills Enterprises 6 Mount Bethel Plaza Mt. Bethel, PA 18373	Greenwalk Creek CWF, MF	Northampton County Conservation District (610) 746-1971
Springville and Dimock Townships Susquehanna County	PAG2005808001	Cabot Oil & Gas Corp. 900 Lee Street Suite 1500 Charleston, WV 25301	Tributaries to Meshoppen Creek, Burdick Creek CWF	Susquehanna County Conservation District (570) 278-4600
North Manheim Township Schuylkill County	PAG2005407025	Forino Co., LP Attn: John G. Smith 555 Mountain Home Road Sinking Spring, PA 19608	Tributary to Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Lititz Borough Lancaster County	PAG2003608006	Warwick School District 301 West Orange Street Lititz, PA 17543	UNT Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003608108	Horst Ventures I 205 Granite Run Drive Lancaster, PA 17601	UNT Swarr Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Robeson Township Berks County	PAG2000607087	Thomas Piombino 74 Evergreen Road Birdsboro, PA 19508	Allegheny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Clearfield County Lawrence Township	PAG2001708004	Central Pennsylvania Development Corp. 207 East Cherry Street Clearfield, PA 16830	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clinton County Bald Eagle Township	PAG2001808002	Keystone Central School District Keystone Central Drive Mill Hall, PA 17751	Bald Eagle Creek WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Snyder County Selinsgrove Borough	PAG2005508002	Susquehanna University David Henry 514 University Avenue Selinsgrove, PA 17870	UNT to Penns Creek WWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Indiana County Indiana Borough and White Township	PAG2003208006	Foundation for Indiana University of Pennsylvania Sutton Hall Room 103 1011 South Drive Indiana, PA 15701	Stoney Run CWF	Indiana County Conservation District (724) 463-8547
Washington County North Strabane Township	PAG2006308001	Tanger Properties Limited Partnership 3200 Northline Avenue Suite 360 Greensboro, NC 27408	UNT to Chartiers Creek WWF	Washington County Conservation District (724) 228-6774
Westmoreland County North Huntingdon Township	PAG2006507033	Walnut Capital Partnership 5500 Walnut Street Pittsburgh, PA 15232	Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County City of New Kensington	PAG2006507035	John Zavadek 530 5th Avenue New Kensington, PA 15068 and Robert Mozzv 821 East Hill Drive New Kensington, PA 15068	Little Pucketa Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Penn Township	PAG2006507045	Bushy Run Investments, LP Craig Fusting P. O. Box 507 Murrysville, PA 15668	UNT to Turtle Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006507051	WD North Huntingdon Investors, LTD 8869 Brecksville Road Suite A Brecksville, OH 44141	UNT to Brush Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County East Huntingdon and Hempfield Townships	PAG2006508006R	Steve Upor Easy Living Estate of Lakeside, Inc. One Corporate Drive Hunker, PA 15639	Belson Run WWF	Westmoreland County Conservation District (724) 837-5271

<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>
Butler County Butler Township	PAG2001003001R	AK Steel Butler Works 210 Pittsburgh Road Butler, PA 16001	UNT Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Cranberry Township	PAG2001008003	Pinnacle Resources P. O. Box 445 Clarion, PA 16214	UNT Brush Creek WWF	Butler County Conservation District (724) 284-5270
Erie County Summit Township	PAG2002507029	Wilcare Corp. 200 Smokerise Drive Suite 300 Wadsworth, OH 44281	UNT Walnut Creek CWF	Erie County Conservation District (814) 825-6403
Erie County Harborcreek Township	PAG20025070091	University Gate Apartments II 26-1 West 26th Street Erie, PA 16506	UNT Fourmile Creek WWF, MF	Erie County Conservation District (814) 825-6403
Erie County Borough of Edinboro	PAG2002508004	Sports Dome Edinboro University of PA 219 Meadville Street Edinboro, PA 16444	Conneautee Creek TSF	Erie County Conservation District (814) 825-6403
Erie County City of Erie	PAG2002508005	Saint Mary's Home of Erie 607 East 26th Street Erie, PA 16504	Presque Isle Bay Lake Erie CWF	Erie County Conservation District (814) 825-6403
McKean County Bradford City	PAG2064208001	Athletic Field Bradford Area School District 150 Lorana Avenue Bradford, PA 16701	Bennett Brook CWF	McKean County Conservation District (814) 887-4001

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cumberland County Silver Spring Township	PAR803513	Crete Carrier/Shaffer Trucking P. O. Box 81228 Lincoln, NE 68501	Hogestown Run CWF 7B	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Wrightsville Borough	PAR203549	Donsco, Inc. P. O. Box 2001 Wrightsville, PA 17368	Susquehanna River WWF 7I	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Denver Borough	PAR113557	Weaver Industries, Inc. 425 South 4th Street Denver, PA 17517	Cocalico Creek WWF 7J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bald Eagle Township Clinton County	PAR234814 (Stormwater)	Avery Dennison 171 Draketown Road Mill Hall, PA 17751-9601	UNT to Bald Eagle Creek and Bald Eagle Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3666
Delmar Township Tioga County	PAR804854	Northern Tier Solid Waste Authority Tiadaghton Area Transfer Station P. O. Box 10 Burlington, PA 18814	Marsh Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Exeter Township Luzerne County	PAG042224	Michael A. Savokinas R. R. 4 Box 305B Mt. Zion Road Exeter Township, PA 18643	UNT to Abrahams Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Adams County Straban Township	PAG043510 (transfer)	Patrick A. Luckenbaugh 2830 Old Route 30 Orrtanna, PA 17373	UNT Conewago Creek 7F WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Coolspring Township Mercer County	PAG048927	Ricky K. Truesdell 1061 North Perry Highway Mercer, PA 16137	UNT to Otter Creek 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Keating Township McKean County	PAG048910	Kent K. Smith 1495 East Valley Road Smethport, PA 16749	UNT to Potato Creek 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Wolf Creek Township Mercer County	PAG048472	Cleveland and Connie Eddinger 148 Stoneboro Road Grove City, PA 16127	UNT to Wolf Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048595	Dennis R. Jr. and Sandra J. Forbes 468 Peterson Hollow Road Russell, PA 16435	Valentin Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Farmington Township Warren County	PAG048415	Paul D. Gitzinger, Jr. P. O. Box 1311 165 Scranton Hollow Road Warren, PA 16365	Mud Run 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-5

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Fairfield Township Crawford County	PAG058334	Meadville Redi Mix Concrete P. O. Box 418 Meadville, PA 16335	UNT to French Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Douglass Township Montgomery County	PAG082201 PAG083565 PAG082203 PAG083522 PAG080008 PAG080003 PAG083502 PAG080002 PAG083542 PAG083547 PAG083551 PAG083518 PAG083540 PAG089903 PAG083556 PAG083596 PAG080018 PAG083567 PAG083506 PAG083515 PAG083501 PAG083825 PAG089905 PAG083535 PAG080004 PAG080006 PAG083517 PAG089904 PAG083517 PAG083567 PABIG9903	Synagro Central, LLC 1605 Dooley Road Whiteford, MD 21160	Hunsicker Farm	Southeast Region Water Management (484) 250-5970
Derry Township Westmoreland County	Mon Valley Sewage Authority 20 Washington Street Donora, PA 15033		Forsha Farm	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

General Permit Type—PAG-8

<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>
Tyrone Township Perry County	PAG083574	Loysville Village Municipal Authority P. O. Box 133 Loysville, PA 17047	Loysville Sewage Treatment Plant 101 Bunny Lane Loysville, PA 17047	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<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>
South Woodbury Township Bedford County	PAG093512	Clarence E. Reasy	Clarence E. Reasy 924 King Road New Enterprise, PA 16664	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
East St. Clair Township Bedford County	PAG093516	William Smith Smith's Septic Tank Service 989 Adams Run Road Bedford, PA 15522	Smith Septic Tank Service 989 Adams Run Road Bedford, PA 15522	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
B & L Portable Toilet Rental, Inc. Farmington Township Tioga County	PAG094808	B & L Portable Toilet Rental, Inc. 551 Farmington Hill Road Tioga, PA 16946	B & L Portable Toilet Rental, Inc. Farmington Township Tioga County	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to **Rosie's Drive-In**, 7360340, Providence Township, **Lancaster County** on April 14, 2008, for the operation of facilities approved under Construction Permit No. 3601507.

Operations Permit issued to **Taylor's Mobile Home Park**, 7360110, Eden Township, **Lancaster County** on May 8, 2007, for the operation of facilities approved under Construction Permit No. 3606503.

Operations Permit issued to **Amerada Hess Corporation—Store No. 38446**, 7361000, Providence Township, **Lancaster County** on April 14, 2008, for the operation of facilities approved under Construction Permit No. 3606514.

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

Permit No. Minor Amendment—Construction and Operation, Public Water Supply.

Applicant	Middleburg Municipal Authority
Township or Borough	Franklin Township
County	Snyder
Responsible Official	Donald R. Zechman, Sr. Chairman Middleburg Municipal Authority 13 North Main Street Middleburg, PA 17842-1007
Type of Facility	Public Water Supply—Construction and Operation
Consulting Engineer	David D. Walters, P. E. Larson Design Group 1000 Commerce Park Drive Suite 201 Williamsport, PA 17701
Permit Issued Date	April 16, 2008
Description of Action	Construction and Operation of the recently rehabilitated surface water intakes on Erb Run and the East and West Branches of Bowersox Run.

Permit No. 1906501—Innovative Operation, Public Water Supply.

Applicant	Millville Borough Municipal Authority
Township or Borough	Millville Borough
County	Columbia
Responsible Official	Sue Myers, Secretary Millville Borough Municipal Authority
Type of Facility	Public Water Supply—Innovative Operation
Consulting Engineer	Shannon Williams, P. E. HRG, Inc. 369 East Park Drive Harrisburg, PA 17111
Permit Issued Date	April 18, 2008

Description of Action Operation for approval of a Pall Aria AP-3 membrane microfiltration plant, disinfection, Aquaa-Mag and caustic soda chemical feeds.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: Jill Mickley

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Saucon Township	3700 Old Philadelphia Pike Bethlehem, PA 18015	Northampton County

Plan Description: The approved plan provides for a single-family residence on a 2.8 acre tract. This project proposes a small flow treatment facility to repair a malfunctioning onlot sewage disposal system, which currently serves the residence. The proposed treatment facility will include the following components: a Norweco Model No. 960-500 aerobic treatment tank, a Polylok effluent filter, a 500 gallon dosing tank, a subsurface sand filter tank, a 250 gallon erosion chlorination tank and a 4" pvc discharge pipe to the East Branch of Saucon Creek. A private well provides water to the residence. The proposed development is located at 2634 Easton Road, Lower Saucon Township, Northampton County. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair County

Plan Description: The approved plan provides for construction of a Small Flow Treatment Facility for the 2.26 acre property owned by Robert Kenner and Allison Kehoe. The proposed sewage flows are 400 gpd with a discharge to Sugar Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Frankstown Township	1775 Frankstown Road Hollidaysburg, PA 16648	Blair County

Plan Description: The approved plan provides for the extension of sanitary sewer collection service to the existing Fairway Estates development in Frankstown Township. The project will serve 13 homes and will produce 5,200 gpd of sewage flow. The project is located

along Clubhouse Drive. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Liberty Township	39 Topper Road Fairfield, PA 17320	Adams County

Plan Description: The approved Official Plan Update Revision provides for the adoption and implementation of an onlot sewage disposal system management program. The Plan also establishes that a developer constructed community wastewater treatment facility will serve an area of the eastern section of the township. This facility will be conveyed to a qualified public utility. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Harrisburg City	10 North Market Square Harrisburg, PA 17101	Dauphin County

Plan Description: The approved Official Plan Special Study presents the results of pilot-scale testing that was done to identify suitable nitrification-denitrification technology for future full-scale implementation at the Harrisburg Advanced Wastewater Treatment Facility. The Department of Environmental Protection's review of the Special Study has not identified any significant environmental impacts resulting from this proposal.

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>
Jenks Township	2 Pine Street P. O. Box 436 Marienville, PA 16239	Forest County

Plan Description: The approved plan provides for the replacement of the Cherry Street Pump Station to accommodate a proposed sewer extension to the Village of Roses, which is proposed in the Township's 2002 Act 537 Plan Update approved by the Department of Environmental Protection on June 9, 2003. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location: Located 1 mile east of PA Route 94, just off Oakwood Drive in West Manheim Township, York County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Manheim Township	31 Fairview Drive Hanover, PA 17331	York County

Plan Description: The Official Plan Revision, entitled Homestead Acres, proposing an extension of the West Manheim Township sewer system, tributary to the Penn Township sewage collection, conveyance and treatment facilities, to serve 130 single-family residential lots, was disapproved because Penn Township has failed to implement an approved Corrective Action Plan (CAP) in accordance with the approved schedule contained within the CAP. The Revision also failed to provide proof of compliance with water quality standards and effluent limitations in that Penn Township officials refused to complete and initial Section I of the sewage facilities planning module.

Plan Location: Located on the southeast corner of the intersection of Broadway and Hickory Lane in Penn Township, York County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	20 Wayne Avenue Hanover, PA 17331	York County

Plan Description: The Official Plan Revision, entitled Premier Construction Corporation, proposing connection of a bank and a gym with flows of 4,086 gpd, to the Penn Township sewage collection, conveyance and treatment facilities, was disapproved because Penn Township has failed to implement an approved Corrective Action Plan (CAP) in accordance with the approved schedule contained within the CAP. The Revision also failed to provide proof of compliance with water quality standards and effluent limitations in that Penn Township officials refused to complete and initial Section I of the sewage facilities planning module.

Plan Location: Located on the northwest corner of the intersection of Baltimore Street and Brunswick Drive in West Manheim Township, York County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Manheim Township	31 Fairview Drive Hanover, PA 17331	York County

Plan Description: The Official Plan Revision, entitled Community Banks, proposing connection to the West Manheim Township sewer system, tributary to the Penn Township sewage collection, conveyance and treatment facilities, to serve a bank with flows of 280 gpd, was disapproved because Penn Township has failed to implement an approved Corrective Action Plan (CAP) in accordance with the approved schedule contained within the CAP. The Revision also failed to provide proof of compliance with water quality standards and effluent limitations in that Penn Township officials refused to complete and initial Section I of the sewage facilities planning module. The Revision also failed to provide documentation that York Water Company has agreed to serve the proposal.

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.

Slang Residence, City of Philadelphia, **Philadelphia County**. Staci Cottone, J & J Spill Services and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Caroline Slanga, 172 Shurs Lane, Philadelphia, PA 19127 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Union Court Condominiums, West Chester Borough, **Chester County**. Richard Ley, R. M. L. Environmental, 1375 Steeple Chase Road, Downingtown, PA 19335 on behalf of Edward Cunius, Union Court Condominiums, 616 East Barnard Street, West Chester, PA 19382 has submitted a Final Report concerning remediation of site

soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

500 North Broad Street, City of Philadelphia, **Philadelphia County**. Joseph Diamadi, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Joseph Bogansky Amerimar Net-Works Management Company, Inc., 1500 Spring Garden, Suite 105, Philadelphia, PA 19130 has submitted a Final Report concerning remediation of site soil contaminated with lead and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

US Steel Fairless Works 14.2 KIPC, City of Philadelphia, **Philadelphia County**. Jeffery Smith, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation/Final Report concerning remediation of site soil contaminated with chlorinated. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Valley Iron and Steel, City of Allentown, **Lehigh County**. Vincent Carbone, P. G., HDR Engineering, Inc., 609 Hamilton Mall, Allentown, PA 18101-2111 has submitted a Final Report (on behalf of his client, Abraham Atiyeh, Mack Residence, LLC and Mack Project, LLC, 1177 6th Street, Whitehall, PA 18052-5212), concerning the characterization and remediation of soils found or suspected to have been impacted by inorganics, volatile and semi-VOCs and PCBs. The report documented attainment of the Site-Specific Standard. The future use of the property will be residential.

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

Tarasewicz Camp, Miles Township, **Centre County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Cathy Tarasewicz, 613 North 4th Street, Sunbury, PA 17801 has submitted a Final report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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.

West Conshohocken MGP Gulph Creek Site, West Conshohocken, **Montgomery County**. Bruce Middleman, P. G., Jacques Whitford Company, 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of Michael Heffron, P. G., PECO Energy-An Exelon Company, 2301 Market Street, S9-1, Philadelphia, PA 19103 has submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site groundwater contaminated with inorganics. The Remedial Investigation Report/Cleanup Plan and was approved by the Department of Environmental Protection on April 2, 2008.

Norwood Building, East Whiteland Township, **Chester County**. Mike Christie, Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Jonathan Spergel, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of Guy Wolfington, Malvern Hill Associates III, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with lead and PAH. The Final Report demonstrated attainment of

the Statewide Health Standard and Background Standard and was approved by the Department of Environmental Protection on April 10, 2008.

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

Joseph Lopez Residence, 314 West Broad Street, Tamaqua Borough, **Schuylkill County**. Richard Trimpi, P. G., Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of his client, Joseph Lopez, 312 West Broad Street, Tamaqua, PA 18252), concerning the remediation of soils found to have been impacted by No. 2 home heating oil as the result of a release from two flood water damaged ASTs. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on April 17, 2008.

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 contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on April 14, 2008.

MECx—Red Rock Job Corp., Cherry Township, **Sullivan County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of MECx, LLC, 1112 Presidential Drive, Quakertown, PA 18951 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on April 17, 2008.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft Permits Issued 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 a Hazardous Waste Treatment, Storage, or Disposal Facility.

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

PAD002312791. Sunoco, Inc., Margaret and Bermuda Streets, Philadelphia, PA. Draft permit prepared to modify conditions V.D.2.c and V.E.9 of the existing RCRA permit governing operation of two BIF units at Sunoco's Frankford Plant located in the City of Philadelphia. This permit modification seeks to change the maximum ash content from 0.23% to 0.31%, using an upper tolerance limit statistical approach and to change the minimum atomizing steam pressure differential from 40 psig to 20 psig, based on the boiler manufacturer's specifications. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the previous address. Draft permit issued on April 21, 2008.

DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit No. WMGR038SW001. The Lane Construction Corporation, 965 East Main Street, Meriden, CT 06450. McKees Rocks Asphalt Plant, Foot of Robb Street, McKees Rocks, PA 15104 and Bridgeville Asphalt Plant, Prestley Road, Bridgeville, PA 15017. A residual waste general permit for the beneficial use of baghouse fines and scrubber pond precipitates as: (i) and aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products in McKees Rocks Borough/Collier Township, **Allegheny County**, was approved by the Regional Office on April 21, 2008.

Persons interested in reviewing the general permit should contact Carl Spadaro, Acting Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Approved/Denied 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.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 101679. Blythe Recycling and Demolition Site (BRADS Landfill), Blythe Township, P. O. Box 91, Cumbola, PA 17931. A permit authorizing the construction and operation of this municipal waste construction and demolition landfill located on Burma Road, Blythe Township, **Schuylkill County**. The permit was denied in the Regional Office on April 11, 2008. The review included evaluating information contained within the October 5, 2007. Response to the April 27, 2007 EAP Predisposal letter, previous submittals and information and public comments presented to the Department of Environmental Protection.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

46-310-071GP: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 22, 2008, to operate a portable nonmetallic mineral in West Pottsgrove Township, **Montgomery County**.

46-329-026GP: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on April 22, 2008, to operate a diesel/No. 2 fuel-fired internal in West Pottsgrove Township, **Montgomery County**.

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

GP2-22-05025A: Eldorado Properties Corp. (P. O. Box 2621, Harrisburg, PA 17105-2621) on April 17, 2008, for Storage Tanks for Volatile Organic Liquids under GP2 in Lower Swatara Township, **Dauphin County**.

GP3-01-03021: Vulcan Construction Materials, LP (5601 Ironbridge Parkway, Chester, PA 23831) on April 17, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Oxford Township, **Adams County**.

GP3-44-03021: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 18, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Armagh Township, **Mifflin County**.

GP9-01-03021: Vulcan Construction Materials, LP (5601 Ironbridge Parkway, Chester, PA 23831) on April 17, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Oxford Township, **Adams County**.

GP11-44-03021: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 18, 2008, for Nonroad Engines under GP11 in Armagh Township, **Mifflin County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0015H: Rohm and Haas Co. (200 Route 413, Bristol, PA 19007) on April 16, 2008, to install a Carbon Adsorption System to replace the existing scrubber as the control device for the wastewater treatment plant at their facility in Bristol Township, **Bucks County**. This facility is a Title V facility. This installation will not result in a net increase in emissions. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0061B: Department of Corrections—Graterford SCI (1 Prison Road, Graterford, PA 19426) on April 22, 2008, to implement energy efficiency modifications to the existing four high-pressure steam boilers and associated boiler plant equipment in Skippack Township, **Montgomery County**. As a result of potential emissions of NOx and SOx, the facility is a Title V facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

48-320-014A: CADMUS Investments, LLC (1991 Northampton Street, Easton, PA 18042-3173) on April 16, 2008, to modify their existing press No. 84 at their facility in Wilson Borough, **Northampton County**.

13-318-009: Haulmark Industries, Inc. (6 Banks Avenue, McAdoo Industrial Park, McAdoo, PA 18237) on April 15, 2008, to install a paint spray booth with filters at their facility in Banks Township, **Carbon County**.

40-317-033: Stroehmann Bakeries, LC (325 Kiwanis Boulevard, Valmont Industrial Park, West Hazleton, PA 18202) on April 21, 2008, to install a new bread oven at their facility in Hazle Township, **Luzerne County**.

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

06-05112A: WBLF Acquisition Co., LLC (455 Poplar Neck Road, Birdsboro, PA 19508) on April 14, 2008, for expansion of an existing municipal solid waste landfill and installation of an enclosed ground flare in Cumru Township, **Berks County**.

07-05035A: Grannas Bros. Stone & Asphalt Co., Inc. (P. O. Box 488, Hollidaysburg, PA 16648-0488) on April 15, 2008, to fire waste derived liquid fuel in addition to No. 2 fuel oil at their batch plant in Frankstown Township, **Blair County**.

36-05097A: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on April 14, 2008, for use of on-specification waste derived liquid fuel in Fulton Township, **Lancaster County**.

67-05111A: York International Corporation (1499 East Philadelphia Street, York, PA 17403) on April 15, 2008, for installation of a spray paint booth at their East York Plant in Spring Garden Township, **York County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

26-00569A: Holt & Bugbee Hardwoods, Inc. (P. O. Box 37, 1600 Shawsheen Street, Tewksbury, MA 01876) on April 15, 2008, this plan approval is being issued for construction of an 18.9 mmBtu/hr wood-fired boiler controlled by a two unit in series multiclone collector system in North Union Township, **Fayette County**.

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

20-194E: Lord Corp.—Saegertown Operations (601 South Street, Saegertown, PA 16433-1050) on April 16, 2008, to install a new 1,500 gallon reactor storage vessel to replace the existing two reactor vessels at the facility site in the Borough of Saegertown, **Crawford County**. This is a Title V facility.

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

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

09-0007B: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on April 15, 2008, to operate a flare to back-up control device in Falls Township, **Bucks County**.

09-0037F: CMS Gilbreth Packaging Systems, Inc. (3001 State Road, Croydon, PA 19021) on April 15, 2008, to operate a ten unit rotogravure in Bristol Township, **Bucks County**.

09-0087E: Air Products & Chemicals, Inc. (351 Philadelphia Avenue, Morrisville, PA 19067) on April 14, 2008, to operate a silicon tetrafluoride in Falls Township, **Bucks County**.

46-0037X: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on April 15, 2008, to operate a powder packaging unit in Douglass Township, **Montgomery County**.

46-0037Q: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on April 15, 2008, to operate a wet dust collector in Douglass Township, **Montgomery County**.

46-0037V: Cabot Supermetals (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on April 15, 2008, to operate a gemco dryer in building 19, in Douglass Township, **Montgomery County**.

09-0142A: ML 35, LLC (35 Runway Road, Levittown, PA 19057) on April 16, 2008, to operate a (2000) kW emergency generator in Bristol Township, **Bucks County**.

09-0180: White Engineering Surfaces Corp. (One Pheasant Run, Newtown, PA 18940) on April 16, 2008, to operate a batch degreaser in Newtown Township, **Bucks County**.

15-0078D: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on April 16, 2008, to operate an electric generator in East Whiteland Township, **Chester County**.

15-0078B: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on April 16, 2008, to operate two natural gas fired boilers in East Whiteland Township, **Chester County**.

46-0013A: Hatfield Quality Meats Inc./sub Clemens (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on April 16, 2008, to operate a 49 mmBtu/hr heat input boiler in Hatfield Township, **Montgomery County**.

15-0094A: Metallurgical Products Co. (P. O. Box 598, West Chester, PA 19381-0598) on April 16, 2008, to operate a new efficiency fiber bed filter in West Goshen Township, **Chester County**.

15-0094b: Metallurgical Products Co. (P. O. Box 598, West Chester, PA 19381-0598) on April 16, 2008, to operate a foundry side electric furnace in West Goshen Township, **Chester County**.

23-0014F: Kimberly-Clark Corp. (Front Street and Avenue of the States, Chester, PA 19103) On April 16, 2008, to operate a ventilation system in the City of Chester, **Delaware County**.

46-0013B: Hatfield Quality Meats Inc.—sub Clemens (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440) on April 16, 2008, to operate an alternate fuel in boilers in Hatfield Township, **Montgomery County**.

46-0069C: Highway Materials, Inc. (1750 Walton Road, Blue Bell, PA 19422) on April 16, 2008, to operate a shaker style baghouse in Whitemarsh Township, **Montgomery County**.

09-0180A: White Engineering Surfaces Corp. (One Pheasant Run, Newtown, PA 18940) on April 16, 2008, to operate a dust collector in Newtown Township, **Bucks County**.

15-0060C: SECCRA LDFL (P. O. Box 221, Kennett Square, PA 19348) on April 16, 2008, to operate a landfill gas-to-energy system in London Grove Township, **Chester County**.

15-0078C: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on April 16, 2008, to operate two emergency generators in East Whiteland Township, **Chester County**.

46-0167: Parkhouse (1600 Black Rock Road, Upper Providence, PA 19468) on April 16, 2008, to operate two boilers/No. 2 fuel oil in Upper Providence Township, **Montgomery County**.

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

47-00001C: PPL Montour, LLC (2 North Ninth Street, Allentown, PA 18101) on April 18, 2008, to extend the authorization to operate a limestone processing and storage operation, a gypsum sludge handling, processing and storage operation and a wastewater treatment lime storage silo on a temporary basis to August 16, 2008, at the Montour Steam Electric Station in Derry Township, **Montour County**. The plan approval has been extended.

08-00003E: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on March 4, 2008, to extend the authorization to operate a regenerative thermal oxidizer on the Die Form Tempering Kiln on a temporary basis and to extend the required VOC, CO and NOx stack testing until July 16, 2008, at the facility in Wysox Township, **Bradford County**.

53-00001B: Tennessee Gas Pipeline Company (197 Tennessee Road, Coudersport, PA 16915), located in Hebron Township, **Potter County**, on April 8, 2008, to extend the authorization to operate a 3,550 bhp, natural gas-fired, internal combustion engine on a temporary basis until August 6, 2008, and to extend the required VOC, formaldehyde, CO and NOx stack testing until June 7, 2008.

08-399-044C: OSRAM Sylvania Products, Inc. (Hawes Street, North Towanda, PA 18848) on April 17, 2008, to extend the authorization to temporarily operate a fabric collector and final filter to control the emissions from a DTE plate furnace, a Farell plate rolling mill and a plate conveyor at their Towanda facility in the North Towanda Township, **Bradford County** until August 13, 2008. The plan approval has been extended.

19-00019A: Dillon Floral Corporation (933 Columbia Boulevard, Bloomsburg, PA 17815-8844), located in Town of Bloomsburg, **Columbia County**, on April 21, 2008, to extend the authorization to temporarily operate a 6 mmBtu/hr, wood-fired boiler until August 21, 2008. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

04-00681B: Joseph J. Brunner, Inc. (211 Brunner Road, Zelenople, PA 16063) Plan Approval originally issued to allow the leachate evaporation system to operate at a rate of 20,000 gallons of leachate per day and 400 standard cubic feet of landfill gas per minute at the

municipal solid waste landfill in New Sewickley Township, **Beaver County** has been extended on or about April 15, 2008, to allow company additional time to submit operating permit application.

30-00072E: Consol Pennsylvania Coal Company, LLC (1800 Washington Road, Pittsburgh, PA 15241) plan approval extension is effective April 20, 2008, for continued construction of the Crabapple Overland Conveyor Belt that will transport coal from the Crabapple Slope to the Bailey Prep Plant, in Richhill Township, **Greene County**.

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

24-083E: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on April 30, 2008, to construct a scrubber in St. Marys City, **Elk County**. This is a Title V facility.

24-083F: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on April 30, 2008, to construct Carbon Baking Kiln No. 34 with a thermal oxidizer and connecting to an existing scrubber in St. Marys City, **Elk County**. The mixers will be controlled by the existing scrubber. This is a Title V facility.

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

AMS 05198: Temple University, Health Sciences Campus (3401 North Broad Street, Philadelphia, PA 19140) on April 16, 2008, to modify the Reasonably Available Control Technology determination for three 76.4 mmBtu/hr natural gas and No. 6 oil fired boilers in the Central Steam Plant in the City of Philadelphia, **Philadelphia County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.

48-00011: PPL—Martins Creek SES, LLC (6605 Foul Rift Road, Bangor, PA 18013) on April 15, 2008, to re-issue a Title V Operating Permit to operate a power transmission facility and associated air cleaning devices at their facility in Lower Mount Bethel Township, **Northampton County**.

40-00020: Department of Public Welfare—White Haven Center (827 Oley Valley Road, White Haven, PA 18661) on March 21, 2008, to operate a facility Title V Operating Permit in Foster Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC (121 Champion Way, Canonsburg, PA 15317-5817) on April 17, 2008, to operate an electricity generating station at their Titus Station in Cumru Township, **Berks County**. This Title V Operating Permit was administratively amended to remove the acid rain sections from the permit. This is Revision No. 1.

22-05010: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on April 16, 2008, for natural gas transmission and storage facilities in East

Hanover Township, **Dauphin County**. This is a renewal of the Title V operating permit.

34-05002: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on April 14, 2008, to operate a natural gas transmission compressor station in Lack Township, **Juniata 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.

09-00186: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Lane, Fairless Hills, PA 19030) on April 22, 2008, for a Non-Title V Facility, State-only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Kinder Morgan Bulk Terminals, Inc. owns and operates a Bulk Material Handling System (Source ID: 101) that is used to unload and load aggregate material, such that emissions can be controlled by water suppression. The main sources of emissions are the transfer points from transferring of material, stockpiling of material and roadway emissions. Potential emissions from this operation are 73.32 tpy of PM and 9.88 tpy of HAPs. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

35-00026: Quadrant EPP—USA, Inc. (900 North South Road, Scranton, PA 18504) on March 24, 2008, to operate a Facility State-only Natural Minor Operating Permit for manufacturing of plastics and operation of boilers in the City of Scranton, **Lackawanna County**.

35-00027: Quadrant EPP—USA, Inc. (900 North South Road, Scranton, PA 18504) on March 24, 2008, to operate a Facility State-only Natural Minor Operating Permit for manufacturing of plastics and operation of boilers in the City of Scranton, **Lackawanna County**.

39-00056: Lehigh County Authority (7676 Industrial Boulevard, Allentown, PA 18106) on March 21, 2008, to operate a Facility State-only Natural Minor Operating Permit for operation of a sewerage system in the Upper Macungie Township, **Lehigh County**.

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

38-03007: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540-1910) on April 14, 2008, to operate two cremation units in Heidelberg Township, **Lebanon County**. This is a renewal of the State-only operating permit.

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

17-00036: The Burke Parsons Bowlby Corporation (392, Larkeytown Road, Dubois, PA 15801), issued State-only operating permit on February 29, 2008, for their wood preserving facility located in Sandy Township, **Clearfield County**. The facility's main sources include a wood preserving operation, one waste wood-fired boiler,

wood tie storage area, wood working equipment and a trim-grade operation. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

19-00022: Berwick Area School District (500 Line Street, Berwick, PA 18603), issued State-only operating permit on February 29, 2008, for their Junior-Senior school, Middle school and Elementary school located in Berwick Borough, **Columbia County**. The facility's main sources include one natural gas/No. 2 fuel oil fired boiler, two natural gas fired boilers, two diesel/No. 2 fuel oil fired emergency generators and ten small natural gas fired boilers. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

14-00035: EBY Paving & Construction, Inc. (1001 East College Avenue, Bellefonte, PA 16823), issued State-only operating permit on March 25, 2008, for their hot mix asphalt manufacturing facility located in Spring Township, **Centre County**. The facility's main sources include one aggregate dryer, hot mix asphalt plant, three storage tanks and one solvent based parts cleaning station. The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

56-00047: Snyders of Berlin (1313 Stadium Drive, Berline, PA 15530) on April 18, 2008, for operation of snack food manufacturing in Berlin Borough, **Somerset County**. The facility mainly uses small (less than 10 mmBtu/Hr) natural gas fired sources. 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.

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.

06-03113: Haines and Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) on April 11, 2008, to operate a nonmetallic mineral crushing plant at their Birdsboro Quarry in Robeson Township, **Berks County**. This State-only operating permit was administratively amended as a result of the construction of additional equipment. This is Revision No. 1.

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

41-00021: Farm & Home Oil Co., LLC (3115 State Road, P. O. Box 389, Telford, PA 18969), issued a revised State-only (Synthetic Minor) operating permit, Revision No. 1, on February 21, 2008, for a change of ownership of the Williamsport Bulk Terminal from Farm & Home Oil Co. to Farm & Home Oil Co., LLC. This facility is located in Armstrong Township, **Lycoming County**. This revised State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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 11040701 and NPDES Permit No. PA0235717 AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to operate the Refuse Area 1 in Portage Township, **Cambria County**, new refuse area site and related NPDES permit, Coal Refuse Disposal Support Acres Proposed 54.5, Coal Refuse Disposal Acres Proposed 35.5, UNT to Spring Run, classified for the following use: CWF, Application received October 26, 2004. Permit issued April 16, 2008.

Permit Number 56831602 and NPDES Permit No. PA0214469, Reitz Coal Company, LLC, (509 15th Street, Windber, PA 15963), to transfer the permit for the Reitz No. 4 Coal Preparation Plant in Shade Township and Central City Borough, **Somerset County** and related NPDES permit from Reitz Coal Company. No additional discharges. Application received September 18, 2007. Permit issued April 15, 2008.

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

56030103 and NPDES No. PA0249441. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 262.0 acres. Receiving streams: Spruce Run; Shade Creek; tributary to Kaufman Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received February 22, 2008. Permit issued: April 17, 2008.

56940105 and NPDES No. PA0212890. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface and limestone removal mine to change the land use in Elk Lick Township, **Somerset County**, affecting 108 acres. Receiving streams: UNT to/and Casselman River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 17, 2008. Permit issued April 17, 2008.

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

03990102 and NPDES Permit No. PA0202444. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Revision permit issued for land use change from forestland to pastureland to an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 58 acres. Receiving stream: Fagley Run. Revision application received March 21, 2008. Revision permit issued April 17, 2008.

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

49970202R2. Susquehanna Coal Company, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Mt. Camel Township, **Northumberland County** affecting 808.0 acres, receiving stream: none. Application received October 4, 2007. Renewal issued April 15, 2008.

54921601T. Gale Mining Company, (1441 Oak Road, Pottsville, PA 17901), transfer of an existing anthracite coal preparation plant operation in Rush Township, **Schuylkill County** affecting 10.3 acres, receiving stream: none. Application received June 7, 2007. Transfer issued April 17, 2008.

40970201C. Silverbrook Anthracite, Inc., (1 Market Street, Laflin, PA 18702), correction to an existing anthracite coal refuse reprocessing operation to update the post-mining land use in Plymouth Borough and Plymouth Township, **Luzerne County** affecting 16.0 acres, receiving stream: none. Application received December 24, 2007. Correction issued April 21, 2008.

Noncoal Permits Actions

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

03052001 and NPDES Permit No. PA0250651. M & M Lime Co., Inc. (215 Nichola Road, Worthington, PA 16262). Permit revised to add 60.6 acres of underground mining to an existing noncoal surface mining site located in West Franklin Township, **Armstrong County**, affecting 77.4 acres. Receiving streams: UNT to Buffalo Creek. Application received December 14, 2007. Permit revision issued April 15, 2008.

26970401 and NPDES Permit No. PA0202100. Laurel Aggregates, Inc. (300 Dents Run Road, Morgantown, WV 26501). NPDES renewal issued for continued operation and reclamation of a large noncoal surface mining site located in Springhill Township, **Fayette County**, affecting 271.52 acres. Receiving streams: UNT to Rubles Run and Rubles Run. Application received February 8, 2008. NPDES Renewal issued April 16, 2008.

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

58080806. Dennis Oliver, (R. R. 1, Box 193A, Springville, PA 18844), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received January 18, 2008. Permit issued April 15, 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.

05084001. D. C. Ventre & Sons, Inc., 315 First Avenue, Duncansville, PA 16635, blasting activity permit issued for building construction development in Bedford Township, **Bedford County**. Blasting activity permit end date is December 30, 2008. Permit issued April 15, 2008.

21084120. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for single dwelling development in Southampton Township, **Cumberland County**. Blasting activity permit end date is April 9, 2009. Permit issued April 10, 2008.

21084118. Geological Tech Inc., P. O. Box 70, Falling Waters, WV 25419-0070, blasting activity permit issued for sewage treatment plan development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is April 3, 2009. Permit issued April 10, 2008.

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

30084001. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Permit issued for Rush No. 5 Atlas Well site, located in Jefferson Township, **Greene County**, with an expected duration of 6 months. Permit issued April 14, 2008.

63084002. Alex Paris Contracting (P. O. Box 369, Atlasburg, PA 15004). Blasting activity permit for construction at the Alta Vista Business Park, located in Fallowfield Township, **Washington County**, with an expected duration of 1 year. Permit issued April 14, 2008.

65084003. Demtech, Inc. (65 Bald Mountain Road, DuBois, WY 82513). Blasting activity permit to demolition of the Fox Glen Road Bridge located in New Stanton Borough, **Westmoreland County**, with an expected duration of 60 days. Permit issued April 21, 2008.

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

14084003. Mazzuca Enterprises, Inc. (P. O. Box 443, 510 North 14th Street, Pottsville, PA 17901) blasting for SR15 Upgrade located in Benner Township, **Centre County**. Permit issued April 9, 2008. Permit expires September 30, 2010.

41084001. Trumbull Corporation (P. O. Box 98100, Pittsburgh, PA 15227-0500), blasting for Benner Township Sewer Extension located in Benner Township, **Centre County**. Permit issued April 16, 2008. Permit expires April 1, 2009.

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

36084145. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for John Michael Stoltzfus Project in East Earl Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued April 14, 2008.

36084146. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Wildflower Ridge Development in East Earl Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued April 14, 2008.

39084110. Allan A. Myers, Inc. d/b/a Independence Construction Materials, (P. O. Box 98, Worcester, PA 19490), construction blasting for Alburdis Crossing in Lower Macungie Township, **Lehigh County** with an expiration date of April 1, 2009. Permit issued April 14, 2008.

45084116. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Ivy Ridge in Smithfield Township, **Monroe County** with an expiration date of April 30, 2009. Permit issued April 15, 2008.

45084117. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for a single dwelling in Middle Smithfield Township, **Monroe County** with an expiration date of April 9, 2009. Permit issued April 15, 2008.

48084106. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Bridle Path Development in Hanover Township, **Northampton County** with an expiration date of April 1, 2009. Permit issued April 15, 2009.

67084111. Newville Construction Services, Inc., (408 Mohawk Road, Newville, PA 17241), construction blasting for Tall Grass Meadows in Paradise Township, **York County** with an expiration date of April 12, 2009. Permit issued April 15, 2009.

ABANDONED MINE RECLAMATION

Cambria Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, (814) 472-1800.

Bond Forfeiture	BF 405-101.1
Contract Awarded	
Location	Union Township Washington County
Description	Abandoned Mine Land Reclamation Project Russell W. Joki Mining Permit No. 63800106
Contractor	Custom Contracting 174 Freeman Falls Road Acme, PA 15610
Amount	\$377,225.00
Date of Award	April 11, 2008

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1004. Mirabile Assoc., LP, P. O. Blue Bell, PA 19422, West Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities for Mirabile Tract at 573 East Main Street along a tributary of Indian Creek (WWF):

1. To modify and maintain an existing stream enclosure of a UNT of Indian Creek (Tributary 1) by removing 49 linear feet of pipe at the downstream end of the existing structure and to maintain the remaining 54 linear feet of 36-inch corrugated metal pipe (CMP), a rock riprap apron and a restored open channel segment. The existing structure is attached to the Ridge Pike culvert by means of a junction box and consists of 54 linear feet of 36-inch CMP, a manhole and 49 linear feet of 36-inch CMP.

2. To relocate 760 linear feet of a UNT of Indian Creek (Tributary 1) by constructing a channel on a new alignment starting at the terminus of the culvert noted in Item 1 above and extending to a point of confluence with a UNT of Indian Creek (Tributary 2) onsite. Approximately 1,177 linear feet of the former abandoned stream, including two stream enclosures and a bridge will be removed and the channel backfilled.

3. To modify 360 linear feet of UNT from the confluence of the relocated channel noted in Item 2 above. This work includes the removal of a bridge.

4. To construct and maintain a stream enclosure consisting of 335 linear feet of twin 44-inch by 72-inch CMPA along the relocated channel noted in Item 2 above.

5. To construct and maintain a 15-inch RCP outfall along the relocated stream channel located immediately downstream of the stream enclosure noted in Item 4 above.

6. To construct and maintain a road crossing consisting of 30 linear feet of 3.5-foot by 12-foot box culvert across the relocated channel noted in Item 2 above.

The project will result in the net restoration of approximately 800 linear feet of stream. The site is located approximately 1,000 feet southeast of the intersection of Egypt Road and SR 363 (Collegeville, PA, USGS Quadrangle N: 1.5 inches, W: 1.2 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

E09-911. WV Holdings, LLC, Meetinghouse Business Center, Suite 120, 120 West Germantown Pike, Plymouth Meeting, PA 19462, Hilltown Township, **Bucks County**, ACOE Philadelphia District.

To enclose and relocate a UNT to the West Branch Neshaminy Creek (WWF, MF). In the existing condition, the UNT was enclosed in a culvert for a length of 1,442 linear feet within Department of Transportation (Department) right-of-way. This project proposes to extend the enclosed length by 2,766 linear feet upstream of the existing enclosure. Portions of the stream enclosure extension will be within the Department right-of-way. The total proposed length of enclosure will be 4,208 linear feet.

The UNT will also be relocated as part of the proposed stream enclosure. The total length of the proposed stream relocation is 3,212 linear feet. The proposed relocation will route the UNT through a proposed stormwater detention basin (nonjurisdictional dam) and through the Department right-of-way.

This project will impact 0.05-acre of wetlands. These wetlands will be replaced by 0.05-acre of wetlands. A low-flow diversion structure will be installed in the proposed channel to provide hydrology to the replacement wetlands and the downstream watercourse. The higher flows will be directed towards the proposed stormwater detention basin.

This project is associated with the proposed expansion of an existing retail center. The project is located 1,400 feet north of the intersection of Route 309 (County Line Road) and Township Line Road (Telford, PA, Quadrangle N: 7.4 inches, W: 2.0 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

E28-342: Richard E. Jordan, Exit 24 Warehouse, 2010 State Road, Camp Hill, PA 17011, Southampton Township, **Franklin County**, ACOE Baltimore District

To construct and maintain a 36.0-foot by 8.0-foot by 85.0-foot long arch culvert with R-7 riprap; to relocate 1,100 feet of Furnace Run; to fill 0.67 acre of PEM wetland associated Furnace Run (CWF). The project is located east of Olde Scotland Road (SR 696), approximately 6,000-feet northeast of the SR 696/Interstate 81 interchange (Shippensburg, PA Quadrangle N: 5.3 inches; W: 2.9 inches, Latitude: 40° 02' 01"; Longitude: 77° 31' 20") in Southampton Township, Franklin County. The applicant is proposing a minimum of 1.05 acres of replacement wetlands onsite to compensate for direct and indirect wetland impacts.

E01-264: Keith Sunderman, S & A Custom Built Homes, Inc., 2121 Old Gatesburg Road, State College, PA 16803, Stonehaven Subdivision in Oxford Township, **Adams County**, ACOE Baltimore District.

To construct and maintain: 1) a 4.5-foot by 8.0-foot by 50-foot concrete box culvert, an 8 inch water line, a 24-inch and two 15-inch outfall structures; 2) a 4.5-foot by 8.0-foot by 56-foot concrete box culvert an 8-inch sanitary sewer line, an 8-inch water line; 3) a 24-inch by 50-foot pipe culvert, an 8-inch water line, an 8-inch sanitary sewer line all associated with a UNT to the South Branch Conewago Creek (WWF) at a point just east of Hanover Street (Mcsherrystown, PA Quadrangle N: 18.6 inches; W: 6.6 inches, Latitude: 39° 51' 15"; Longitude: 77° 2' 50") in Oxford Township, Adams County. There are no wetland impacts associated with this project.

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

E47-090. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 2008 Section 0020 Offset 2397 to 2950. Culvert Replacement Project in Mahoning Township, **Montour County**, ACOE Susquehanna River Basin District (Danville, PA Quadrangle N: 15.00 inches; W: 12.70 inches).

To remove an existing concrete slab bridge that carries SR 2008 over Sechler Run and replace with 53 Lf of 48" by 76" elliptical reinforced concrete pipe on a new alignment. The new alignment will allow the stream to take a natural flow path under SR 2008 and minimize backwater and flooding problems associated with the existing structure. This project is located approximately 1.4 miles from the intersection of SR 0011 and SR 0054 in Mahoning Township, Montour County.

This project proposes to have a minimal impact on Sechler Run, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

E53-420. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 4023 Segment 0120 Offset 1150 +/-, Channel maintenance and bank protection along Elevenmile Creek, Village of Chrystal, **Potter County**, ACOE Pittsburgh District (Oswayo, PA-NY Quadrangle N: 15.5 inches; W: 3.6 inches).

To perform channel maintenance activities along Elevenmile Creek adjacent to SR 4023 at segment 0120 Offset 1150 located in Oswayo Township, Potter County. Improvements planned to minimize roadway flooding and overtopping include minor stream channel maintenance along approximately 80 LF. This maintenance will include the removal of deposition material at a 90° bend and the addition of rip-rap rock to reinforce the stream bank.

This project proposes to have a minimal impact on Elevenmile Run, which is designated a HQ-CWF. This project does propose to impact 0.003 acre of jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

E60-186. East Buffalo Township Supervisors, 589 Fairground Road, Lewisburg, PA 17837. Improvements to Municipal Facilities, in East Buffalo Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quad-range N: 15.67 inches; W: 4.46 inches).

To construct and maintain the following encroachments within the channel or right floodway of Limestone Run as part of the Municipal Facilities Improvement: 1) a basin outfall made of 20 linear feet 18-inch diameter HDPE pipe, 53 square yards of geomembrane and a concrete endwall; 2) drainage swales Nos. 2—5; 3) a 5.78 ac stormwater basin with 2,272 cubic yards of net excavation out of the floodway; 4) a repositioned driveway across from St. Mary's Street; 5) 200 square feet of maintenance building foundation as part of foundation reconstruction to 463.0 foot elevation; 6) remove existing stock piles and grade 2,500 square feet area to drain towards Swale No. 5; 7) 5 linear feet of a 24-inch diameter HDPE pipe with concrete endwall for a storm drain outlet to Swale No. 2; 8) a 24-inch diameter HDPE culvert with concrete headwall and endwall for a relocated driveway across from St. Mary's Street, (Lewisburg, PA Quadrangle N: 15.67 inches; W: 4.46 inches) in East Buffalo Township, Union County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Load (TMDL) for the Wilson Creek Watershed in Tioga County

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

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the Wilson Creek Watershed in Tioga County. The TMDL was established in accordance with the requirements of section 303(d) of The Clean Water Act. Streams within this watershed were listed in Pennsylvania's 2006 Integrated Water Quality Monitoring and Assessment Report as being impaired due to sedimentation resulting from agricultural activities.

There currently are no State or Federal in-stream numerical water quality criteria for sediment. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of sediment in the Wilson Creek Watershed. Sediment loadings were allocated among all land use categories present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL contact: L. Richard Adams, Watershed Management Program Manager, Department of Environmental Protection, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the previously listed address and must be postmarked by June 11, 2008. A public meeting to discuss the technical merits of the TMDL will be held on May 28, 2008, at 7 p.m. at the DCNR, Bureau of Forestry, District Office No.16, 1 Nessmuk Lane, Wellsboro, PA 16901.

[Pa.B. Doc. No. 08-835. Filed for public inspection May 2, 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—Minor Revision:

DEP ID: 394-0300-001. Title: Pennsylvania Coastal Resources Management Program Technical Guidance Document. Description: At 36 Pa.B. 6599 (October 28, 2006), 33 Pa.B. 426 (January 18, 2003) and 31 Pa.B. 886 February 10, 2001) the Department, as required by 15 CFR 923.84(b)(2) (relating to routine program changes), published notice that it was proposing several program changes to its Coastal Resources Management (CRM) Program and requested public comments be submitted to the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management (OCRM) on whether the changes constitute a Routine Program Change (RPC). An RPC is defined in Federal regulations (15 CFR 923.84) as, "Further detailing of a

state's program that is the result of implementing provisions approved as part of the state's approval management program that does not result in (an amendment).” Essentially, RPCs are clarifications, minor revisions or improvements that do not substantially alter one or more of the following Coastal Zone Program areas: Uses Subject to Management; Special Management Areas; Boundaries; Authorities and Organization; and Coordination, Public Involvement and the National Interest. The Department determined that the program changes constituted RPCs in accordance with 15 CFR 923 (relating to coastal zone management program regulations) and OCRM concurred with its determination.

These previously approved RPCs are now being incorporated into the *Pennsylvania Coastal Resources Management Program Technical Guidance Document* (394-0300-001). The RPC changes to the Guidance Document can be categorized either as changes to state regulations, or changes specific to requirements of the Federal Coastal Zone Management Act. The Guidance Document contains state regulations that OCRM approved as part of the original Program in 1980. Over time these regulations have been amended, and these amendments must also be incorporated into the Guidance Document. All the regulatory amendments that have been incorporated into the Guidance Document have been approved by OCRM, undergone public review and comment periods and have been previously published in the *Pennsylvania Bulletin*.

Some examples of the RPC additions to the Guidance Document include:

- The addition of interstate consistency
- Boundary changes
- Addition of an Ocean Resources Policy
- Uses subject to management
- Special management Areas
- Renaming and relocation of the CRM Program
- Changes to the Inventory of Geographical Areas of Particular Concern.

Detailed information on the specific changes to the CRM's enforceable policies, including the document titled the *Pennsylvania Coastal Resources Management Program Technical Guidance Document* (394-0300-001) is available on the Department's web site at www.dep.state.pa.us/river/czmp.htm (select "Program Reference Documents"). Contact: Questions regarding the technical guidance document should be directed to Larry Toth at (717) 772-5622; latothstate.pa.us. Effective Date: May 3, 2008

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-836. Filed for public inspection May 2, 2008, 9:00 a.m.]

Pennsylvania's Ambient Air Monitoring Network Plan; Available for Public Comment

On October 17, 2006, the United States Environmental Protection Agency (EPA) promulgated final amendments to the National ambient air monitoring requirements for criteria pollutants at 40 CFR Parts 53 and 58 (relating to ambient air monitoring reference and equivalent methods; and ambient air quality surveillance). See 71 FR 61236 (October 17, 2006). The EPA's final rule requires State and local agencies to enhance air monitoring to "improve public health protection and better inform the public about air quality in their communities." Section 58.10 of 40 CFR (relating to quality assurance) requires

that monitoring agencies adopt an annual air-monitoring network plan, and make the plan available for public inspection for at least 30 days prior to final submission to the EPA Regional Administrator. The plan, which is due July 1, 2008, must include a statement of purpose for each monitor and evidence that siting and operation of each monitor meets Federal requirements. The EPA will also provide an opportunity for review and comment prior to approving or disapproving a State's Monitoring Network Plan.

The EPA's final rule eliminates the requirements for a minimum number of monitors for carbon monoxide, sulfur dioxide and nitrogen dioxide. The final rule also reduces the requirements for a minimum number of PM₁₀ particulate monitors based on population. Given additional quality assurance initiatives and a proposal for adding an air toxics monitoring component to the ambient sampling network, a reduction in the monitoring network is being proposed for 2009 to offset the additional resources required for the changes to the ambient air monitoring network.

The Annual Air Monitoring Network Plan, including the plan to reduce carbon monoxide, sulfur dioxide, nitrogen dioxide and PM₁₀ particulate monitors, is available for public comment on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us/dep/deputate/airwaste/air/default.htm.

The Department must receive comments on the Annual Air Monitoring Network Plan by June 2, 2008. Written comments should be sent to the attention of Jeffrey Miller, Chief, Department of Environmental Protection, Bureau of Air Quality, Division of Air Quality Monitoring, P. O. Box 8468, Harrisburg, PA 17105-8468 or jeffremill@state.pa.us (please use "Annual Monitoring Network Plan" in the subject line of the e-mail).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-837. Filed for public inspection May 2, 2008, 9:00 a.m.]

Radiation Protection Advisory Committee; Change of Meeting Date

The May 15, 2008, meeting of the Radiation Protection Advisory Committee has been rescheduled to May 29, 2008. The meeting will begin at 9 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Louis Ray Urciuolo at (717) 783-9730 or lurciuolo@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us. (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Danielle Skelton at (717) 787-3720 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-838. Filed for public inspection May 2, 2008, 9:00 a.m.]

Small Systems Technical Assistance Center Advisory Board; Special Meeting

The Small Systems Technical Assistance Center Advisory Board will hold a special meeting on June 24, 2008, from 10 a.m. to 3 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The purpose of the meeting is to consider regulatory revisions to 25 Pa. Code Chapter 109 (relating to safe drinking water).

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate"). Questions concerning the meeting may be directed to Janet Fisher, Bureau of Water Standards and Facility Regulation at (717) 783-2294 or janfisher@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disability Act of 1990 should contact the Department at (717) 783-2294 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,
Secretary

[Pa.B. Doc. No. 08-839. Filed for public inspection May 2, 2008, 9:00 a.m.]

Subcommittee meetings will be held in the RCSOB as follows:

<i>May 29, 2008</i>	<i>August 6, 2008</i>
10 a.m.—1 p.m.	10 a.m.—1 p.m.
Room 105	Room 105

<i>June 27, 2008</i>	<i>September 11, 2008</i>
10 a.m.—1 p.m.	1 p.m.—4 p.m.
Room 105	14th Floor Large Conference Room

The agendas and materials for these meetings will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us (DEP Keyword: Public Participation, Participate). Also available on the web site are SWAC, RFAC and Subcommittee membership lists. Any questions may be directed to Pat Stape or Michael Texter, Bureau of Waste Management, P. O. Box 8471 Harrisburg, PA 17105-8471 (717) 787-9871 or pstape@state.pa.us or mtexter@state.pa.us.

Persons in need of accommodations as provided for in the American With Disabilities Act of 1990 should contact Pat Stape at (717) 787-9871 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-840. Filed for public inspection May 2, 2008, 9:00 a.m.]

Solid Waste Advisory Committee, Recycling Fund Advisory Committee and Commodity Disposal Bans Subcommittee Meetings

Notice is hereby given of a revised schedule of 2008 meetings of the Solid Waste Advisory Committee (SWAC) and the Recycling Fund Advisory Committee (RFAC) of the Department of Environmental Protection (Department). Additional meetings may be scheduled to accommodate agenda topics, as necessary. Meetings will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, as follows:

<i>June 12, 2008</i>	<i>September 12, 2008</i>	<i>November 6, 2008</i>
SWAC	Combined SWAC and RFAC meetings	SWAC

Please note: The SWAC and RFAC meetings previously scheduled for July 10, 2008, and the SWAC meeting scheduled for October 9, 2008, have been cancelled.

Commodity Disposal Bans Subcommittee

At its April 10, 2008, meeting, the SWAC formed a Commodity Disposal Bans Subcommittee to assist the Department in developing a plan to divert valuable resources from the waste stream for re-use and recycling. The objectives of the subcommittee are to discuss a phased approach and design an implementation strategy for banning specific materials from disposal.

State Board for Certification of Water and Wastewater Systems Operators; Change of Meeting Location

The June 5, 2008, meeting of the State Board for Certification of Water and Wastewater Systems Operators (Board) has been rescheduled from a conference call meeting to a regular Board meeting. The meeting will begin at 10 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the Board meeting may be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda and meeting materials for June 5, 2008, Board meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5158 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-841. Filed for public inspection May 2, 2008, 9:00 a.m.]

Sustainable Water Infrastructure Task Force Meeting

The Sustainable Water Infrastructure Task Force (Task Force), established under Executive Order 2008-02, will meet on May 8, 2008, at 11 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Information on the Task Force 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. 08-842. Filed for public inspection May 2, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application for Exception to 28 Pa. Code §§ 123.25 and 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

The Children's Hospital of Philadelphia Ambulatory Surgery Center at Exton
The Children's Hospital of Philadelphia Ambulatory Surgery Center at Bucks

The following facility has requested an exception to the requirements of 28 Pa. Code § 123.25 (relating to regulations for control of anesthetic explosion hazards).

The Children's Hospital of Philadelphia

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-843. Filed for public inspection May 2, 2008, 9:00 a.m.]

Application LifeCare Hospitals of Pittsburgh—North for Exception; Correction

A notice was published in 38 Pa.B. 1891 (April 19, 2008) incorrectly as a request for exception for 28 Pa. Code §§ 103.1, 103.31, 107.1, 107.11, 107.26(b)(1) and 107.26(b)(7) for Sharon Regional Health System. The request for exception should have been published for LifeCare Hospitals of Pittsburgh-North.

The request is on file with the Department of Health (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 notice is being published without a 10-day comment period.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-844. Filed for public inspection May 2, 2008, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, May 21 and Thursday, May 22, 2008.

The meetings will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050 on Wednesday, May 21 from 9 a.m. to 4 p.m. and on Thursday, May 22 from 9 a.m. to 2 p.m.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-845. Filed for public inspection May 2, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Beaver Elder Care and Rehabilitation Center
616 Golf Course Road
Aliquippa, PA 15001

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-846. Filed for public inspection May 2, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Harley-Davidson® '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Harley-Davidson® '08.

2. *Price:* The price of a Pennsylvania Harley-Davidson® '08 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Harley-Davidson® '08 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Key symbol (KEY).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$100,000 (ONEHUNTHO) and a Motorcycle symbol (MTCYCLE).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000, \$5,000, \$100,000 and a Harley-Davidson® Fat Boy® motorcycle. A player can win up to ten times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Harley-Davidson® '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of Motorcycle (MTCYCLE) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of a Harley-Davidson® Fat Boy® motorcycle.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$400 (FOR HUN) appears under the Key symbol (KEY), on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$100 (ONE HUN) appears under the Key symbol (KEY), on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50 (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$50 (FIFTY) appears under the Key symbol (KEY), on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40 (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$40 (FORTY) appears under the Key symbol (KEY), on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20 (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$20 (TWENTY) appears under the Key symbol (KEY), on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10 (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$10 (TEN DOL) appears under the Key symbol (KEY), on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5 (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Key symbol (KEY), and a prize symbol of \$5 (FIV DOL) appears under the Key symbol (KEY) on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2 (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$5	\$5	15	480,000
\$5 w/KEY	\$5	15	480,000
\$2 x 5	\$10	120	60,000
\$5 x 2	\$10	120	60,000
\$10	\$10	40	180,000
\$10 w/KEY	\$10	120	60,000
\$5 x 4	\$20	120	60,000
\$20	\$20	120	60,000
\$20 w/KEY	\$20	60	120,000
\$5 x 8	\$40	600	12,000
\$10 x 4	\$40	600	12,000
\$20 x 2	\$40	600	12,000
\$40	\$40	600	12,000
\$40 w/KEY	\$40	600	12,000
\$5 x 10	\$50	600	12,000
\$10 x 5	\$50	600	12,000

When Any Of Your Numbers
Match Any Of The Winning
Numbers, Win With Prize(s)
Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets
\$50	\$50	300	24,000
\$50 w/KEY	\$50	600	12,000
\$10 × 10	\$100	1,091	6,600
\$50 × 2	\$100	1,091	6,600
\$100	\$100	1,043	6,900
\$100 w/KEY	\$100	1,091	6,600
\$40 × 10	\$400	24,000	300
\$100 × 4	\$400	24,000	300
\$400	\$400	24,000	300
\$400 w/KEY	\$400	24,000	300
\$100 × 10	\$1,000	24,000	300
(\$400 × 2) + (\$100 × 2)	\$1,000	24,000	300
\$1,000	\$1,000	24,000	300
\$1,000 × 5	\$5,000	24,000	30
\$5,000	\$5,000	240,000	30
*MOTORCYCLE	*MOTORCYCLE	360,000	20
\$100,000	\$100,000	720,000	10

Key (KEY) = Win prize shown under it automatically.

*Motorcycle = Motorcycle Prize Package valued at \$26,666 consisting of a Harley-Davidson® Fat Boy® model motorcycle, dealer preparation, set-up fees, sales tax, freight, delivery and \$6,666.66 Federal withholding credit.

No cash equivalent for motorcycle prize.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Harley-Davidson® '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Harley-Davidson® '08, prize money from winning Pennsylvania Harley-Davidson® '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Harley-Davidson® '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Harley-Davidson® '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-847. Filed for public inspection May 2, 2008, 9:00 a.m.]

Pennsylvania King Neptune's Treasures Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania King Neptune's Treasures.

2. *Price:* The price of a Pennsylvania King Neptune's Treasures instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania King Neptune's Treasures instant lottery game ticket will contain one play area featuring a "NEPTUNE'S NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "NEPTUNE'S NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Starfish symbol (STARFSH), Trident symbol (TRIDENT) and a 10X symbol (10TIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$20,000 (TWY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$20,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania King Neptune's Treasures instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a Trident (TRIDENT) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$500 (FIV HUN) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a Trident (TRIDENT) play symbol, and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$400 (FOR HUN) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets with a Trident (TRIDENT) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in ten of the "prize" areas, and a prize symbol of \$40\$ (FORTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$40\$ (FORTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$100 (ONE HUN) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets with a Trident (TRIDENT) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$50\$ (FIFTY) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$40\$ (FORTY) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$25\$ (TWY FIV) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEP-

TUNE'S NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$20\$ (TWENTY) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Starfish symbol (STARFSH), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Starfish symbol (STARFSH), on a single ticket, shall be entitled to a prize of \$10.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of "NEPTUNE'S NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of Neptune's Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets:</i>
\$5 × 2	\$10	24	200,000
\$10 w/STARFISH	\$10	24	200,000
\$10	\$10	17.14	280,000
\$5 × 4	\$20	60	80,000
\$10 × 2	\$20	60	80,000
\$20 w/STARFISH	\$20	60	80,000
\$20	\$20	60	80,000
\$5 × 5	\$25	120	40,000
\$25 w/STARFISH	\$25	120	40,000
\$25	\$25	60	80,000
\$5 × 8	\$40	300	16,000
\$10 × 4	\$40	300	16,000
\$20 × 2	\$40	300	16,000
\$40 w/STARFISH	\$40	300	16,000
\$40	\$40	300	16,000
\$10 × 5	\$50	600	8,000
\$5 w/10X	\$50	600	8,000
\$25 × 2	\$50	600	8,000
\$50 w/STARFISH	\$50	600	8,000
\$50	\$50	600	8,000
\$10 × 10	\$100	300	16,000
\$50 × 2	\$100	600	8,000
\$10 w/10X	\$100	300	16,000
TRIDENT w/(\$5 × 10) + (\$10 × 5)	\$100	600	8,000
\$100 w/STARFISH	\$100	600	8,000
\$100	\$100	300	16,000
\$40 × 10	\$400	6,000	800
\$40 w/10X	\$400	4,800	1,000
\$50 × 8	\$400	6,000	800

When Any Of Your Numbers Match
Any Of Neptune's Numbers, Win
With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets:	
\$100 × 4	\$400	6,000	800
TRIDENT w/(\$20 × 10) + (\$40 × 5)	\$400	4,800	1,000
\$400 w/STARFISH	\$400	6,000	800
\$400	\$400	6,000	800
\$50 × 10	\$500	15,000	320
\$50 w/10X	\$500	15,000	320
\$100 × 5	\$500	15,000	320
TRIDENT w/(\$25 × 10) + (\$50 × 5)	\$500	13,333	360
\$500 w/STARFISH	\$500	15,000	320
\$500	\$500	13,333	360
\$100 × 10	\$1,000	24,000	200
\$100 w/10X	\$1,000	24,000	200
\$500 × 2	\$1,000	24,000	200
TRIDENT w/(\$50 × 10) + (\$100 × 5)	\$1,000	24,000	200
\$1,000	\$1,000	24,000	200
\$10,000	\$10,000	480,000	10
\$20,000	\$20,000	480,000	10
\$250,000	\$250,000	960,000	5

Starfish (STARFSH) = Win prize shown under it automatically.
Trident (TRIDENT) = Win all 15 prizes shown.
10X (10TIMES) = Win 10 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania King Neptune's Treasures instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania King Neptune's Treasures, prize money from winning Pennsylvania King Neptune's Treasures instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania King Neptune's Treasures instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania King Neptune's Treasures or through normal communications methods.

THOMAS W. WOLF,
Secretary

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Pennsylvania Line 'Em Up Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Line 'Em Up.

2. *Price:* The price of a Pennsylvania Line 'Em Up instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Line 'Em Up instant lottery game ticket will contain one play area consisting of "SPIN 1," "SPIN 2," "SPIN 3," "SPIN 4," "SPIN 5," "SPIN 6," "SPIN 7," "SPIN 8," "SPIN 9," "SPIN 10," "SPIN 11" and "SPIN 12." Each "SPIN" is played separately. Each "SPIN" features a play area and a "PRIZE" area. The play symbols and their captions located in the play area are: Horse Shoe symbol (SHOE), Cherries symbol (CHR), Bell symbol (BEL), Star symbol (STAR), Diamond symbol (DMND), Coin symbol (COIN), Dollar symbol (DLAR), Pot of Gold symbol (GOLD), BAR symbol (BAR), 7 symbol (SEVN) and a LUCK symbol (LUCK).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "SPIN" are: \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$15\$ (FIFTN), \$20\$ (TWENTY), \$35\$ (TRY FIV), \$50\$ (FIFTY), \$70\$ (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$7, \$10, \$14, \$15, \$20, \$35, \$50, \$70, \$100, \$700, \$1,000, \$10,000 and \$100,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Line 'Em Up instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$700 (SVN HUN) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$700.

(g) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$700.

(h) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$70\$ (SEVENTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$70\$ (SEVENTY) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$70.

(l) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$70.

(m) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$35\$ (TRY FIV) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$35.

(p) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$35\$ (TRY FIV) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$35.

(q) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$35.

(r) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$15\$ (FIFTN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$15.

(t) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$14\$ (FORTN) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$14.

(u) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$14\$ (FORTN) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$14.

(v) Holders of tickets with three 7 (SEVN) play symbols in the same "SPIN," and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$14.

(w) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(y) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$7.

(z) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$7⁰⁰ (SVN DOL) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(aa) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$5.

(bb) Holders of tickets with a LUCK (LUCK) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that LUCK (LUCK) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(cc) Holders of tickets with three like play symbols in the same "SPIN," and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of that "SPIN," on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get 3 Like Symbols In Any Spin, Win Prize Shown For That Spin. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$5 w/LUCK	\$5	30	200,000
\$5	\$5	20	300,000
\$7 w/LUCK	\$7	120	50,000
\$7	\$7	120	50,000
\$5 × 2	\$10	60	100,000
\$10 w/LUCK	\$10	60	100,000
\$10	\$10	50	120,000
\$2 w/THREE 7'S	\$14	120	50,000
\$7 × 2	\$14	300	20,000
\$14 w/LUCK	\$14	200	30,000
\$14	\$14	120	50,000
\$5 × 4	\$20	300	20,000
\$10 × 2	\$20	200	30,000
\$20	\$20	40	150,000
\$5 × 7	\$35	428.57	14,000
\$5 w/THREE 7'S	\$35	421.05	14,250
\$7 × 5	\$35	428.57	14,000
\$35 w/LUCK	\$35	421.05	14,250
\$35	\$35	421.05	14,250
\$5 × 10	\$50	1,200	5,000
(\$5 w/THREE 7'S) + (\$5 × 3)	\$50	1,200	5,000
(\$5 × 4) + (\$10 × 3)	\$50	1,200	5,000
\$10 × 5	\$50	1,200	5,000
\$50 w/LUCK	\$50	1,200	5,000
\$50	\$50	1,200	5,000
\$7 × 10	\$70	2,400	2,500
\$10 × 7	\$70	2,400	2,500
\$10 w/THREE 7'S	\$70	2,400	2,500
\$14 × 5	\$70	2,400	2,500
\$35 × 2	\$70	2,400	2,500
\$70 w/LUCK	\$70	2,400	2,500
\$70	\$70	2,400	2,500
\$10 × 10	\$100	4,000	1,500
(\$10 w/THREE 7'S) + (\$10 × 3)	\$100	4,000	1,500
(\$10 w/THREE 7'S) + (\$15 × 2)	\$100	4,000	1,500
\$20 × 5	\$100	4,000	1,500
\$50 × 2	\$100	4,000	1,500
\$100 w/LUCK	\$100	4,000	1,500
\$100	\$100	4,000	1,500
\$100 × 7	\$700	24,000	250
\$100 w/THREE 7'S	\$700	24,000	250
\$700 w/LUCK	\$700	24,000	250
\$700	\$700	24,000	250
\$100 × 10	\$1,000	60,000	100
\$1,000 w/LUCK	\$1,000	60,000	100
\$1,000	\$1,000	60,000	100
\$10,000	\$10,000	240,000	25
\$100,000	\$100,000	600,000	10

Three "7" (SEVN) symbols in any spin = Win 7 times the prize shown for that spin.
 LUCK (LUCK) symbol = Win prize shown for that spin automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Line 'Em Up instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Line 'Em Up, prize money from winning Pennsylvania Line 'Em Up instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Line 'Em Up instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Line 'Em Up or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-849. Filed for public inspection May 2, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles, under the authority of 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

(1) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(2) H.A.W.K. Traffic Safety Radar System (identified on the radar housing as H.A.W.K.). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(3) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(5) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(7) Pro 1000(DS), Manufactured by Kustom Signals, Incorporated, 1010 West Chestnut/P. O. Box 947, Chanute, KS 66720.

(8) Model 100, Decatur RA-GUN (identified on the radar housing as RA-GUN). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(10) Genesis Handheld (GHS). Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(11) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(12) Genesis GVP-D battery operated model. Manufactured by Decatur Electronics, Incorporated, 715 Bright Street, Decatur, IL 62522.

(13) Stalker Dual, Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(14) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(15) Stalker Dual DSR, Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(16) TS-3. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(17) Vindicator, (VH-1), (Identified on the radar housing as Vindicator). Manufactured by MPH Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(18) MPH Model K-15. Manufactured by MPH Industries, Incorporated, 316 East 9th Street, Owensboro, KY 42303.

(19) Stalker. Manufactured by Applied Concepts, Incorporated, 730 F Avenue, Suite 200, Plano, TX 75074.

(20) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215-3347.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, R. D. 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required by 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Department of Transportation, Bureau of Motor Vehicles.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing device (nonradar) which calculates average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC—Manufactured by Y.I.S. Incorporated, 1049 Hartley Street, Post Office Box 3044, York, PA, 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d) has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969 (Appointed: 12/22/01, Station R8).

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063 (Appointed: 08/15/03, Station R11).

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103 (Appointed: 09/19/96, Station R9).

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206 (Appointed: 07/14/99, Station R10).

YIS Inc., 1049 North Hartley Street, York, York County, PA 17402 (Appointed: 01/14/75, Station R3).

YIS/Cowden Group, Inc., 1049 North Hartley Street, York, York County, PA 17404 (Appointed 8/20/04 Station number R12).

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Auto Electric & Speedometer Service, 7019 Beaver Dam Road, Levittown, Bucks County, PA 19057 (Appointed: 03/14/74, Station S54).

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501 (Appointed: 03/25/93, Station S39).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 11/25/63, Station S19).

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508 (Appointed: 04/15/98, Station S8).

K & M Automotive Electric Service, 1004-24th Street, Beaver Falls, Beaver County, PA 15010 (Appointed: 11/13/67, Station S23).

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 01/03/84, Station S7).

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units (Appointed: 06/09/97, Station S82).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 06/29/62, Station S67).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/22/83, Station S35).

Y.I.S./Cowden Group Inc., 1049 North Hartley Street, York, York County, PA 17404 (Appointed 8/20/04, Station S9).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 04/07/93, Station EL3).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EL22).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EL1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EL11).

Mahramus Specialty Auto Service, 285 Muse Bishop Road, Cannonsburg, Washington County, PA 15317 (Appointed: 07/31/97, Station EL18).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 02/20/80, Station EL7).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Bearbower Incorporated, 315 Allegheny Street, Hollidaysburg, Blair County, PA 16602 (Appointed: 09/02/77, Station W14).

Cal Tech Labs, 501 Mansfield Avenue, Pittsburg, Allegheny County, PA 15205 (Appointed 12/22/07, Station W70).

Department of General Services Metrology, 221 Forster Street, Transportation and Safety Building, Harrisburg, Dauphin County, PA 17120 (Appointed: 03/09/79, Station W18).

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 10/28/77, Station W29).

Leitzel's Jewelry, 422 East, Myerstown, Lebanon County, PA 17067 (Appointed: 09/01/87, Station W58).

Mountz Jewelers, 1160 Walnut Bottom Road, Carlisle, Cumberland County, PA 17013 (Appointed: 09/21/87, Station W59).

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107 (Appointed: 09/24/80, Station W54).

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 09/15/86, Station W56).

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15068 (Appointed 6/16/04 Station W10).

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station W1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 10/10/89, Station W61).

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630 (Appointed: 05/18/78, Station W40).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 08/30/89, Station W60).

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units (Appointed: 02/11/93, Station EM23).

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units (Appointed: 02/27/92, Station EM22).

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units (Appointed: 03/14/02, Station EM1).

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units (Appointed: 09/14/82, Station EM6).

Mahramus Specialty Auto Service, 285 Muse Bishop Road, Canonsburg, Washington County, PA 15317 (Appointed: 08/13/97, Station EM12).

YIS/Cowden Group, 1049 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units (Appointed: 12/20/80, Station EM5).

Comments, suggestions or questions may be directed to Peter Gertz, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104 or (717) 783-5842.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-850. Filed for public inspection May 2, 2008, 9:00 a.m.]

Property Demolition, Snyder County, SR 15-088

The Department of Transportation (Department), 715 Jordan Avenue, Montoursville, PA 17745, will be accepting sealed bids for the demolition and removal of property located in Monroe Township, Snyder County having the following addresses. 2 Colonial Drive and 8 Colonial Drive, Selinsgrove, PA 17870, until Friday, May 30, 2008, at 10 a.m. Bids will be opened in Conference Room A. An inspection of the property will be held Thursday, May 15,

2008, from 11 a.m. to 1:30 p.m. Inquires should be directed to Thomas E. Hall (570) 368-4336 or Eugene McGill (570) 368-4315.

Directions are as follows Route 15 South to Shamokin Dam, turn right on Park Road, (look for Cindy Rowe Auto Glass). On Park Road go approximately 1.0 mile and make sharp right turn on Fisher Road, this is located just past old one room school house, follow Fisher Road approximately 0.5 mile Colonial Road is the first left. 2 Colonial Road is first house on left, 8 Colonial Road is 4th house on left.

Claim 5400082000, Parcel 51, Split level dwelling approximately 2,800 square feet. There is asbestos identified.

Claim 5400084000, Parcel 53, Ranch dwelling 56 by 28. There is no asbestos identified on this structure. Prequalification of bidders is not required on bids under \$25,000.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-851. Filed for public inspection May 2, 2008, 9:00 a.m.]

Request for Bids

The Department of Transportation is seeking bids for grounds maintenance (mowing, shrub trimming and rubbish removal) for properties associated with the Northampton County SR 412-001 Improvement Project. Approximately 14 properties of varying size are anticipated to be maintained under the proposed contract. Duration of Contract: May 2008 to October 2008 with a 2 year renewal option.

Sealed bids from contractors will be accepted by the Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101 until 2 p.m. on Thursday, May 13, 2008. For bid form, date of inspection tour, specification and further information contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-852. Filed for public inspection May 2, 2008, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The May 20, 2008, meeting of the Environmental Quality Board (EQB) is cancelled. The next meeting of the EQB is scheduled for June 17, 2008, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the June 17, 2008, meeting will be available on the Department of Environmental Protection's web site at www.depweb.state.pa.us (DEP Keywords: EQB).

Questions concerning the EQB's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-853. Filed for public inspection May 2, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

VHS-Susceptible Species of Fish

Under 58 Pa. Code § 69.3 (relating to transportation of VHS-susceptible fish out of the Lake Erie watershed), which went into effect on January 1, 2008, it is unlawful to transport or cause the transportation of fish susceptible to Viral Hemorrhagic Septicemia (VHS) out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except when certain conditions are met. Section 69.3 further provides that for purposes of the section, provided an initial list of species that are susceptible to VHS.

For purposes of § 69.3, the Commission has defined the following additional species as those that are VHS-susceptible, effective immediately: Common carp (*Cyprinus carpio*); Lake trout (*Salvelinus namaycush*); Round goby (*Apollonia melanostoma*); and White sucker (*Catostomus commersonii*).

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

[Pa.B. Doc. No. 08-854. Filed for public inspection May 2, 2008, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled for Wednesday, May 7, 2008, Data Systems Committee—10 a.m., Education Committee—1 p.m., Mandated Benefits Review Committee—3 p.m. and Executive Committee Meeting—4 p.m.; Thursday, May 8, 2008, Audit Committee—9 a.m., Council Meeting—10 a.m. and Payment Data Advisory Group—1 p.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and wish to attend the meetings, contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

DAVID H. WILDERMAN,
Acting Executive Director

[Pa.B. Doc. No. 08-855. Filed for public inspection May 2, 2008, 9:00 a.m.]

Special Reports and Requests for Data

The Health Care Cost Containment Council (Council), according to Act 89 as amended by Act 14, is required to publish a list of all special reports and data that have been prepared during the previous calendar year. The following represents a summary of the reports and requests for data generated by Council in calendar year 2007. Questions about procedures for obtaining access to Council data should be addressed to JoAnne Z. Nelson, Supervisor of Special Requests Unit, Health Care Cost Containment Council, 225 Market Street, Suite 400, Harrisburg, PA 17101, (717) 232-6787, jnelson@phc4.org.

DAVID H. WILDERMAN,
Acting Executive Director

<i>Applicant</i>	<i>Project Description</i>
American Red Cross Blood Services	A custom 2003 through second quarter 2006 inpatient discharge data report to be used in support of volunteer blood donor recruitment efforts.
Benchmark Medical Inc.	A custom second quarter 2005 through first quarter 2006 inpatient discharge and ambulatory/outpatient procedure data report to be used in an analysis of additional office locations.
Bethlen Home of the Hungarian Reformed Federation of America	A custom fourth quarter 2005 through third quarter 2006 inpatient discharge and ambulatory/outpatient procedure data report to be used to analyze the need for additional outpatient therapy services within a primary market radius of 15 miles from Ligonier, Pennsylvania.
Brandeis University, Heller School	A standard Statewide 2004 through 2005 inpatient discharge data, 2000, 2002 through 2005 inpatient revenue code data and 2000, 2002 through 2004 Coronary Artery Bypass Graft Surgery data set to be used as a follow-up study to demonstrate the stability of estimates of clinical efficiency derived by means of data envelopment analysis.
Carnegie Mellon University	A standard Statewide 2005 inpatient discharge data set, inpatient revenue code detail data set and financial report to be used for an econometric study of the nature and impact of hospital competition in Pennsylvania.
Central Montgomery Medical Center	A custom 2006 inpatient discharge data report of Diagnosis-Related Groups to be used for a market share analysis of a potential new vascular surgery service line for the hospital.
Central Montgomery Medical Center	A custom 2006 inpatient discharge data report to be used for supporting documentation for a market share analysis for 2008 Business Plan.
Charles Cole Memorial Hospital	A custom second quarter 2004 through first quarter 2007 inpatient discharge data report to be used for market share trend analysis.
Children's Hospital of Philadelphia	A custom 1995 through second quarter 2005 inpatient discharge data set linked with the Department of Health vital statistics birth and death records to be used to develop and validate an "aggregate complication measure" (ACM) that will assess the quality of care premature infants receive at a given hospital.
Community Health Systems	A standard Statewide 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used to create utilization rates and market share information to be used in strategic and facilities planning for nine hospitals.
DataBay Resources	A standard Statewide second quarter 2006 through first quarter 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used in a commercial software product.
Delaware Valley Health Care Coalition	A custom report modeled on PHC4's 2005 <i>Hospital Performance Report</i> to be used to mitigate inefficiency in the present configuration of health care services systems by establishing an Exclusive Provider Network for its member health funds in the Commonwealth of Pennsylvania.
Foundation for Advancement of International Medical Education & Research	A standard Statewide 2003 through 2006 inpatient discharge data set to be used to study the impact of international medical graduates for the purpose of publication in journals and the refinement of the Educational Commission for Foreign Medical Graduates certification process.
Good Samaritan Regional Medical Center	A custom 2005 and 2006 inpatient discharge and ambulatory/outpatient data set to be used for long-term and short-term strategic planning aimed at addressing community needs as indicated by the data.
Good Shepherd Rehabilitation Hospital	A standard regional 2006 inpatient discharge data set for regions 5—9 to be used in an internal analysis of demand for their services.

<i>Applicant</i>	<i>Project Description</i>
Governor's Office of Health Care Reform	A custom 2006 inpatient discharge data report of potentially preventable hospitalizations to be used in preparation for the Chronic Care Commission meeting.
Governor's Office of Health Care Reform	A custom 2006 inpatient discharge data report of potentially preventable hospitalizations for chronic conditions and misadventure hospitalizations for the Medicaid population.
Hahnemann University Hospital	A custom third quarter 2005 through second quarter 2006 inpatient discharge data set to be used to review delivery, birth and neonate volumes for their facility as well as other hospitals throughout the Commonwealth.
HealthAmerica	A standard Statewide 2006 inpatient discharge data set to be used to analyze utilization, cost, payor mix and other trends for hospitals within HealthAmerica's service area.
HEALTHSOUTH	A standard Statewide 2005 through 2006 inpatient discharge data set to be used to create utilization rates and market share information to be used in a strategic market plan.
Hospital & Healthsystem Association of Pennsylvania	A standard 2006 financial data report and 2005 restated financial data to be used to supplement financial and utilization data that they currently collect on a voluntary basis from member hospitals. The data will be used on a routine basis to model potential effects of policy changes and to support their representation and advocacy initiatives in support of member hospitals and the communities they serve.
Ingenix	A standard Statewide 2006 inpatient discharge data set to be used to provide consumers with hospital inpatient quality and efficiency information that will assist them in making more informed decisions on where to seek hospital inpatient care.
Intermountain Health Group, LTD	A custom 2005 and 2006 ambulatory/outpatient procedure data report to be used to assist as a recruitment tool to add cardiologists to their group.
Jefferson Health System	A standard regional 2006 inpatient discharge data set for regions 8 and 9 to be used for a market analysis of southeastern Pennsylvania.
Kaleida Health	A custom 2004 through first quarter 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used for the purpose of organizational planning. Kaleida Health is researching where patients from western New York (Erie, Niagara, Chautauqua, Cattaraugus, Allegany, Wyoming, Genesee and Orleans Counties) are receiving their health care services.
Legislative Research Office	A custom 2006 inpatient discharge data set requested on behalf of Representative Rosita Youngblood.
Lehigh Valley Business Conference on Health Care	A custom 2005 inpatient discharge data report to be used to demonstrate financial differences between typical hospital stays and those involving misadventures.
Lehigh Valley Hospital	A custom 2006 inpatient discharge data set and standard Statewide 2006 ambulatory/outpatient procedure data set and inpatient and outpatient revenue code detail data set and financial report to be used for market share research and planning activities.
Maryland Department of Health and Mental Hygiene	A custom 2000 through 2005 inpatient discharge data set of Maryland residents to be used for public reporting aggregated data by gender, race, age, county of residence, diagnosis and procedure.
Memorial Hospital of York	A standard regional second quarter 2006 through fourth quarter 2006 inpatient discharge and ambulatory/outpatient data set by region 5 to be used for comparative data analysis.
Milliman USA	A standard Statewide 2006 inpatient discharge data set and inpatient revenue code detail data set to be used in actuarial analysis performed on behalf of clients of Milliman and in updates to actuarial tables as well as to provide estimates of the utilization and cost of various inpatient procedures.
National Ostomy Association	A custom 2000 through second quarter 2005 inpatient discharge data set to be used to design and implement training and education intended to enhance the quality of life of Ostomy and Continent Diversion Surgery recipients.
New Solutions, Inc.	A custom 2006 inpatient discharge data set to be used by New Solutions to provide market share analysis to their clients.

<i>Applicant</i>	<i>Project Description</i>
New York University, Center for Health & Public Service Research	A standard regional 2005 inpatient discharge data set for regions 1, 8 and 9 to be used to assist them in evaluating the progress of the Urban Health Initiative, which has been established to improve the health and safety of children and youth in urban areas.
Olean General Hospital	A custom fourth quarter 2005 through third quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used for an internal manpower study, which will assess the potential need to expand services in the future.
Penn State College of Medicine	A custom 2005 and 2006 inpatient discharge data set to be used to identify patterns of pregnancy outcomes in Pennsylvania; comparisons will be made between residents of farm and natural resource dependent communities and other rural and urban community residents.
Department of Health	A custom second quarter 2006 through fourth quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used to support the Department's Licensing and Quality Assurance process.
Department of Health	A custom 2001 through 2005 inpatient discharge and ambulatory/outpatient procedure data set of asthma and acute myocardial infarction records to be used to review and examine the relationship between environmental exposures, hazards and health effects.
Department of Health	A custom 2004 through 2005 inpatient discharge data set of diabetes related records to be used to evaluate the Steps to a Healthier Pennsylvania initiative.
Department of Health	A custom 2003 through 2006 inpatient discharge and ambulatory/outpatient procedure data set of asthma records to be used to interpret morbidity data for asthma risk education and prevention programs.
Department of Health	A custom 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used for the Injury Prevention Program, which identifies specific segments of the population at highest risk, specific types and causes of injury, and to assist in Statewide injury prevention, planning and evaluation.
Department of Health	A standard Statewide first quarter 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used to profile discharge patterns, which will be used to carry out the Department of Health Division of Acute and Ambulatory Care quality assurance and licensing functions.
Department of Health	A custom first quarter 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used to support the Pennsylvania Department of Health's Licensing and Quality Assurance process.
Pennsylvania Department of Health	A custom 2006 inpatient discharge report of select ICD-9-CM codes to be used as part of a series of Department of Health web pages that correspond to the Healthy People 2010 objectives.
Pennsylvania Department of Health	A custom 2006 inpatient discharge and ambulatory/outpatient data set to be used to estimate the Statewide burden of reportable and nonreportable infectious diseases and related conditions, and to evaluate the Division of Infectious Disease Epidemiology's surveillance mechanisms.
Pennsylvania Department of Public Welfare	A custom June 30, 2003, through June 30, 2005, fiscal year financial data report and a custom June 30, 2005, fiscal year inpatient discharge data set to be used to compute payments to hospitals for the Hospital Uncompensated Care and Extraordinary Expense programs established with the Tobacco Settlement Act of 2001.
Pennsylvania Department of Public Welfare	A standard Statewide third quarter 2005 through second quarter 2006 inpatient discharge data set to be used to estimate payments to hospitals for obstetrical and neonate services consistent with proposed Senate Bill No. 904.
Pennsylvania Department of the Auditor General	A custom June 30, 2005, fiscal year inpatient discharge data set and financial data report to be used for auditing hospitals that received tobacco funds from the Department of Public Welfare, in regards to the Hospital Uncompensated Care and Extraordinary Expense programs established with the Tobacco Settlement Act of 2001.
Pennsylvania Medical Society	A standard Statewide 2005 inpatient discharge data set to be used to continue the study of physician workforce in this Commonwealth.

<i>Applicant</i>	<i>Project Description</i>
Office of Attorney General	A standard Statewide second quarter 2006 through first quarter 2007 inpatient discharge, inpatient revenue code detail data set and market share report to be used in analyzing hospital mergers.
Philadelphia Department of Public Health	A standard regional 1996 through 2006 inpatient discharge and ambulatory/outpatient procedure data set for regions 8 and 9 to be used by the Philadelphia Department of Public Health for multiple projects: analysis of ambulatory-care-sensitive disease hospitalizations, analysis of diabetes complications, examine hospital outcomes, analysis of HIV/AIDS utilization and services, evaluate the HIV/AIDS surveillance system, and examine obstetrical care and pelvic inflammatory disease hospitalizations.
<i>Philadelphia Inquirer</i>	A standard regional second quarter 2006 through first quarter 2007 inpatient discharge and ambulatory/outpatient procedure data set for regions 8 and 9 to be used to research news stories.
Pittsburgh Regional Health Care Initiative	A custom third quarter 2005 through third quarter 2006 inpatient discharge data set to be used to investigate readmissions in all of western Pennsylvania.
<i>Pittsburgh Tribune Review</i>	A standard third quarter 2005 through second quarter 2006 inpatient discharge facility data set to be used to examine the market share of seven hospitals in western Pennsylvania.
RAND Corporation	A custom 1997, 2000 and 2003 inpatient discharge data set to be used for a health service research project that examines quality and cost of heart disease related procedures and diagnoses in Pittsburgh and Philadelphia.
RAND Corporation	A custom 1994 through 2005 inpatient discharge data set to be used for their study on workplace safety and health trends in this Commonwealth.
Representative Lawrence H. Curry	A custom 2005 financial data report of general acute care beds and occupancy rate for Representative Lawrence H. Curry.
Senator Connie Williams	A custom 2005 financial data report of general acute care beds and occupancy rate for Senator Connie Williams.
Solucient	A standard Statewide second quarter 2006 through fourth quarter 2006 inpatient discharge and ambulatory/outpatient procedure data set to be used in a commercial software product.
Southwest Regional Medical Center	A standard second quarter 2006 through first quarter 2007 regional inpatient discharge data set for region 1 and Statewide inpatient revenue code detail data set to be used to address health care service shortages, investigate quality of care objectives, and promote strategic decisions to benefit healthcare beneficiaries requiring acute care service.
St. Christopher's Hospital for Children	A standard third quarter 2003 through second quarter 2006 inpatient discharge and ambulatory/outpatient procedure facility data set to be used as a benchmarking tool to compare their case mix and other data to see how they perform in relation to other local pediatric hospitals.
Susquehanna Health	A standard third quarter 2005 through third quarter 2006 regional ambulatory/outpatient procedure data set for region 4 and Statewide ambulatory/outpatient revenue code detail data set to be used for market share information on outpatient procedures such as gastroenterology and orthopedic services.
The Eye Surgery Center	A standard fourth quarter 2006 market share report to be used for internal reporting.
The Pennsylvania State University	A custom 2005 inpatient discharge data set to be used for a research proposal for analyses of racial and socioeconomic disparities in children's health services.
Thomas Jefferson University	A standard Statewide 2006 inpatient discharge data set to be used in studying preventable hospitalizations: "Profiling Severity of Illness and Ambulatory Care Sensitive Conditions in Pennsylvania."
Thomson Medstat	A custom 2000 and 2001 inpatient discharge data set and a standard Statewide 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used in a commercial software product.
Treo Solutions	A standard Statewide 2005 through 2006 inpatient discharge and inpatient revenue code detail data set to be used to analyze market share, hospital clinical cost and performance for their clients located in this Commonwealth and surrounding areas.

<i>Applicant</i>	<i>Project Description</i>
University of Pennsylvania	A custom 2004 through 2005 inpatient discharge data set linked with Department of Health death records will be used to study the effects of nurse staffing and organizational attributes on the outcomes of hospitalized patients.
University of Pittsburgh Medical Center	A standard Statewide second quarter 2006 through first quarter 2007 inpatient discharge and ambulatory/outpatient data sets to be used to produce various research reports such as: patient origin for UPMC hospitals, UPMC market share in various geographies and service lines, utilization trends in volume and market share over different time periods, and physician volumes at UPMC and other hospitals.
University of Pittsburgh, Department of Medicine	A custom third quarter 2005 through 2006 inpatient discharge data set to be used to study the effectiveness of a multimodal patient medication education system and its impact on hospital readmission.
University of Pittsburgh, Pennsylvania Medicaid Policy Center	A standard Statewide 2005, 2006 and 2007 inpatient discharge data set to be used in assessing the importance of Medicaid to hospitals, the quality of care provided to Medicaid patients relative to other patients, and patterns of utilization.
University of Pittsburgh, School of Medicine	A custom 1994 through 2001 inpatient discharge data set to be used to develop a population-based measure of chronic liver disease and demand for liver transplantation services.
University of Pittsburgh, School of Medicine	A custom 2003 through 2005 inpatient discharge data set, which will be used to study the association of paramedic airway management with the in-hospital outcomes of acutely ill out-of-hospital patients.
University of Pittsburgh, School of Medicine	A custom 1997 through 2001 inpatient discharge data set to be used to determine the scope of thrombotic disease, specifically pulmonary embolism, in hospitalized patients in this Commonwealth.
University of Pittsburgh, School of Medicine	A custom 1996 through 2005 inpatient discharge and ambulatory/outpatient procedure data set to be used to determine the incidence and prevalence of patients undergoing hypophysectomy, and to determine the incidence and prevalence of pain diagnoses and consult after the procedure.
University of Pittsburgh, School of Medicine	A custom 2004 through 2006 inpatient discharge data set to be used to explore the relationship between regional air pollution and hospitalizations for cardiovascular and respiratory disease in the Ohio Valley tri-state area (southwestern Pennsylvania, eastern Ohio and northern West Virginia).
University of Pittsburgh, School of Medicine	A custom 2001 through 2005 inpatient discharge data set to be used to conduct a population-based, retrospective cohort study of motor-vehicle trauma upon pregnant drivers on fetal/child outcomes.
Verispan	A standard Statewide 2006 inpatient discharge and ambulatory/outpatient procedure data set to be combined with other states' data and used to estimate diagnoses and procedures at the hospital and national level.
Wayne Memorial Hospital	A standard regional fourth quarter 2005 through 2006 inpatient discharge data set for regions 4 and 6 to be used for strategic planning.
WebMD Health	A standard Statewide 2006 inpatient discharge and inpatient revenue code detail data set to be used in a commercial software product.
WellSpan Health	A standard regional 2006 inpatient discharge and ambulatory/outpatient procedure data set for region 5 to be used for the internal assessment of the delivery of health care services within WellSpan Health's region.
Widener University	A custom 2005 inpatient discharge data set to be used to study the impact of the Medicare 75% rule for patients with total joint arthroplasty, as part of a dissertation.
Wyoming Valley Health Care System	A standard Statewide 2006 through first quarter 2007 inpatient discharge and ambulatory/outpatient procedure data set to be used to generate reports for internal quality improvement, benchmarking and marketing analysis.

[Pa.B. Doc. No. 08-856. Filed for public inspection May 2, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, April 17, 2008, and announced the following:

Regulations Approved:

Environmental Quality Board #7-408: Permit Streamlining (amends 25 Pa. Code Chapter 127)

Department of Public Welfare #14-506: Child Care Facilities (amends 55 Pa. Code Chapters 3270, 3280 and 3290, and deletes Chapter 3300)

Department of Education #6-298: Vocational Education (amends 22 Pa. Code Chapter 339)

Approval Order

Public Meeting held
April 17, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson;
Nancy Sabol Frantz, Esq.; Karen A. Miller, Abstained

*Environmental Quality Board
Permit Streamlining;
Regulation No. 7-408 (#2598)*

On March 9, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 127. The proposed regulation was published in the March 24, 2007 *Pennsylvania Bulletin* with a 62-day public comment period. The final-form regulation was submitted to the Commission on March 14, 2008.

This regulation streamlines the air quality permitting process by adding provisions relating to completeness determinations for applications for plan approval, revising certain public notice and public comment provisions related to plan approval applications and extending from 120 to 180 days the duration for temporary operation of the source to allow more compliance testing.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 4005(a)(1) and 4006.1(b.3)) 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
April 17, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson;
Nancy Sabol Frantz, Esq.; Karen A. Miller, Abstained;
John F. Mizner, Esq., by Phone

*Department of Public Welfare
Child Care Facilities;
Regulation No. 14-506 (#2539)*

On May 23, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapters 3270, 3280 and 3290, and deletes Chapter 3300. The proposed regulation was published in the June 3, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 10, 2008.

This regulation updates and revises requirements and standards for child day care providers including protections for children with special needs.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 901—922 and 1001—1087) 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
April 17, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson;
Nancy Sabol Frantz, Esq.; Karen A. Miller, Abstained;
John F. Mizner, Esq., by Phone

*Department of Education
Vocational Education;
Regulation No. 6-298 (#2520)*

On January 19, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking amends 22 Pa. Code Chapter 339. The proposed regulation was published in the February 4, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 6, 2008.

This final-form rulemaking updates the Department's existing regulations on vocational education and allows intermediate units to establish Technical Institutes, which will be operated for the purpose of providing technical education by offering nondegree-granting post high school programs and courses of not more than two years.

We have determined this regulation is consistent with the statutory authority of the Department (24 P. S. §§ 18-1801—18.1855 and 24 P. S. §§ 26-2601-B—26.2606-B) 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. 08-857. Filed for public inspection May 2, 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 regulation. 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 Issued</i>
10-181	Department of Health School Immunizations; Communicable and Noncommunicable Diseases 38 Pa.B. 750 (February 9, 2008)	3/24/08	4/23/08

—
**Department of Health
Regulation #10-181 (IRRC #2672)**

**School Immunizations; Communicable and
Noncommunicable Diseases**

April 23, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the February 9, 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 Department of Health (Department) to respond to all comments received from us or any other source.

1. General Issues—Economic impact; Protection of the public health safety and welfare; Reasonableness.

Combination vaccines

The Pennsylvania Medical Society (Medical Society) suggests that the Department use combination vaccines for several immunizations. The Medical Society states that combination vaccines are recommended by the Centers for Disease Control's (CDC) Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics and the American Academy of Family Physicians. The Medical Society further cites a CDC report which states that combination vaccines reduce costs by permitting fewer medical visits, and by lowering costs for stocking and storing vaccines. The Medical Society also states combination vaccines reduce the stress of putting a child through multiple injections in a single visit. The Medical Society's comments identify several vaccinations that could be combined.

The Medical Society provided a compelling case for combination vaccines. The Preamble states that the Department developed the proposed amendments to the regulation following review of the recommendations of the ACIP. However, combination vaccines were not included in this rulemaking. The Department should explain why it did not include combination vaccines in its proposed amendments.

ACIP Guidelines

The Medical Society recommends that the Department adopt the ACIP guidelines by reference. This would eliminate the need to update the Department's regulations every time the recommendations change. The Medical Society's comments include several recommendations for changes in accordance with ACIP guidelines, including combination vaccines, ages for vaccination or boosters, injectible polio vaccine, MMR, varicella and additional vaccinations. The Department should explain why it did not adopt the ACIP guidelines by reference. If the Department believes the ACIP guidelines should not be adopted by reference, we recommend that the Department carefully consider the individual comments and suggestions included in the Medical Society's comments. We will review the Department's responses as part of our consideration of whether the final-form regulation meets the criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

Additional vaccines

The Medical Society also asks the Department to consider adding vaccination requirements for hepatitis A, rotavirus, haemophilus influenzae type b and human papillomavirus. Should these be required by regulation?

2. Section 23.83—Immunization requirements.—Protection of Public Health, Safety and Welfare; Reasonableness; Implementation procedures; Clarity.

Public, private, parochial or nonpublic school in this Commonwealth

Subsection (a) provides a listing of who is responsible for ascertaining whether a child has been immunized prior to admission to school. The regulation states that it is the duty of: "[e]ach school director, superintendent, principal or other person in charge of a public, private, parochial or nonpublic school in this Commonwealth, **including vocational schools, intermediate units, and special education and home education programs . . .**" (Emphasis added.) However, the regulation does not specifically address charter and cyber charter schools. For clarity, the final-form regulation should specifically include school personnel from charter and cyber charter schools. The same concern applies to the language in Subsection (c) and Section 23.86(a).

Ascertain that a child has been immunized

Subsection (a) requires various school personnel to ascertain that a child has been immunized, but does not specify the acceptable means for making this determination. We note that Subparagraph 27.77(a)(1)(i) of the Department's regulations requires "written verification from a physician, the Department or a local health department" of immunizations. We recommend either including similar language in Subsection (a) so that school personnel know how to comply with the regulation, or including language for all of the immunizations listed in Subsection (b), as is included in Subparagraph (b)(8)(ii) for Chickenpox (varicella).

Penalties and exemptions

We recommend adding a cross-reference in Subsection (a) to 24 P. S. § 13-1303a (*Immunization required; penalty*). This will clarify the statutory exemptions from the immunization requirements and the penalties for noncompliance with this provision.

Properly-spaced doses

The paragraphs under Subsection (b) repeatedly use the phrase "properly-spaced doses," but does not identify where the standard of properly-spaced doses can be found. Is the standard found in the ACIP guidelines? We recommend that the final-form regulation include the standard that is to be used to determine "properly-spaced doses."

Phase-in year of 2010/2011

Under Subparagraph (b)(8)(i), Chickenpox (varicella) requirements will change to two doses for entry to kindergarten and for children 13 years of age or older. The regulation also allows a phase-in of the two doses for the 2010/2011 school year. How did the Department determine that school year 2010/2011 allows a reasonable amount of time to acquire these immunizations?

Additionally, the existing regulation requires a Chickenpox (varicella) vaccine dose at age 12 months *or older*. However, proposed Clause (8)(i)(A) does not include the phrase "or older." We recommend adding the phrase "or older" to Clause (8)(i)(A).

To improve clarity, the Department should also explain the difference between the vaccine requirements in Subsections (b)(8)(i)(B) and (b)(8)(i)(C).

Laboratory testing

In Subsections (b)(4) and (5), the Department is deleting the specific requirement for serological evidence and replacing it with the requirement for "laboratory testing." We recognize that in the Preamble, the Department explains technology is changing and it is reluctant to require a specific test. However, the requirement to prove immunity by "laboratory testing" is broad. What type of laboratory testing will the Department accept? Would the testing procedure and the laboratory have to be approved or accredited by an appropriate medical authority?

4-day grace period

Subsection (f) refers to a "4-day grace period" for the deadline for the administration of required vaccines. The final-form regulation should explain who will monitor this grace period, and what the consequences would be for exceeding it.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-858. Filed for public inspection May 2, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

AF&L Insurance Company; Rate Increase Filing for LTC Policy Form NHP and Rider RPB; Rate Filing

AF&L Insurance Company is requesting approval to increase the premium 200% on Long-Term Care policy form NHP. The company is requesting a 500% increase on the return-of-premium rider RPB when the rider is attached to the NHP policy. A total of 401 Pennsylvania residents hold NHP policies while 165 of the NHP policyholders also have the RPB rider.

Unless formal administrative action is taken prior to July 16, 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 also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-859. Filed for public inspection May 2, 2008, 9:00 a.m.]

Erie Insurance Exchange; Homeowners Rate and Rule Filing; Notice

On April 11, 2008, the Insurance Department (Department) received from Erie Insurance Exchange a filing for rate level changes for Homeowners Insurance.

The company requests an overall 0.3% decrease amounting to \$899,000 annually, to be effective August 1, 2008.

Unless formal administrative action is taken prior to June 10, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Gang (Eric) Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-860. Filed for public inspection May 2, 2008, 9:00 a.m.]

First Priority Health—BlueCare HMO Pharmacy Rate Filing; Rate Filing

By filing No. H-1396-FPH/FPH Plus-RX, First Priority Health HMO requests approval to increase the small group pharmacy rates by an average of 9.5%, depending on the selected plan design. This filing will affect approximately 20,338 members and will produce additional income of about \$982,318 annually. The requested effective date of the change is July 1, 2008.

Unless formal administrative action is taken prior to July 17, 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 also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherrri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-861. Filed for public inspection May 2, 2008, 9:00 a.m.]

QCC Insurance Co. (a subsidiary of Independence Blue Cross); Filing No. 4-T-08 Nongroup Personal Choice Rate Filing; Rate Filing

On April 10, 2008, the Insurance Department (Department) received from QCC Insurance Co. (a subsidiary of Independence Blue Cross) a filing for a rate increase for its Nongroup Personal Choice product.

The company requests the following rate increases by benefit plan option: Prime 0.01%, High 8.94% and Standard 0.00%.

Unless formal administrative action is taken prior to July 16, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-862. Filed for public inspection May 2, 2008, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has 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 policy. The hearing 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 hearing will be held in the Insurance Department's regional office in Harrisburg, 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 Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Michael Frankenfield; file no. 08-214-48796; State Farm Fire & Casualty Company; doc. no. PH08-04-010; May 23, 2008, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-863. Filed for public inspection May 2, 2008, 9:00 a.m.]

Donald Turner, D. O.; Prehearing

Appeal of Donald Turner, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-03-020

The March 5, 2008, scheduling Order is vacated. On or before April 25, 2008, counsel for the appellant shall file an entry of appearance. On or before May 6, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 6, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A

prehearing telephone conference initiated by this office is scheduled for May 20, 2008, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 25, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 9, 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 May 16, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joel Cortes, Human Resources Analyst at (717) 783-2168.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-864. Filed for public inspection May 2, 2008, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Dauphin County, Office Space 2618110000, Harrisburg, PA.

Lease office space to rent to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 30,000 net useable square feet of new or existing space within Forster, Third, Boas and Green Streets, Harrisburg, PA, Dauphin County.

Proposals due: May 13, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, Room 216, Northwest Office Building, Forster and Capital Streets, Harrisburg, PA 17124-0001
Contact: Joseph P. Hannon, (717) 787-3016

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 08-865. Filed for public inspection May 2, 2008, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, will hold a meeting of the Authority's Board on Monday, May 12, 2008, at 5 p.m. in the Crowne Plaza Valley Forge, 260 Mall Boulevard, King of Prussia, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 08-866. Filed for public inspection May 2, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sale of Two Vacant Buildings

A-2008-2037122. The United Telephone Company of PA, t/a Embarq PA. Application of The United Telephone Company of PA, t/a Embarq PA, for approval of the sale of two vacant buildings.

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 May 19, 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: The United Telephone Company of PA, t/a Embarq PA

Through and By Counsel: Zsuzsanna E. Benedek, Senior Counsel, 240 North Third Street, Suite 201, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-867. Filed for public inspection May 2, 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 May 19, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers* for transportation of *persons* as described under each application.

A-2008-2024337. (Corrected) Keith Solomon, t/a Solomon's Chariot (106 East Horttter Street, Philadelphia, PA 19119)—persons, in paratransit service, from points in the City and County of Philadelphia, to all County, State and Federal Correctional Institutions, located in Pennsylvania, and return.

A-2008-2035748. Ronald F. Wallace (1789 Captain Bloom Road, Sunbury, Northumberland County, PA 17801)—persons, in paratransit service, from points in the Townships of Lower Augusta, Rockefeller, Rush and Shamokin, Northumberland County, to points in Pennsylvania and return. *Attorney:* Preston L. Davis, Davis, Davis & Kaar, 37 Arch Street, P. O. Box 319, Milton, PA 17847.

A-2008-2036467. Roy W. Estes (194-A Nolt Road, New Holland, Lancaster County, PA 17557), for the right to begin to transport persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster to points in Pennsylvania, and return.

A-2008-2036851. Laura L. Hudson t/d/b/a Warren Taxi Service (1 Frontier Drive, Youngsville, Warren County, PA 16371)—persons, upon call or demand in the County of Warren and within an airline distance of 50 statute miles of the limits of said county. Application for temporary authority has been filed at A-2008-2036860 seeking the right cited above.

A-2008-2037385. Ida E. Hurst (1707 Bowmansville Road, Mohnton, Lancaster County, PA 19540), for the right to begin to transport persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Berks, Chester and Lancaster, 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-2008-2036424. Ray Ray Cab Company, LLC, t/d/b/a Peoples Cabs and Peoples Cab (1825 Liverpool Street, Pittsburgh, Allegheny County, PA 15223), a limited liability company of the Commonwealth—persons, upon call or demand in the City of Pittsburgh, Allegheny County; which is to be a transfer of all of the rights authorized under the certificate of public convenience issued at A-00120860, F.2, to Transportation Information Enterprises, LLC, subject to the same limitations and conditions. *Attorney:* Michael J. McShea, Northridge Office Plaza, 117 VIP Drive, Suite 310, Wexford, PA 15090.

Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00111425. Daniel R. Koebler, t/a Crown Limousine Service (701 East Main Street Ext., Grove City, PA 16127), persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in Pennsylvania.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00110286. Mary Jo Spellman Yankovich and Mary Anne Spellman, Coparners, t/d/b/a Spellman Limousine Service (P. O. Box 1764, Wilkes-Barre, Luzerne County, PA 18703)—discontinuance of service—persons, in airport transfer service from points in the County of Luzerne, to the Wilkes-Barre-Scranton Airport, located in the Township of Pittston, Luzerne County; the Philadelphia International airport, located in the County of Philadelphia and Township of Tincum, Delaware County, the Northeast Philadelphia Airport, located in the City and County of Philadelphia; the Allentown-Bethlehem-Easton Airport, located in the Township of Hanover, Lehigh County, and to the Harrisburg International Airport, located in the Township of Lower Swatara, Dauphin County; subject to the following condition: provided that no right, power or privilege is granted to transport persons in vehicles having a seating capacity exceeding ten persons, excluding the driver.

A-00110286, F.2. Mary Jo Spellman Yankovich and Mary Anne Spellman, Coparners, t/d/b/a Spellman Limousine Service (P. O. Box 1764, Wilkes-Barre, Luzerne County, PA 18703)—discontinuance of service—persons, in limousine service between points in the County of Luzerne, and from points in said county, to points in Pennsylvania and return; subject to the following condition: provided that no right, power or privilege is granted to provide service from points in the City of Hazleton, Luzerne County.

A-00117894, F.2. Francis A. Larkin, t/d/b/a Door To Door Limousine Service (33A Waverly Avenue, Morton, Delaware County, PA 19070)—discontinuance of service and cancellation of its certificate—persons in limousine service, between points in the Counties of Delaware, Chester and Montgomery and from points in said counties, and from Philadelphia County, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

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-00122820. Sam (Store and Move), LLC, One Premier Drive, Fenton, MO 63026, a corporation of the State of Missouri, for the additional right to begin to transport, as a common carrier, by motor vehicle, household goods in use between points in Pennsylvania.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-868. Filed for public inspection May 2, 2008, 9:00 a.m.]

Telecommunications

A-2008-2037319. The United Telephone Company of Pennsylvania, LLC d/b/a Embarq Pennsylvania and Bandwidth.com CLEC, LLC. Joint petition of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Bandwidth.com CLEC, LLC for approval of a master interconnection and collocation agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Bandwidth.com CLEC, LLC, by its counsel, filed on April 18, 2008, at the

Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection and collocation 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 United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Bandwidth.com CLEC, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-869. Filed for public inspection May 2, 2008, 9:00 a.m.]

Telecommunications

A-2008-2037228. Windstream Pennsylvania, Inc. and Penn Telecom, Inc., d/b/a Consolidated Communications. Joint petition of Windstream Pennsylvania, Inc. and Penn Telecom, Inc., d/b/a Consolidated Communications for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, Inc. and Penn Telecom, Inc., d/b/a Consolidated Communications, by its counsel, filed on April 17, 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 Windstream Pennsylvania, Inc. and Penn Telecom, Inc., d/b/a Consolidated Communications joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-870. Filed for public inspection May 2, 2008, 9:00 a.m.]

Telecommunications Services

A-2008-2036438. Big River Telephone, LLC. Application of Big River Telephone, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a facilities-based competitive local exchange carrier in the service territory of The United Telephone Company of PA, t/a Embarq.

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 May 19, 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: Big River Telephone, LLC

Through and By Counsel: Douglas F. Brent, Esquire, Stoll, Keenon and Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, KY 40202

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-871. Filed for public inspection May 2, 2008, 9:00 a.m.]

Water Service

A-2008-2037142. The Columbia Water Company. Application of The Columbia Water Company for approval to begin to offer, render, furnish or supply water service to the public in additional territory in Manor Township, Lancaster 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 May 19, 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: The Columbia Water Company

Through and By Counsel: Jan P. Paden, Esquire, J. Bruce Walter, Esquire, Rhodes and Sinon, LLP, P. O. Box 1146, Harrisburg, PA 17108-1146

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-872. Filed for public inspection May 2, 2008, 9:00 a.m.]