

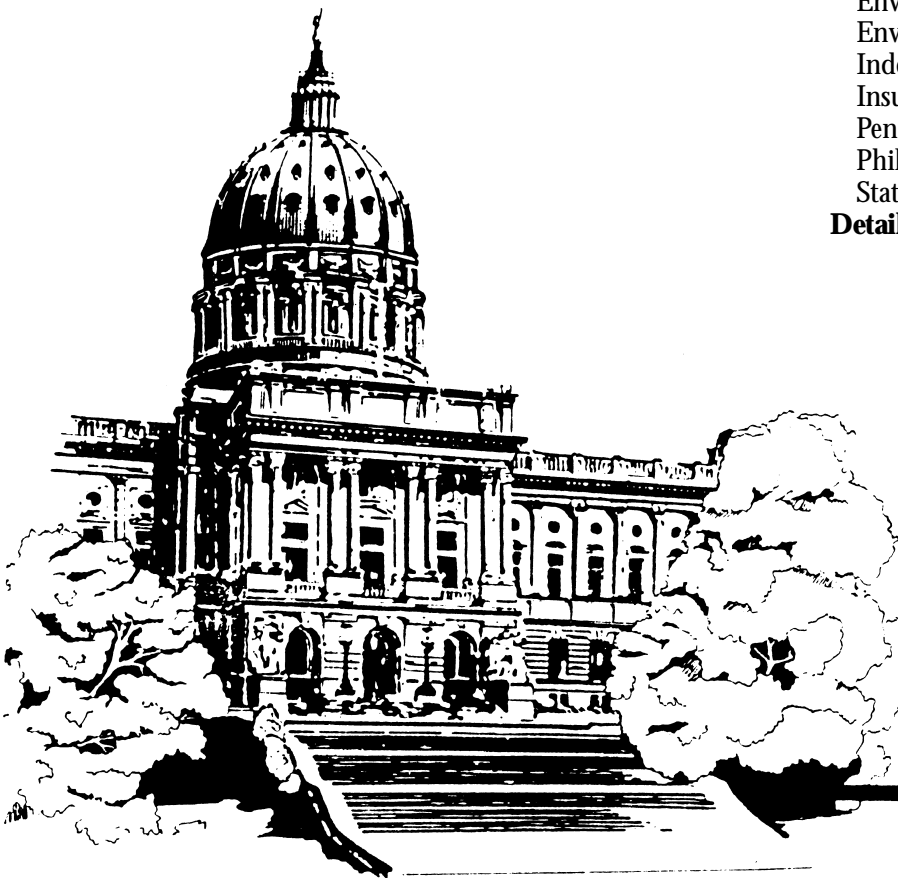
# PENNSYLVANIA BULLETIN

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The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of Health  
Environmental Hearing Board  
Environmental Quality Board  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Ethics Commission

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**No. 398, January 2008**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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 COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CH. 7 ]

Amendment of Rule 701(A); No. 313 Judicial Administration; Doc. No. 1

### Order

*Per Curiam:*

*And Now*, this 27th day of December, 2007, Rule 701(A) of the Pennsylvania Rules of Judicial Administration is amended to read as follows.

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

This Order shall be effective January 1, 2008, and shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 7. ASSIGNMENT OF JUDGES

##### ASSIGNMENT AND TRANSFER OF JUDGES

##### Rule 701. Assignment of judges to courts.

(A) *Conditions Applicable for the Certification of Senior Magisterial District Judges, Judges or Justices.*

\* \* \* \* \*

**(5) A magisterial district judge, judge or justice may only be certified for senior status for a maximum of ten years, absent extraordinary circumstances, as determined by the Chief Justice. However, those serving in senior status as of the effective date of this rule may continue to serve until subject to the age limit of paragraph (3) above.**

[Pa.B. Doc. No. 08-37. Filed for public inspection January 11, 2008, 9:00 a.m.]

[ 201 PA. CODE CH. 2 ]

Promulgation of The Unified Judicial System of Pennsylvania Policy on Nondiscrimination and Equal Employment Opportunity; Judicial Administration; Doc. No. 1; No. 312

### Order

*Per Curiam:*

*And Now*, this 21st day of December, 2007, the *Unified Judicial System of Pennsylvania Policy on Nondiscrimination and Equal Employment Opportunity* is promulgated to read as follows.

This Order shall be effective January 1, 2008.

### Annex A

#### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

##### CHAPTER 2. POLICY ON NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

##### Rule 201. Generally.

(a) The Supreme Court of Pennsylvania declares that it is the policy of the Unified Judicial System of Pennsylvania (UJS) to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful, and nondiscriminatory manner.

(b) This policy prohibits all forms of discrimination and harassment in a Court Facility (defined as "Any building or office serving as the workplace for Personnel of the System and/or Related Staff; and any UJS-related building or office in which Court Users conduct business with the UJS"), and applies to the following:

*Personnel of the System*—defined in 42 Pa.C.S.A. § 102 as "Judicial officers, personal staff, administrative staff, and central staff."

*Related Staff*—defined in 42 Pa.C.S.A. § 102 as "All individuals employed at public expense who serve the UJS, but the term does not include Personnel of the System." Those who serve the UJS include district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of courts, clerks of the orphan's court division, coroners, jury commissioners, probation officials and personnel of all of the foregoing.

*Court Users*—includes, but is not limited to, attorneys, applicants for employment, litigants, witnesses, jurors and court volunteers.

(c) The Supreme Court of Pennsylvania is committed to the principles of equal employment opportunity to ensure legal and appropriate hiring and employment practices, and to promote public confidence in the fairness and integrity of the judicial system and the judicial process. It is, therefore, the policy of the Supreme Court that there shall be no discrimination because of race, color, sex, sexual orientation, national origin, age, disability or religion by any Personnel of the System or Related Staff in any employment-related action (such as, hiring, promotion, terms or privileges of employment, and the like), or by any Personnel of the System, Related Staff or attorney in any court-related action.

(d) Accordingly, all judicial officers and managerial and supervisory Personnel of the System shall ensure adherence to and compliance with this Policy and the procedures intended to facilitate its implementation and administration.

##### Rule 202. Prohibition Against Discrimination and Harassment.

(a) Discrimination and harassment because of race, color, sex, sexual orientation, national origin, age, disability or religion are prohibited. The discrimination and harassment constitute an abuse of authority that will not be tolerated by the UJS. Further, the discrimination and harassment constitute misconduct, warranting appropriate disciplinary action. Judicial officers and managerial and supervisory Personnel of the System shall ensure adherence to, and compliance with, this Policy.



(1) *Prohibition Against Discrimination.* Under this Policy, discrimination includes actions by an individual or organization that cause an individual or a group of individuals to be denigrated or treated less favorably than another person or group because of one's race, color, sex, sexual orientation, national origin, age, disability or religion. The discriminatory conduct may include, but is not limited to, actions relating to the following:

(i) Recruitment and hiring by Personnel of the System or Related Staff; or

(ii) Provision of salary, benefits, or other terms or conditions of employment by Personnel of the System or Related Staff; or

(iii) Provision of training and other education opportunities by Personnel of the System or Related Staff; or

(iv) Promotions, transfers, discharge or other employment actions by Personnel of the System or Related Staff; or

(v) Any matter relating to the judicial process by Personnel of the System, Related Staff or attorneys.

(2) *Prohibition Against Harassment.*

(i) *Sexual Harassment.*

Sexual harassment is sex discrimination. Equal Employment Opportunity Commission (EEOC) guidelines define sexual harassment as unwelcome sexual attention, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

(A) The submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(B) The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(3) Sexual harassment does not refer to socially acceptable behavior or occasional compliments of a socially acceptable nature. It refers to behavior that a reasonable person could and does consider unwelcome or personally offensive. Sexual harassment involves improper behavior or requests that establish improper quid pro quo workplace requirements of a sexual nature, or which otherwise create a hostile work environment for a reasonable person of that gender. Types of sexual harassment include:

(i) "Quid Pro Quo" Harassment—Is when an individual in a position of authority demands sexual consideration in exchange for the promise of a job, certain job benefits such as raises or promotions, or the promise of continued employment.

(ii) "Hostile Work Environment" Harassment—Is when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature create an atmosphere which unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment for any individual.

(4) Sexual harassment may take different forms including, but not limited to, the following examples.

(i) *Verbal:* Sexually explicit language, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats.

(ii) *Non-Verbal:* Display of sexually suggestive objects or pictures, commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.

(iii) *Physical:* Unwanted physical contact, or the threat of unwanted physical contact, including offensive touching, unwelcomed sexual intercourse, sexual assault and other forms of physical contact of a sexual nature.

(5) *Racial and Other Harassment.* Under this Policy, racial and other harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's race, color, sexual orientation, national origin, age, disability or religion. Harassing conduct may include, but is not limited to, the following:

(i) *Verbal:* Epithets, slurs, stereotyping, or denigrating jokes.

(ii) *Non-Verbal:* Display of written or graphic materials that denigrate or show hostility or aversion toward an individual or group in such a manner as to be readily viewed by others.

(iii) *Physical:* Threatening, intimidating or hostile acts.

**Rule 203. Prohibition Against Retaliation.**

(a) Retaliation in any form against any person who complains about harassment or discrimination, who files a harassment or discrimination complaint, or who cooperates with, or assists in, the investigation of such complaints is prohibited under this Policy. Retaliation constitutes an abuse of authority, and will not be tolerated. Retaliation by any Personnel of the System or Related Staff will be considered misconduct warranting disciplinary action. Judicial officers and managerial and supervisory Personnel of the System shall ensure adherence to and compliance with this Policy.

(b) Charges of retaliation will be viewed as separate and distinct from the original complaint or action which precipitated the alleged retaliation and may form the basis for a new complaint. Retaliation may result in disciplinary action even though the original harassment or discrimination complaint was determined to be unfounded and dismissed.

**Rule 204. Compliance and Reporting Responsibilities.**

(a) Personnel of the System and Related Staff are expected to comply with this Policy, and all judicial officers and managerial and supervisory Personnel of the System are obligated to take appropriate measures to ensure that prohibited conduct does not occur, or is properly reported, if observed.

(b) Personnel of the System who engage in any form of prohibited discrimination or harassment within a Court Facility may be subject to disciplinary action.

(c) Related Staff who serve the UJS and who engage in any form of prohibited discrimination or harassment within a Court Facility will be reported to the chief official in their Related Staff offices for appropriate review and action. With respect to violations of this UJS Policy by Related Staff, the Supreme Court expects each Related Staff office to take discrimination and harassment complaints very seriously and to properly investigate and adjudicate such complaints.

(d) Any Personnel of the System, Related Staff or Court Users who feel they have been subjected to, or have observed, any form of discrimination or harassment in any judicial process or Court Facility are urged to report such discrimination or harassment in accordance with the

published UJS Nondiscrimination and Equal Employment Opportunity Complaint Procedures which are posted as a companion document to this Policy.

(e) Any Personnel of the System, Related Staff or Court Users who do not have access to these complaint procedures may obtain a copy of these procedures from their local personnel office, the AOPC Office of Human Resources at 717-795-2080, or the UJS Website at [www.courts.state.pa.us](http://www.courts.state.pa.us).

(f) Judicial officers and managerial and supervisory Personnel of the System who observe, or have reason to believe that discrimination or harassment has occurred in a Court Facility, must (1) take immediate action to terminate any ongoing harassment/discrimination if they are reasonably able to do so; or (2) immediately report such harassment/discrimination, if possible, as described in the UJS Nondiscrimination and Equal Employment Opportunity Complaint Procedures referenced previously.

**Rule 205. Filing Complaints under This Policy.**

(a) The UJS Nondiscrimination and Equal Employment Opportunity Complaint Procedures accompanying this Policy offer guidance as to how to file complaints of alleged harassment or discrimination as described in this Policy. Specific procedures have been created for Personnel of the System and Related Staff based on their organizational entity. Separate procedures have been created for Court Users doing business with the UJS in a Court Facility.

(b) If the appropriate procedures are not immediately available, complainants may obtain a copy of these procedures from their local personnel office, the AOPC Office of Human Resources at (717) 795-2080, or the UJS Website at [www.courts.state.pa.us](http://www.courts.state.pa.us).

**Rule 206. Investigation and Adjudication of Complaints.**

All complaints alleging harassment or discrimination will be fully investigated and adjudicated by duly designated authorities of the UJS. Such authorities are identified in the complaint procedures which are posted as a companion document to this Policy.

**Rule 207. Disciplinary or Remedial Actions.**

Violations of this Policy may result in disciplinary action as prescribed by the appropriate policies, which govern the behavior and performance of Personnel of the System and Related Staff. In addition to such discipline, appropriate remedial actions will be taken by the employing authority to (1) remedy the instant complaint, and (2) prevent future violations.

**Rule 208. Responsibility to Monitor the Implementation and Enforcement of this Policy.**

(a) For UJS offices employing Personnel of the System, the AOPC shall undertake those measures necessary to properly monitor compliance with this Policy through the following actions:

(1) Develop and promote policies and procedures designed to ensure equal employment opportunity and fair and nondiscriminatory treatment of the protected classes listed in this Policy.

(2) Develop the administrative policies and procedures needed to ensure that alleged violations of this Policy can be appropriately investigated on a timely basis.

(3) Collect data related to the hiring and employment practices of each UJS office employing Personnel of the

System and conduct related audits of equal employment opportunity and non-discrimination practices.

(4) Collect and maintain data/statistics relating to the number, nature and disposition of complaints filed under this Policy.

(5) Work with each UJS office employing Personnel of the System to oversee the development of education and training opportunities and materials designed to promote and ensure proper adherence to these policy guidelines.

(b) For those offices employing Related Staff, the Supreme Court expects each office to take appropriate steps to monitor and enforce this Policy through: 1) the development of administrative policies and procedures; 2) the collection of data and statistics; and 3) the development of education and training opportunities and materials.

**Rule 209. Penalties for Misconduct.**

(a) Any Personnel of the System who have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action up to and including discharge, as provided by the policies governing their employment with the UJS.

(b) Any Related Staff serving the UJS who have been reported to officials in their respective offices for appropriate review and action and have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary actions, as provided by the policies of their respective offices.

(c) The Supreme Court expects each Related Staff office serving the UJS to take such violations very seriously and to apply appropriate remedial or disciplinary actions.

(d) Any judicial officer or attorney who—after proper investigation by the appropriate authority—has been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action by the Disciplinary Board (in the case of attorneys) or the Court of Judicial Discipline (in the case of judicial officers).

**Rule 210. Exclusion of Judicial Proceedings and the Judicial Decision-Making Process.**

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

**Rule 211. Distribution of Policy and Procedures.**

(a) *Personnel of the System*—A copy of this Policy and accompanying complaint procedures will be provided initially to all current employees and will be posted prominently in visible locations within Court Facilities. Thereafter, a copy of this Policy, with accompanying complaint procedures, will be distributed to all new Personnel of the System upon their entry into judiciary service.

(b) *Related Staff*—A copy of this Policy and accompanying complaint procedures will be provided to the chief official in each Related Staff office for duplication and distribution to all current employees and new Related Staff upon their entry into service.

(c) *Court Users*—A copy of this Policy and accompanying complaint procedures will be prominently posted in a location visible to all Court Users within each Court Facility.

[Pa.B. Doc. No. 08-38. Filed for public inspection January 11, 2008, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

President Judge General Court Regulation No.  
2007-02

#### Order

*And Now*, this 20th day of December, 2007, Philadelphia Civil Rule \*205.4 having been adopted by the Board of Judges of Philadelphia County on November 15, 2007, and having been promulgated by Order of this Court dated December 13, 2007, *It Is Hereby Ordered* that as required by Pa.R.C.P. No. 239.9(d) and Pa.R.C.P. No. 239.8, Philadelphia Civil Rule \*205.4 shall be published on the Pennsylvania Judiciary's Web Application Portal [ujportal.pacourts.us/Rules/RulesSelection.aspx](http://ujportal.pacourts.us/Rules/RulesSelection.aspx).

*By the Court*

C. DARNELL JONES, II,  
*President Judge*

[Pa.B. Doc. No. 08-39. Filed for public inspection January 11, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CHESTER COUNTY

Adopting Local Rule of Orphans' Court; L3.6A.  
Discovery; No. 1507-9999

#### Adopting Order

*Now* this 19th day of December, 2007, it is hereby *Ordered*:

1. The following designated Chester County Orphans' Court Rule L3.6A Discovery, a copy of which follows, is hereby adopted as a Rule of this Court, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

2. The Chester County Court Administrator is directed to:

A. File seven (7) certified copies of this Order and the following Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order and the following Rule, along with a diskette or CD, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of the Order and the following Rule with the Pennsylvania Orphans' Court Rules Committee.

D. File proof of compliance with this Order in the docket for this Rule, which shall include a copy of each transmittal letter.

*By the Court*

PAULA FRANCISCO OTT,  
*President Judge*

### ORPHANS' COURT RULE

#### Rule L3.6A. Discovery.

In Orphans' Court cases where any or all of the parties are seeking discovery, Court approval must be obtained prior to the taking of depositions, perpetuating testimony, or compelling the production of documents.

In matters where all parties are in agreement as to discovery, a written stipulation must be filed with the Court prior to the commencement of discovery. The stipulation must be signed by all parties or their counsel and must provide specific stipulations as to the nature and extent of the discovery as well as a timetable for completion of the discovery. The stipulation must be submitted for Court approval within a reasonable time prior to the proposed commencement of discovery.

[Pa.B. Doc. No. 08-40. Filed for public inspection January 11, 2008, 9:00 a.m.]

### DAUPHIN COUNTY

New Rules of the Orphans' Court Division; AO-31-  
2007; No. 1793 CV 1989; No. 1-1991

#### Order

*And Now*, this 18th day of December, 2007, Dauphin County Local Orphans' Court Rule 14.2 is amended as follows:

\* \* \* \* \*

(c) Evidence in support of a Petition seeking determination of incapacity shall be presented at the hearing pursuant to the Probate, Estate and Fiduciary Code at 20 Pa.C.S. § 5518. In non-contested matters, in lieu of the presentation of testimony in person or by oral deposition, a written "Deposition of Individual Qualified to Render Opinion as to Incapacitation" may be prepared and filed in the office of the Clerk of the Orphans' Court prior to the hearing. An "Individual Qualified to Render Opinion as to Incapacitation" pursuant to this Rule shall be a licensed psychologist, psychiatrist or medical doctor. Said document shall be substantially in the form provided in Appendix A of the Local Orphans' Court Rules and shall be typed and verified. A form for completion is also available online at the Dauphin County website ([www.dauphincounty.org](http://www.dauphincounty.org)).

These amendments shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

APPENDIX A

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA ORPHANS' COURT DIVISION

IN RE:

DEPOSITION OF INDIVIDUAL QUALIFIED TO RENDER OPINION AS TO INCAPACITATION

This written deposition of \_\_\_\_\_, a witness in this matter, is taken on the \_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, Pennsylvania.

1. Please state your name and your professional address.

2. Please describe your education, training and background with particular emphasis on your expertise in evaluation of individuals with incapacities OR attach to this written deposition your curriculum vitae.

3. In your professional capacity, have you had the opportunity to meet with, examine, speak with or otherwise become acquainted with \_\_\_\_\_? (name of patient)

If yes, please state the following:

I first became acquainted with \_\_\_\_\_ on \_\_\_\_\_ (name of patient) \_\_\_\_\_, when he/she was brought to my attention by \_\_\_\_\_.

I have since (visited, spoken with, examined or treated) \_\_\_\_\_ (circle applicable contacts) him/her on \_\_\_\_\_ other occasions with an average frequency of \_\_\_\_\_ times per \_\_\_\_\_ (day/week/month/year).

4. Please evaluate the present condition of this patient with respect to incapacities of the type alleged in the Petition for Adjudication of Incapacity.

In particular, please comment on the nature and extent of the alleged incapacities and disabilities and also, insofar as you are able, his/her mental, emotional and physical condition, adaptive behavior, and social skills.

Based upon my education, training and experience, as well as my acquaintance with this patient, it is my opinion, to a reasonable degree of medical certainty, that his/her incapacities are as follows:

Mental condition
\_\_\_\_\_

Emotional condition
\_\_\_\_\_

Physical condition
\_\_\_\_\_

Adaptive behavior
\_\_\_\_\_

Social skills

5. Based upon your education, training and experience, and your contacts with this patient, do you have an opinion, to a reasonable degree of medical certainty, whether he/she is impaired in his/her ability to effectively receive and evaluate information and to make and communicate decisions in any way?

If yes, please explain your opinion.

6. If you are of the opinion that he/she is impaired in his/her ability to effectively receive and evaluate information and to make and communicate decisions in any way, does such impairment render him/her either partially or totally unable to manage his/her financial resources?

If yes, check whether such impairment renders him/her:

\_\_\_\_\_ Partially unable to manage his/her own finances.

\_\_\_\_\_ Totally unable to manage his/her own finances.

Please explain your opinion.

7. If you are of the opinion that he/she is impaired in his/her ability to effectively receive and evaluate information and make and communicate decisions in any way, does such impairment render him/her either partially or totally unable to meet the essential requirements for his/her physical health and safety?

If yes, check whether such impairment renders him/her:

\_\_\_\_\_ Partially unable to meet essential requirements for his/her physical health and safety.

\_\_\_\_\_ Totally unable to meet essential requirements for his/her physical health and safety.

Please explain your opinion.

8. Please provide an assessment of the severity of any impairments of this patient.

Table with 2 columns: Impairment and (Circle one). Rows a) through h) with options mild, moderate, severe.

9. Is the condition of this patient such that because of his/her condition, he/she would be susceptible to undue influence by unscrupulous or designing persons?

If so, what services or assistance would you recommend as necessary to appropriate management of this patient's finances?

10. What services or assistance would you recommend as necessary to meeting the health and safety needs of this patient?

11. Are the services or assistance recommended the least restrictive alternatives?

Does the patient need the services of the guardian to make decisions regarding the patient's healthcare, safety and financial resources? In other words, could the patient evaluate, communicate and make decisions regarding his/her health treatment, safety and financial resources in important matters without the guardian?

If not, please explain why less restrictive alternatives are inappropriate.

12. Based upon your education, training, experience and familiarity with this patient, what is your opinion as to the likelihood that the degree of incapacitation will significantly change?

13. Would the physical or mental condition of this patient be harmed by his/her presence in open court? **NOTE:** Pennsylvania law, 20 Pa.C.S. § 5511(a)(1), requires that the alleged incapacitated person be present at the hearing unless a physician or licensed psychologist provides by deposition, testimony or sworn statement, an opinion that his/her physical or mental condition would be harmed by his/her presence in court. If yes, please explain.

**VERIFICATION**

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

\_\_\_\_\_  
Signature of Deponent

Dated: \_\_\_\_\_

[Pa.B. Doc. No. 08-41. Filed for public inspection January 11, 2008, 9:00 a.m.]

\_\_\_\_\_

**ERIE COUNTY**

**Amendment of Rule 117; Rules of Criminal Procedure**

*And Now*, to wit, this 20th day of December, 2007 and effective thirty (30) days after the date of its publication in the *Pennsylvania Bulletin*, it is hereby *Ordered* that Paragraph C of Erie County Rule of Criminal Procedure 117, Magisterial District Judge Coverage for Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail, is hereby amended to read in its entirety as follows:

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

All remaining provisions of Rule 117 shall remain in full force and effect.

ELIZABETH K. KELLY,  
*President Judge*

[Pa.B. Doc. No. 08-42. Filed for public inspection January 11, 2008, 9:00 a.m.]

**LAWRENCE COUNTY**

**Adoption of Local Rules of Civil Procedure Relating to Actions for Custody, Partial Custody, Visitation and Relocation of Minor Children, Local Rules L.1915.1, L.1915.3, L.1915.4, L.1915.5, L.1915.7 and L.1915.10; No. 90069 of 2007, A. D.**

**Administrative Order of Court**

*And Now*, this 19th day of December, 2007, it is hereby *Ordered and Decreed* that the Lawrence County Court of Common Pleas hereby adopts new local rules of civil procedure, L.1915.1, L.1915.3, L.1915.4, L.1915.5, L.1915.7 and L.1915.10, as follows and incorporate herein by reference.

The Lawrence County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one (1) diskette with the Legislative Reference bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Procedural Rules Committee.
4. Forward one (1) copy for publication in the *Lawrence County Law Journal*.
5. Forward one (1) copy to the *Lawrence County Law Library*.
6. Keep continuously available for public inspection copies of this Administrative Order and Rules in the Office of the Prothonotary of Lawrence County.

The effective date of this order shall be thirty (30) days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

DOMINICK MOTTO,  
*President Judge*

### **Action for Custody, Partial Custody, Visitation and Relocation of Minor Children**

#### **L.1915.1. Scope. Definitions.**

(a) These rules govern all actions for custody, partial custody and visitation, including original actions, petitions for relocation, petitions to modify orders and petitions for contempt.

(b) These rules supplement the Pennsylvania Rules of Civil Procedure governing custody actions, Pa.R.C.P. No. 1915.1 et seq.

#### **L.1915.3. Commencement of Action, Complaint, Order.**

(a) A conference before a court-appointed Custody Conciliation Conference Officer shall be held in all cases involving claims for custody, partial custody, visitation or relocation. All custody complaints or petitions shall include the scheduling order required by Pa.R.C.P. No. 1915.3.

(b) The moving party shall deliver the custody complaint or petition with the scheduling order to the Office of the Court Administrator. The Court Administrator shall assign the date and time for the conciliation conference before the conciliation conference officer. The Court Administrator's Office will present the complaint or petition to the family court judge to whom the case is assigned for signature and return the signed complaint or petition to the moving party. The moving party will file the complaint or petition with the Prothonotary's Office.

#### **L.1915.4.**

(a) The custody complaint or petition and order of court scheduling the conciliation conference shall be served by the moving party in accordance with the Pennsylvania Rules of Civil Procedure.

(b) Proof of service of the custody complaint or petition and order of court shall be filed with the Prothonotary prior to the custody conference.

#### **L.1915.4-1. Continuances of conciliation conferences or custody hearings.**

Custody matters scheduled before the court shall be continued only by leave of court, with good cause shown. Custody matters scheduled before the Custody Conciliation Conference Officer may be continued by either the Court or by the Conciliation Conference Officer for good cause shown. For such a request to be considered, the motion for continuance shall be submitted to the court in accordance with local civil motions practice and procedure.

#### **L.1915.5. Jurisdiction, Venue, Standing and Relocation Issues.**

(a) Objections to jurisdiction, venue, or standing motions concerning discovery, joinder of parties, psychological or psychiatric examinations, and appointment of counsel for minors shall be presented to the family court judge to whom the case is assigned.

(b) The court may direct that issues pertaining to jurisdiction, venue and standing be referred to custody conciliation.

(c) Alternatively, the court may schedule a hearing before the court for disposition of the jurisdiction, venue or standing issue or the court may take such other action as may be prescribed by statute, compact or treaty.

#### **L.1915.7. Custody Conciliation Conference Consent and Recommendation.**

(a) All parties named in an action for custody shall be present at the custody conciliation conference unless

excused by the court or the Custody Conciliation Conference Officer. Failure of a party to appear at the conference may result in the entry of a custody or visitation order by the court on the recommendation of the Custody Conciliation Conference Officer in the absence of that party. Unless ordered by the court or the Custody Conciliation Conference Officer for good cause shown, children shall not be brought to the conciliation and shall not be heard on the issues by the Custody Conciliation Conference Officer.

(b) The Custody Conciliation Conference Officer shall encourage consent agreements on the custody issues pending between/among the parties. If agreements are reached, they shall be reduced to writing and submitted to the court for adoption as an order.

(c) In the event that the parties are unable to resolve their differences in cases involving disputes over primary physical custody, shared physical custody or legal custody, or partial custody, or relocation and/or visitation, the conciliation conference officer shall file a report and a proposed order of court with the court within 5 days of the conference which may contain the following:

(1) Recommendations that custody investigations, such as physical or mental evaluations, home studies, drug and alcohol evaluations, counseling, education seminars to be undertaken, and appointment of a guardian ad litem, as well as equitable division of the fees for the same. In order to ensure that all studies and evaluations ordered, expert testimony supplied, and seminar attendance occur without delay, the Order directing such activities shall provide that each party's share of the relevant fees be paid as allocated in the order, subject to reallocation at a later stage of the case. A non-paying or non-participating party relative to such Ordered activities shall be subject to the contempt powers of the Court.

(2) The Custody Conciliation Conference Officer's review of jurisdiction, venue, standing and relocation issues;

(3) Progress, if any, on issues before the Custody Conciliation Conference Officer, as well as any recommendations for interim custody/visitation orders, including the need for an expedited hearing in emergency cases.

(4) Recommendations that the parties and children engage in counseling.

(5) Scheduling of pretrial conferences and/or trial dates.

(d) As part of the order resulting from the initial conciliation conference, custody cases will ordinarily be scheduled for a pretrial conference within 120 days after service of the initial pleading, and those cases in which an evaluation is ordered by which time the evaluations are expected to be completed and available. The initial conciliation order shall also provide that the cost of any evaluations, home studies, or tests, including the costs of in-court testimony needed to authenticate and explain expert reports of the results thereof, shall be shared by the parties, initially as allocated by the court in the post-conciliation order, but subject to reallocation as part of the pretrial conference order and the final order in the case as the equities in the case may dictate.

(e) In cases where no agreement is reached, and no evaluations are ordered, and the case is not diverted to counseling on the Custody Conciliation Conference Officer's recommendation, the conciliation conference order shall constitute a final order of court unless either party

requests a pretrial conference within twenty (20) days of the date that the conciliation conference order is docketed.

**L.1915.10. Request for custody pretrial conference. Pretrial Conference. Decision.**

(a) A party may request a custody pretrial conference within 20 days of the date that a custody order issued as the result of a conciliation conference is docketed, in cases where a comprehensive agreement is not reached at the conference and the conciliation conference order does not itself schedule a custody pretrial conference. The moving party shall file the request for custody pretrial conference with the Prothonotary and serve a copy on the judge that issued the conciliation conference order as well as opposing counsel or unrepresented parties.

(b) The request for custody pretrial conference and scheduling order shall be substantially as follows:

CAPTION

REQUEST FOR CUSTODY PRETRIAL CONFERENCE

I, \_\_\_\_\_, hereby request a pretrial conference before the Court of Common Pleas. This request is being filed within twenty (20) days of the date that the conciliation conference custody order.

\_\_\_\_\_  
Signature of counsel for the  
requesting party or  
unrepresented requesting party

CAPTION

SCHEDULING ORDER

The above named parties and trial counsel are hereby ORDERED to appear in person on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_ at \_\_\_\_\_ o'clock \_\_.m. in Courtroom #\_\_\_\_ for a pretrial conference. Counsel for the parties, if represented, or any unrepresented parties, shall file a pretrial narrative at least seven (7) days prior to the pretrial conference. The parties are required to attend the pretrial conference.

A copy of the pretrial narrative shall be served on the assigned judge, all counsel of record and any unrepresented parties. The pretrial narrative shall include:

- (1) Names and addresses of all witnesses, including experts;
- (2) Summary of each witnesses' anticipated testimony;
- (3) Copies of all exhibits;
- (4) Proposed custody arrangement;
- (5) Requested stipulation of facts;
- (6) A copy of the report of any expert that is expected to be called to testify.

\_\_\_\_\_  
Date BY THE COURT:

\_\_\_\_\_  
Judge

(c) All parties and trial counsel shall be present at the pretrial conference unless otherwise provided by order of court. Failure of a party to appear at the pretrial conference may result in the entry of a custody/visitation order by the court.

(d) Any agreement reached at a pretrial conference shall be reduced to writing and entered as an order of court.

[Pa.B. Doc. No. 08-43. Filed for public inspection January 11, 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 November 19, 2007, 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 December 19, 2007 for Compliance Group 1 due April 30, 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.

Alford, Kenneth R.  
Washington, DC

Barnes, Loretta  
Roseland, NJ

Brown, Deanna  
Irvine, CA

Campbell, Kevin  
Cranford, NJ

Canzius, Preston M.  
San Ramon, CA

Chiumento, Gary C.  
Cherry Hill, NJ

Ciampoli, Joseph T.  
Voorhees, NJ

Clayton, Thomas M.  
Jacksonville, FL

DeGrezia, Christopher H.  
Princeton, NJ

Delaney, Robert E.  
Plano, TX

Dougherty, Paul C.  
Haddon Heights, NJ

Enders, Ross S.  
Westampton, NJ

Glick, Richard A.  
Washington, DC

Green, James S.  
Wilmington, DE

Hoffman, Michael  
Vineland, NJ

Hopf III, Richard H.  
Fairfax Stations, VA

Jacobs, Lisalyn R.  
Washington, DC

Joyce, Douglas M.  
Haddonfield, NJ

Katich, Michelle  
Wayne, NJ

Kauffman, Richard S.  
Whitehouse Station, NJ

Kehrli, Christopher R.  
Newark, NJ

Kelly, Amy S.  
Wilmington, DE

Korbel, Karen M.  
Weirton, WV

Kunin, Brett K.  
West Orange, NJ

Lynch, Brian J.  
McLean, VA

Marquis, David W.  
Dayton, OH

Mazza, Julie S.  
Cinnaminson, NJ

McGowan Jr., Joseph F.  
Cherry Hill, NJ

McIlvaine, Mark K.  
Louisville, CO

McLean, Craig N.  
Olney, MD

Merenich, Robert Paul  
Linwood, NJ

Milner, Mortimer  
Brooklyn, NY

Nissen, Leif M.  
Haddonfield, NJ

Osei, Edward K.  
Newark, NJ

Perry III, Enoch  
Mitchellville, MD

Petraglia, James F.  
East Palestine, OH

Randolph Jr., Charles  
Houston, TX

Renzulli, John F.  
Chappaqua, NY

Rochelle, Donna  
Mitchellville, MD

Rose, Jonathan G.  
Washington, DC

Sauers, William J.  
Alexandria, VA

Solomon, Franklin P.  
Cherry Hill, NJ

Sprang, Kenneth A.  
Washington, DC

Swong, Nancy S.  
New York, NY

Vietti, Vincent A.  
Lawrenceville, NJ

Wardell, Edward S.  
Haddonfield, NJ

Winans, Lloyd M.  
Northvale, NJ

Young, Marilyn  
Voorhees, NJ

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

[Pa.B. Doc. No. 08-44. Filed for public inspection January 11, 2008, 9:00 a.m.]



# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 121 AND 126 ]

### Diesel Vehicle Idling; and Auxiliary Power Systems

The Environmental Quality Board (EQB) proposes to amend Chapter 126 (relating to motor vehicle and fuels programs) by adding new Subchapters F and G (relating to diesel vehicle idling; and auxiliary power systems), as set forth in Annex A. The proposed rulemaking establishes an idling restriction of 5 minutes in a 60-minute period for diesel-powered commercial motor vehicles, with a number of exemptions. The proposed rulemaking also regulates the use of diesel-powered auxiliary power systems (APS) for diesel-powered commercial motor vehicles with model year 2007 and newer engines. The proposed rulemaking adds definitions to § 121.1 (relating to definitions) for “auxiliary power system,” “commercial motor vehicle,” “gross combination weight rating,” “highway” and “idling.”

This proposal was adopted by the Board at its meeting of October 16, 2007.

#### A. Effective Date

These amendments will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Contact Persons

For further information, contact Arleen Shulman, Chief, Mobile Sources Section, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 787-9702 or Kristen Campfield Furlan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's website, [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

#### C. Statutory Authority

The proposed rulemaking is being made under section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005), which in subsection (a)(1) grants the Board the authority to adopt regulations for the prevention, control, reduction and abatement of air pollution, in subsection (a)(7) grants the Board the authority to adopt regulations designed to reduce emissions from motor vehicles and in subsection (a)(8) grants the Board the authority to adopt regulations to implement the Clean Air Act (CAA) (42 U.S.C.A. §§ 7401—7642).

#### D. Purpose and Background

The purpose of this proposed rulemaking is to establish restrictions on the idling of diesel-powered commercial motor vehicles and on the related use of certain APS to reduce exposure to harmful emissions and to help attain and maintain health-based air quality standards. The idling and APS use restrictions would provide air quality benefits to citizens in this Commonwealth, particularly those in areas where diesel-powered commercial motor vehicles congregate. Because idling of diesel-powered com-

mercial motor vehicles consumes approximately 1 gallon of fuel per hour, vehicle owners and operators would not only realize cost savings by complying with this proposed rulemaking but would also contribute to the country's energy independence. With a Statewide regulation, operators of diesel-powered vehicles can easily identify where and when idling is restricted. Having a Statewide regulation should also discourage boroughs, townships, cities and counties from enacting their own idling restrictions.

On October 18, 2006, the Clean Air Board of Central Pennsylvania (CAB) filed a petition for rulemaking, requesting that the EQB adopt regulations to restrict the idling of commercial diesel-powered vehicles. The statement of policy in Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) establishes the procedures for the Department of Environmental Protection's response to rulemaking petitions. On January 17, 2007, the EQB accepted the CAB's petition for study. Notice of the EQB's acceptance of the petition was published at 37 Pa.B. 477 (January 27, 2007). Upon the EQB's acceptance of the petition, the Department had 60 days to prepare a report evaluating the petition, including whether the EQB should approve the action requested in the petition. In accordance with § 23.7 (relating to response to report), the Department provided a copy of the completed report to the petitioner for a 30-day response period. The petitioner submitted a response, after which the Department submitted a final report to the EQB. The Department's report recommended that the Department pursue a Statewide regulation restricting idling of diesel-powered commercial motor vehicles. On May 16, 2007, the EQB concurred with the Department's recommendation and directed that the Department develop a proposed regulation for consideration at the Board's September 2007 meeting.

The Department concurs with the petitioner's assessment of the impacts of diesel exhaust emissions. Diesel exhaust emissions have adverse health and environmental effects because they contribute to levels of particulates and ground-level ozone and have adverse health effects when individuals are exposed directly.

The United States Environmental Protection Agency (EPA) is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone, particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide and lead. The CAA established two types of NAAQS: primary standards set limits to protect public health; and secondary standards set limits to protect public welfare, including protection against visibility impairment, damage to animals, crops, vegetation and buildings.

In 1997, the EPA established more protective ozone and fine particulate primary and secondary NAAQS to protect public health and to ensure an adequate margin of safety. Fine particles or PM<sub>2.5</sub> (particles with a diameter of 2.5 micrometers or less) in the atmosphere are made up of a complex mixture of components. Some, like diesel particulate, are emitted directly into the air (“primary” sources) and others, such as sulfate and nitrate, form in the air as a result of various chemical reactions (“secondary” sources). The health effects associated with exposure to PM<sub>2.5</sub> are significant, and the evidence for these effects is compelling. Premature mortality, aggravation of existing

respiratory and cardiovascular disease, decreased lung function and asthma attacks have been attributed to exposure.

The NAAQS for PM<sub>2.5</sub> was established in 1997 at 15 micrograms per cubic meter on an annual basis and 65 micrograms per cubic meter over 24 hours. In 2004, the EPA designated eight areas in this Commonwealth, comprising all or part of 19 counties, as not attaining the NAAQS.

In October 2006, the EPA tightened the 24-hour PM<sub>2.5</sub> standard to 35 micrograms per cubic meter. Based on data from 2003–2005, all of the areas designated by the EPA in 2004 and several additional areas would violate the revised 24-hour standard. The Commonwealth plans submitted attainment and nonattainment designation recommendations to the EPA in December 2007 for the designation of specific nonattainment areas for the revised 24-hour standard; the EPA is anticipated to finalize those designations in December 2009 with an April 2010 effective date. Revisions to the State Implementation Plan (SIP) will be due to the EPA in April 2013.

The EPA and other agencies have evaluated the health effects of direct exposure to diesel particulate matter. The small size of diesel exhaust particles allows them to be drawn deeply into the lungs. Diesel particulates are, for the most part, even smaller than 2.5 micrometers. The EPA has said that long-term exposure to diesel particulate exhaust is likely to pose a lung cancer hazard. Exposure to diesel particulates has non-cancer and acute effects as well, including throat and eye irritation and inflammation, exacerbation of existing respiratory and allergic conditions, and exacerbated risk of heart attacks. Studies indicate children living near highways have more lung and breathing problems than other children. Children may also be exposed to more diesel exhaust inside diesel school buses, especially in idling buses that queue. People commuting to work in almost any mode of transportation along truck routes are exposed to high levels of diesel fine particulate matter.

Ground-level ozone, the other pollutant directly of concern in this rulemaking, is not emitted directly to the atmosphere but is formed by a photochemical reaction between volatile organic compounds (VOCs) and oxides of nitrogen (NO<sub>x</sub>) in the presence of sunlight. Heavy-duty vehicles contributed about 25% of all NO<sub>x</sub> emissions in this Commonwealth in 2002. (Compared to gasoline-powered vehicles, diesel vehicles are not a significant source of VOCs.) Repeated exposure to ozone pollution may cause a variety of adverse health effects for healthy people and those with existing conditions, including difficulty in breathing, chest pains, coughing, nausea, throat irritation and congestion. It can exacerbate bronchitis, heart disease, emphysema and asthma, and reduce lung capacity. Ozone can aggravate asthma, causing more asthma attacks, increased use of medication, more medical treatment and more frequent visits to hospital emergency clinics. Ozone also has adverse effects on vegetation (forests and food crops) and, through deposition, contributes to pollution in the Chesapeake Bay.

The current ground-level ozone standard set by the EPA is 0.08 parts per million averaged over 8 hours. In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas. Redesignation requests and maintenance plans for 32 counties and an attainment demonstration for the five-county Philadelphia Interstate Area (comprising Bucks, Chester, Delaware, Montgomery and Philadelphia Counties) are being processed by the EPA for approval as revisions to the State Implementation Plan. On June 20, 2007, the EPA

proposed a more protective 8-hour ozone standard and is under court order to finalize the revised NAAQS by March 12, 2008. Recommendations for attainment and nonattainment areas must be submitted to the EPA in June 2009; final action by the EPA would be due in June 2010. The designations would take effect 60 days after the EPA publishes a notice in the *Federal Register*.

The Department estimates that diesel-powered commercial motor vehicles idle approximately 27.2 million hours a year in this Commonwealth. Idling during rest stops, at truck stops and rest areas accounts for nearly 78% of this total. Long duration idling (namely, idling lasting more than 15 minutes) amounts to about 22.3 million hours a year, 95% of which has been estimated to be due to truck travel rest. Some idling, such as that from individual vehicles idling at smaller facilities, may be difficult to quantify and has not been included.

The amount of idling by long-haul trucking is directly influenced by Federal requirements. The United States Department of Transportation's "hours of service" regulations include specific requirements for rest by truck drivers. Drivers may rest roadside or at truck stops, rest stops, motels or street locations near their loading or unloading points. During their rest periods, some drivers run their engines to operate heat and air conditioning or to avoid opening windows for their own personal security. Some drivers operate auxiliary equipment for comfort (such as for using a microwave oven or television) or to keep the engine warm in extreme temperatures. The habits of drivers may also play a significant role in how APS are used.

Technology exists to assist drivers in reducing idling during their rest periods. There are of two types: equipment provided on the vehicle (on-board or mobile) and equipment provided at parking spaces (stationary).

On-board bunk heaters, cab heaters and APS can provide climate control, engine warming and power to run household-type appliances. At present, much of this equipment is diesel-powered, but alternatives to diesel-powered APS are increasingly available. These smaller engines generally use about 1/10th the fuel that a main engine would use to idle. Costs per truck to have an APS range from less than \$1,000 for a bunk heater to \$10,000 for some APS capable of supplying power for all services when the main engine is off. While running these smaller engines reduces fuel use, running a diesel-powered APS on a vehicle with a model year (MY) 2007 or newer engine may result in more particulate emissions than running the main engine, because particulate filters reduce emissions from these newer main engines.

Stationary equipment or parking space electrification is also increasingly available throughout this Commonwealth and the United States. Electrification refers to a technology that harnesses an electrical system to provide the truck or locomotive operator with climate control and other needs, eliminating the need to idle the main engine. This Commonwealth currently has nine truck stops where stand-alone electrified parking spaces are available. The only additional equipment needed by the vehicle operator is an inexpensive window adapter to ensure that the service module fits securely. The service module itself provides climate control, electricity, Internet and telephone connections. Another stationary system provides plug-in stations only; truck operators need to have or rent supplementary connection equipment to operate heating, air conditioning and appliances.

While school buses may not contribute a large number of idling hours, they idle near children, and protection of children from unnecessary direct exposure to diesel par-

ticulate exhaust is important. Students who ride buses generally ride them every school day. The students may be exposed to diesel exhaust when school buses queue at pick-up and drop-off locations. Auxiliary equipment to heat or cool school buses is not available, but the EPA has found that there is no need for long-duration idling to warm up buses for either passenger or engine protection. Transit and tour buses face similar passenger comfort issues. Management strategies, such as providing lounges for bus drivers, can reduce idling; technology is not necessary.

It is estimated that highway vehicles will emit about 180,000 tons of NO<sub>x</sub> and 3,250 tons of PM<sub>2.5</sub> in 2009. The heaviest trucks, which account for most of the idling, generally contribute 37% of the NO<sub>x</sub> and 38% of the highway emissions. These estimates account for the cleaner technology required of MY 2007 and newer engines, using assumptions in the EPA's approved highway motor vehicle model, MOBILE 6.2. When this proposed regulation takes effect in 2009, it is estimated that idling emissions will account for about 3,325 tons of NO<sub>x</sub>, 90 tons of VOCs and 60 tons of particulate matter per year. This estimate does not include an anticipated increase in idling hours from the present time because no Statewide data exists upon which to base the estimate. The benefits of this proposed rulemaking could be greater if hours spent in this Commonwealth in travel rest increase significantly. Assumptions about idling emissions were those provided by the EPA in its *Guidance for Quantifying and Using Long Duration Truck Idling Emission Reductions in State Implementation Plans and Transportation Conformity* (2004). The Department expects that, once the temperature exemption for trucks with sleeper berths expires, the proposed regulation would reduce diesel-powered commercial motor vehicles idling by half and that a corresponding 50% reduction of emissions would occur. Therefore, the Department estimates that the proposed rulemaking would reduce emissions by about 1,610 tons of NO<sub>x</sub>, 45 tons of VOC and 30 tons of particulate matter once the temperature exemption expires.

Because the United States increasingly relies on imported fuel for transportation needs, reducing idling will contribute to the country's energy independence. Another benefit of reducing idling is the reduction of carbon dioxide (CO<sub>2</sub>) emissions. The EPA estimates that idling heavy-duty vehicles can consume about one gallon of diesel fuel for every hour of idling time, adding more than a pound of CO<sub>2</sub>, the major greenhouse gas (GHG). The idling of a typical long-haul truck contributes about 19 metric tons of CO<sub>2</sub> annually.

The experience of several other jurisdictions shows that involving property owners in enforcement and outreach is key to reducing idling, especially at locations associated with truck travel rest. This may be the case because drivers, who typically travel Nationally and even internationally, may not be aware of a state's rules and may have little incentive to pay the fines. To encourage assistance from property owners, some states reduce fines for facilities that post signs and take other steps to reduce idling. The Department will consider these and other approaches to obtaining compliance as this rulemaking proceeds, and specifically seeks comment on approaches to obtaining compliance.

Idling restrictions have been adopted by 14 states, the District of Columbia and many local jurisdictions, including this Commonwealth's two most populated urban areas, Philadelphia and Allegheny Counties. The Federal

government does not regulate commercial highway diesel vehicle idling, and generally considers the regulation of these vehicles in use to be the prerogative of state government. In March 2006, recognizing that reducing unnecessary diesel vehicle idling would be a public health benefit and that a multiplicity of state and local rules was a "barrier to greater implementation of idling control technologies," the EPA released a model state idling law. (EPA Model State Idling Law, EPA420-S-06-001) The model was a result of five workshops across the country in which affected stakeholders participated.

In developing the proposed rulemaking, the Department considered the petitioner's suggested language, the EPA model law and the existing regulations of the Philadelphia and Allegheny County health departments.

The Department consulted with the Department of Transportation (PennDOT) during development of the proposed rulemaking, in accordance with section 5(a)(7) of the APCA (35 P. S. § 4005(a)(7)). The Department also consulted with the Pennsylvania State Police.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) on the proposed rulemaking on July 26, 2007. The AQTAC concurred with the Department's recommendation to seek EQB approval of the proposed rulemaking. The Department also consulted with the Citizens' Advisory Council and the Small Business Compliance Advisory Committee.

This proposed rulemaking is reasonably necessary to achieve and maintain the 8-hour ozone and PM<sub>2.5</sub> NAAQS. The proposed regulations, if adopted, will be submitted to the EPA as a revision to the State Implementation Plan.

#### E. Summary of Regulatory Requirements

The proposed rulemaking adds definitions for the following terms to § 121.1 (relating to definitions): "auxiliary power system," "commercial motor vehicle," "GCWR-gross combination weight rating," "highway" and "idling."

The proposed definition of "auxiliary power system" describes equipment that may be installed on a vehicle in lieu of operating the main diesel engine.

The proposed definition of "commercial motor vehicle" is adapted from the definition in 49 CFR 390.5 (relating to definitions). The proposed definition limits the scope of the proposed rulemaking to vehicles designed for or used on a highway that are above a certain weight or passenger capacity or carry hazardous materials in quantities requiring placarding. Vehicles covered by the definition of "commercial motor vehicle" would include most trucks used for business purposes, transit and tour buses and school buses. The definition is not intended to cover vehicles that would only otherwise be covered by the use of a separate engine for cargo refrigeration in the tractor portion of a tractor-trailer.

The proposed definitions of "GCWR-gross combination weight rating" and "highway" are the same as in 75 Pa.C.S. § 102 (relating to definitions).

The proposed definition of "idling" specifies that, for purposes of this subchapter, idling is operating a main propulsion engine of a vehicle without moving.

The proposed rulemaking adds § 126.601 (relating to applicability), which states that the diesel vehicle idling requirement applies to owners and operators of diesel-powered commercial motor vehicles and owners and operators of locations at which diesel-powered commercial motor vehicles load, unload or park. The locations af-

ected include, for example, warehouses, terminals, truck stops, other retail locations, schools, parking lots, rest areas and roadway rights-of-way. The proposed rule-making would regulate idling at off-road sites by highway vehicles, but not by construction, agricultural or other off-road vehicles or equipment, or by locomotives, marine vessels or aircraft.

The proposed rulemaking adds § 126.611 (relating to idling restriction) to prevent persons subject to this subchapter from causing or allowing the engine of a commercial diesel vehicle to idle more than 5 minutes in any 60-minute period, except as provided in § 126.612 (relating to exemptions). This time limitation is in the EPA model law and was suggested by the petitioner. Most idling takes place in conjunction with truck travel rest at truck stops and rest stops, and the Department's study found that shared responsibility by facilities and vehicle owners and operators is essential to reduce idling effectively. Therefore, the provision has been written to include owners and operators of locations at which diesel-powered commercial motor vehicles load, unload or park.

The proposed rulemaking adds § 126.612, which describes a number of situations in which the idling restriction would not apply. These situations are listed as follows.

Section 126.612(a)(1) allows idling by vehicles equipped with sleeper berths when idling is necessary in cold or hot weather for purposes of driver comfort. The exemption expires on May 1, 2010, as suggested by the petitioner. The expiration provision is mirrored in the EPA model rule, and is designed to allow businesses the opportunity to identify, finance and install mobile idling reduction equipment before the exemption's expiration. Affordable idling reduction strategies already exist. Not only will they reduce air pollution from idling, but they also should reduce operating costs for diesel fleets by decreasing fuel use. The Department has had a financial assistance program for small businesses for pollution prevention and energy efficiency since July 2004 that can help these diesel vehicle owners purchase on-board idling reduction equipment. The exemption also recognizes that stationary idling reduction equipment, specifically electrified parking spaces, is available within this Commonwealth and is currently underutilized. Because using stationary idling reduction equipment is preferable to idling from a pollution perspective, the exemption would not apply if parking is available at an electrified parking space. The petitioner recommended allowing the temporary temperature exemption only if the vehicle was parked at a fleet trucking terminal, commercial truck stop or PennDOT designated rest area. The proposed language makes the temporary exemption available no matter where the vehicle is parked, but also restricts its applicability to occupied vehicles with sleeper berths, as in the EPA model rule.

Section 126.612(a)(2) allows idling for passenger buses with passengers onboard when idling is necessary to provide heating or air conditioning for the passengers. It allows a maximum of 15 minutes in a 60-minute period, in recognition that heating and cooling of a bus, rather than of a truck cab, takes longer. The exemption primarily is patterned after the EPA model rule. The petitioner suggested allowing idling for 10 minutes prior to passenger boarding; however, that could have been dependent upon too many schedule and passenger arrival variables. The petitioner suggested that idling be allowed any time passengers are on board; however, the EPA found that 15 minutes is a sufficient amount of time to condition a bus.

The EPA model rule suggests that this exemption expire 5 years after a state implements a financial assistance program to allow bus owners to identify, finance and install equipment to replace idling. The Department has not proposed an expiration date for this exemption and is seeking comment on whether affordable idling reduction technology exists to cool a passenger bus adequately by means other than operation of the main engine.

Section 126.612(a)(3) allows idling when necessary for active loading or unloading of property or passengers. In most cases, idling is not necessary for active loading or unloading. Idling could be necessary when, for example, a facility requires a driver to remain inside the cab. The Department is seeking comment on whether to expand this exemption to include, for example: idling that is necessitated by a delay in loading or unloading due to an unforeseen facility-related problem during hot or cold weather; and, idling in specific situations in which vehicles are lining up to load or unload.

Section 126.612(a)(4) allows idling when necessary to operate work-related mechanical or electrical equipment. Examples include trash compaction equipment, mixing equipment for concrete trucks, lifts for cargo or passengers and straight truck refrigeration. The exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment.

Section 126.612(a)(5) allows idling when required by on-road traffic or other obstruction on the highway, a stop signal or the direction of an official directing traffic, since these are normally circumstances outside the driver's control. This exemption applies only to on-road traffic conditions and does not apply to queuing for loading or unloading. The Department is seeking comment on whether an exemption should be allowed for vehicles waiting to load or unload and how such an exemption should be worded, including conditions.

Section 126.612(a)(6) allows idling when idling is required as part of a State or Federal safety inspection. Idling must be necessary to perform the operations.

Section 126.612(a)(7) allows idling when idling is required for maintenance, servicing or repair of the vehicle, and for diagnostic operations for maintenance, servicing or repair. Idling must be necessary to perform the operations.

Section 126.612(a)(8) allows idling when necessary to operate defrosters, maintain temperature or refrigerate cargo to prevent a health or safety emergency or during the period in which equipment is being installed to prevent such an emergency. It also allows idling if required by Federal, State or local safety regulations.

Section 126.612(a)(9) allows idling of vehicles when necessary for vehicles being used in emergency or training situations. It does not allow idling while the vehicle is not acting in emergency or training mode.

Section 126.612(a)(10) allows idling for an armored vehicle when idling is necessary while a person remains inside to protect the security of the cargo.

Section 126.612(a)(11) allows idling by a school bus during queuing for the sequential discharge or pickup of students when idling is necessary because the physical configuration of the school or the school's surrounding streets does not allow for stopping. This exemption is likely to be useful in limited situations, such as some urban settings, in which there may be no reasonable alternative to idling.

While several of these exemptions were identified in the EPA's report on its model law development as "common sense," participants in the EPA's process felt it was important to articulate the exemptions to ensure appropriate interpretation and enforcement by enforcing officials. Even though some of these exemptions were not included in the petitioner's suggested regulation, they have been included in this proposed rulemaking. They include portions of paragraph (4), all of paragraphs (6) and (10) and subsection (c) discussed as follows.

Section 126.612(b) allows idling for vehicles displaying a label indicating that the NO<sub>x</sub> emissions from the vehicle are low enough that the vehicle is allowed to idle without restriction in California. This subsection does not require that a vehicle's emissions meet California's standards applicable to unrestricted idling; it simply allows an exemption if they do.

Section 126.612(c) allows idling if idling is due to mechanical difficulties over which the driver has no control. These situations are rare. An example would be a problem with the alternator. If the regulation were enforced against a driver, the enforcement action would be abandoned if the driver demonstrated within the specified time limits that the claimed mechanical problem existed and was fixed. Participants in the EPA's model law development suggested that a requirement to submit paperwork to the enforcing agency would prevent abuse of this exemption.

Section 126.612(d) allows a local government or local air authority with idling regulations predating the adoption of this proposed rulemaking as a final rulemaking to approve alternative compliance plans for bus terminals to minimize idling.

Proposed Subchapter G (relating to auxiliary power systems) would ensure that emission reductions realized from the proposed rulemaking continue as MY 2007 and newer heavy-duty engines become more prevalent in vehicles traveling in and through this Commonwealth. Engines that are MY 2007 and newer are required by both the EPA and the California Air Resources Board (CARB) to control particulate emissions to very low levels. Diesel engine and vehicle makers have chosen to meet the 2007 engine requirements primarily by using particulate filters and other equipment to remove the particulates from the engines' exhaust. These filters are normally installed in the exhaust system of the main engine. APS that are powered by small diesel engines have their own exhaust systems. Even though these small engines use about 1/10th the fuel of the main propulsion engine, they generally emit more particulate matter per hour than the main engine. Vehicle fleet operators might choose to purchase these smaller engines as an idling alternative despite the higher particulate emissions because of the fuel savings. Therefore, proposed Subchapter G requires the exhaust of APS used on vehicles with MY 2007 or newer engines to be routed through the main engine's exhaust system upstream of the particulate filter. In practice, this is generally done in ways that are visible to an enforcing official without opening the engine or cabin compartment. The Department is seeking comment on the implications of this provision for vehicle owners and manufacturers.

According to a survey conducted by the American Trucking Associations, almost one-half of all vehicles with sleeper berths in the country may be driven in California, and therefore, will have to be prepared to comply with California's idling and APS use regulations. CARB allows alternatives to rerouting the exhaust of the APS. CARB

also provides that these systems be labeled so that idling enforcement officials can easily identify vehicles that are compliant through use of these alternatives. The proposed rulemaking provides that the APS, if labeled according to California requirements, may operate in Pennsylvania when used on vehicles with MY 2007 or newer engines. The proposed rulemaking does not regulate the use of APS on vehicles with MY 2006 or older engines.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

Citizens in this Commonwealth will benefit from reduced direct exposure to diesel emissions produced by idling commercial motor vehicles. Reduced diesel emissions will also assist the Commonwealth in maintaining the fine particulate and ground-level ozone standards. However, more air pollution from idling is produced in some counties than others because of the concentration of travel rest facilities. These counties will benefit more. For instance, idling trucks in Cumberland and Luzerne Counties produce about 20% of all idling emissions in this Commonwealth.

When this regulation takes effect in 2009, it is estimated that idling emissions will account for about 3,325 tons of NO<sub>x</sub>, 90 tons of VOC and 60 tons of particulate matter per year. This estimate does not include an anticipated increase in idling hours from the present time because no Statewide data exists upon which to base the estimate. The benefits of this proposed rulemaking could be greater if hours spent in this Commonwealth in travel rest increase significantly. Assumptions about idling emissions were those provided by the EPA in its *Guidance for Quantifying and Using Long Duration Truck Idling Emission Reductions in State Implementation Plans and Transportation Conformity* (2004). The Department expects that, once the temperature exemption expires, the proposed regulation would reduce diesel-powered commercial motor vehicles idling by half and that a corresponding 50% reduction of emissions would occur. Therefore, the Department estimates that the proposed rulemaking would reduce emissions by about 1,610 tons of NO<sub>x</sub>, 45 tons of VOC and 30 tons of particulate matter once the temperature exemptions for trucks with sleeper berths expires.

Because the United States increasingly relies on imported fuel for transportation needs, reducing idling will contribute to the country's energy independence. Another benefit of reducing idling is the reduction of CO<sub>2</sub> emissions. The EPA estimates that idling heavy-duty vehicles can consume about 1 gallon of diesel fuel for every hour of idling time, adding more than a pound of CO<sub>2</sub>, the major GHG. The idling of a typical long-haul truck contributes about 19 metric tons of CO<sub>2</sub> annually.

Vehicle operators, the people in the closest proximity to diesel exhaust, will benefit most, particularly drivers of long-haul vehicles. In addition to cleaner air, the noise of their sleeper berth should decrease if power is supplied by an alternative idling technology. This should lead to a more rested truck driver. The National Transportation Safety Board has cited fatigue as a major cause of accidents in which long-haul trucks are involved. Nearly 500,000 trucks in the nation are dedicated to long-haul trips. Since trucking companies need to replace truck drivers constantly due to high turnover rates, more truck operators would be affected than there are number of trucks. It is possible that most, if not all, long-haul drivers will idle in this Commonwealth at some time. Including bus drivers and local drivers in this Common-

wealth, there are nearly 1 million drivers who may benefit through reduced exposure to diesel emissions.

The proposed rulemaking can provide consistency in idling regulations in this Commonwealth for the industry, as well as encourage consistency in other states in which Pennsylvania vehicles may idle. The Commonwealth's adoption of this proposed rulemaking will make it difficult for most long-haul trucks across the nation to avoid complying with idling regulations, since most long-haul trucks in the nation are likely to travel through this Commonwealth. The Commonwealth's adoption of the proposed rulemaking will encourage more vehicle operators across the country to invest in long-term, permanent alternatives to idling and, when installing APS on vehicles with MY 2007 or newer engines, to ensure that the APS usage will be less polluting.

#### *Compliance Costs*

Savings due to this proposed rulemaking are expected to exceed the costs in 2011, and by 2012 the regulated community will see a payback of their initial investment in equipment that would replace idling for travel rest. The overall benefit to the regulated community in the first 5 years of this program (2009–2015) should total at least \$163 million. The costs associated with the regulation are investments in equipment to provide climate control and electrical power without idling the main engine, primarily during required periods of rest. While this proposed rulemaking would apply to more vehicles than just trucks with sleeper cabs, shorter-haul vehicles, transit buses and school buses are not likely to invest in the equipment. The savings are directly attributable to decreases in fuel use. The anticipated decreases in fuel use could reduce revenue to the Commonwealth diesel fuel vendors (truck stops and other retail outlets) by as much as \$14 to \$22 million per year. In addition a corresponding reduction in contributions to the Commonwealth Motor License Fund would result in a \$2-3 million decrease in revenue for the Commonwealth.

#### *Compliance Assistance Plan*

The Department plans to educate the regulated community through associations of truck and bus fleet operators, the industry media (including newsletters and radio stations serving the trucking community), large truck stops and operators of other locations where vehicles idle. The information provided would include information about the idling restrictions and financial assistance programs that may be available through this Commonwealth and the Federal government for purchase or lease of mobile idling reduction equipment. At present, these financial assistance programs are available for small businesses.

#### *Paperwork Requirements*

This proposed rulemaking creates no new paperwork for the regulated community at large, with one exception. Violating vehicle operators who wish to claim the exemption under § 126.612(c) would have to submit timely documentation of a repair to the enforcing agency.

#### *G. Pollution Prevention (if applicable)*

The Federal Pollution Prevention Act of 1990 established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide

greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This proposed rulemaking prevents pollution by either requiring a pollution source (namely, vehicle engines) to be shut off and by encouraging the use of alternative, less polluting equipment when idling is necessary.

#### *H. Sunset Review*

This proposed rulemaking will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 21, 2007, the Department submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed rulemakings, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

#### *J. Public Comments*

*Written Comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by March 17, 2008. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by March 17, 2008. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic Comments.* Comments may be submitted electronically to the Board by completing and submitting the online form at [www.depweb.state.pa.us/RegComments](http://www.depweb.state.pa.us/RegComments) by March 17, 2008. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted at the Department's listed website to ensure receipt.

#### *K. Public Hearings*

The EQB will hold three public hearings for the purpose of accepting comments on this proposal. The hearings will be held as follows:

February 12, 2008	Lehigh County Government
1 p.m.	Center
	17 South Seventh Street
	Allentown, PA 18101-1614

February 13, 2008  
3 p.m.

Department of Environmental  
Protection  
Rachel Carson State Office  
Building  
Room 105  
400 Market Street  
Harrisburg, PA 17105

February 15, 2008  
1 p.m.

Department of Environmental  
Protection  
Southwest Regional Office  
Waterfront A and B Conference  
Room  
400 Waterfront Drive  
Pittsburgh, PA 15222

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Environmental Quality Board at (717) 787-4526 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,  
*Chairperson*

**Fiscal Note:** 7-422. (1) Motor License Fund; (2) Implementing Year 2007-08 is \$0; (3) 1st Succeeding Year 2008-09 is \$0; 2nd Succeeding Year 2009-10 is \$0; 3rd Succeeding Year 2010-11 is \$2,050,000; 4th Succeeding Year 2011-12 is \$3,058,000; 5th Succeeding Year 2012-13 is \$3,058,000;

<i>General Fund Environmental Program Management</i>	<i>Clean Air Fund Mobile and Area Facilities</i>
(4) 2006-07 Program—\$36,868,000	\$13,061,000
2005-06 Program—\$37,049,000	\$8,231,000
2004-05 Program—\$37,594,000	\$8,144,000

(8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**  
**ARTICLE I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**SUBPART C. PROTECTION OF NATURAL RESOURCES**  
**ARTICLE III. AIR RESOURCES**  
**CHAPTER 121. GENERAL PROVISIONS**

**§ 121.1. Definitions.**

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Auxiliary power system**—A device installed on a commercial motor vehicle to provide electrical, mechanical or thermal energy to the primary diesel

engine or the cab, sleeper berth or bus passenger compartment as an alternative to idling the primary diesel engine.

\* \* \* \* \*

**Commercial motor vehicle**—A self-propelled motor vehicle used on a highway to transport passengers or property when the vehicle meets one or more of the following conditions:

(i) The vehicle has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater.

(ii) The vehicle is designed or used to transport more than 8 passengers, including the driver, for compensation.

(iii) The vehicle is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

(iv) The vehicle is used in transporting material found by the Secretary of the United States Department of Transportation to be hazardous under 49 U.S.C. § 5103 (relating to general regulatory authority) and transported in a quantity requiring placarding under regulations prescribed by the Secretary of the United States Department of Transportation under 49 CFR, Subtitle B, Chapter I, Subchapter C (relating to hazardous materials regulations).

\* \* \* \* \*

**GCWR—Gross combination weight rating**—The value specified by the manufacturer as the loaded weight of a combination motor vehicle.

\* \* \* \* \*

**Highway**—The entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purposes of vehicular travel. The term includes a roadway open to the use of the public for vehicular travel on grounds of a college, university, public or private school, or public or historical park.

\* \* \* \* \*

**Idling**—For purposes of Chapter 126, Subchapter F (relating to diesel vehicle idling), the operation of the main propulsion engine of a commercial motor vehicle while the vehicle is stationary. (Editor's Note: An unrelated definition of this term is expected to be published for comment in the *Pennsylvania Bulletin* later in a proposed amendment to Chapter 129 (relating to standards for sources) concerning glass melting furnaces. The later of these two rulemakings to be published as a final rulemaking will include both definitions).

\* \* \* \* \*

(Editor's Note: Subchapters F and G are new and are printed in regular type to enhance readability.)

**CHAPTER 126. MOTOR VEHICLE AND FUELS PROGRAMS**

**Subchapter F. DIESEL VEHICLE IDLING GENERAL PROVISIONS**

Sec.  
126.601. Applicability.

**RESTRICTIONS ON DIESEL VEHICLE IDLING**

- 126.611. Idling restriction.  
126.612. Exemptions.

**GENERAL PROVISIONS****§ 126.601. Applicability.**

This subchapter applies to owners and operators of diesel-powered commercial motor vehicles and owners and operators of locations at which diesel-powered commercial motor vehicles load, unload or park.

**RESTRICTIONS ON DIESEL VEHICLE IDLING****§ 126.611. Idling restriction.**

No person subject to this subchapter may cause or allow the engine of a diesel-powered commercial motor vehicle to idle for more than 5 minutes in a 60-minute period, except as provided in § 126.612 (relating to exemptions).

**§ 126.612. Exemptions.**

(a) A diesel-powered commercial motor vehicle may idle beyond the time allowed in § 126.611 (relating to idling restriction) for one or more of the following reasons:

(1) When idling is necessary for an occupied vehicle equipped with a sleeper berth compartment to operate air conditioning or heating during a rest period and the outside temperature at the location of the vehicle is less than 40° F or greater than 75° F. This exemption expires May 1, 2010. This exemption does not apply if the vehicle is parked at a location equipped with stationary idle reduction technology that is available for use.

(2) When idling is necessary for a passenger bus to provide heating or air conditioning when nondriver passengers are onboard. For the purposes of this exemption, the bus may idle for up to 15 minutes in a 60-minute period.

(3) When idling is necessary for active loading or active unloading of property or passengers.

(4) When idling is necessary for a vehicle to operate work-related mechanical or electrical operations other than propulsion.

(5) When a vehicle must remain motionless because of one or more of the following:

- (i) Traffic or other obstruction on the highway.
- (ii) An official traffic control device or signal.

(iii) The direction of a uniformed police officer or other person authorized to direct traffic under 67 Pa. Code § 101.2 (relating to persons authorized to direct traffic).

(6) When idling is necessary as part of a State or Federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.

(7) When idling is necessary for maintenance, servicing, repairs or diagnostic purposes, provided idling is required for this activity.

(8) When idling is necessary to operate defrosters, heaters, air conditioners or cargo refrigeration equipment, or to install equipment, to prevent a safety or health emergency and not for the purpose of a rest period, or as otherwise required by Federal or State motor carrier safety regulations or local requirements.

(9) When idling is necessary for a police, fire, ambulance, public safety, military or other vehicle while being used in an emergency or training capacity.

(10) When idling is necessary for an armored vehicle while a person remains inside the vehicle to guard the contents.

(11) When idling by a school bus during queuing for the sequential discharge or pickup of students is necessary because the physical configuration of a school or the school's surrounding streets does not allow for stopping.

(b) The restriction on idling in § 126.611 does not apply to a vehicle that has a model year 2007 or newer engine and exhibits a label issued by CARB under 13 CCR 1956.8(a)(6)(C) (relating to exhaust emissions standards and test procedures—1985 and subsequent model heavy-duty engines and vehicles) showing that the vehicle's engine meets an optional NOx idling emission standard.

(c) A person will not be considered in violation of § 126.611 for idling that exceeds 5 minutes in a 60-minute period if each of the following occurs:

(1) The vehicle owner or operator asserts at the time of the exceedance that the vehicle idled more than 5 minutes in a 60-minute period due to a mechanical problem over which the driver had no control.

(2) The vehicle owner or operator demonstrates to the Department or other enforcing agency within 10 business days of exceeding the idling restriction that the mechanical problem has been identified and repaired.

(d) A county, city, town, township, borough or local air authority with idling regulations in existence before \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) may approve alternative compliance plans for bus terminals to minimize idling.

**Subchapter G. AUXILIARY POWER SYSTEMS****§ 126.701. Applicability.**

This subchapter applies to owners and operators of diesel-powered commercial motor vehicles with a model year 2007 or newer engine.

**§ 126.702. Auxiliary power system.**

For a diesel-powered commercial motor vehicle with a model year 2007 or newer engine, an auxiliary power system powered by a diesel-powered internal combustion engine may only be used in this Commonwealth if its exhaust is routed through the exhaust system of the main propulsion engine. This requirement does not apply if the vehicle or auxiliary power system exhibits a label issued by CARB under 13 CCR 2485(c)(3)(A)(1) (relating to airborne toxic control measure to limit diesel-fueled commercial motor vehicle idling) for the auxiliary power system.

[Pa.B. Doc. No. 08-45. Filed for public inspection January 11, 2008, 9:00 a.m.]

**[ 25 PA. CODE CH. 93 ]****Triennial Review of Water Quality Standards**

The Environmental Quality Board (Board) proposes to amend Chapter 93 (relating to water quality standards) to read as set forth in Annex A. This proposal was adopted by the Board at its meeting of October 16, 2007.

**A. Effective Date**



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

#### B. Contact Persons

For further information contact Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department's) website, [www.depweb.state.pa.us](http://www.depweb.state.pa.us). (DEP Keywords "Public Participation; Participate;" then choose "proposals currently open for comment.")

#### C. Statutory Authority

These proposed amendments are made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement provisions of The Clean Streams Law and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards and the Federal regulations in 40 CFR 131.32 (relating to Pennsylvania) set forth certain requirements for portions of the Commonwealth's antidegradation program and the Federal regulation in 40 CFR 131.41 (relating to bacteriological criteria for those states not complying with Clean Water Act section 303(i)(1)(A)) sets forth bacteria criteria for coastal recreation waters in this Commonwealth.

#### D. Background and Purpose of the Amendment

The water quality standards (WQS), which are generally codified in Chapter 93, are designed to implement the requirements of sections 5 and 402 of The Clean Streams Law and section 303 of the Federal Clean Water Act. This proposed rulemaking fulfills the Federally-required triennial review of water quality standards as mandated by the Federal Clean Water Act. The WQS consist of the existing and designated uses of the surface waters of this Commonwealth, along with the specific numerical and narrative criteria necessary to achieve and maintain those uses and an antidegradation policy. Thus, WQSs are in-stream water quality goals that are implemented by imposing specific regulatory requirements, such as treatment requirements, best management practices and effluent limitations, on individual sources of pollution.

WQS are an important element of the Commonwealth's water quality management program. Some type of water quality standard has been in use for approximately 75 years in this Commonwealth. One of the early actions after the Sanitary Water Board (SWB) was created in 1923 was to classify streams by priority for water quality management actions. In 1947, the SWB classified all streams in this Commonwealth by the degree of treatment that had to be provided before discharge could occur. Article 301—Water Quality Control, which specifically contained water uses, general and specific water quality criteria and designated water uses, was added to

the SWB's Rules and Regulations on June 28, 1967. The SWB was then abolished on January 19, 1971, following the formation of the new Department of Environmental Resources (PA DER) in 1968. Responsibilities for developing and maintaining the water quality criteria and standards, and other related regulations were transferred to PA DER. New or revised specific water quality criteria and standards were developed by PA DER for all Commonwealth surface waters, and formally adopted into Chapter 93 on September 10, 1971.

PA DER completed its first major review and complete overhaul of the water quality criteria and standards in 1979. After a series of public hearings and extensive public participation, revisions to the water quality criteria and uses were incorporated into Chapter 93. The Environmental Protection Agency (EPA) Region III formally approved the revisions to the Commonwealth's WQS on January 26, 1981. Section 303(c)(1) of the Clean Water Act requires that states periodically, but at least once every 3 years, review and revise as necessary, their WQS. As such, additional reviews and revisions were made to the Commonwealth's WQS during 1985, 1989 and 1994. The then newly formed Department of Environmental Protection (Department), which was created in June 1995 after splitting PA DER into two agencies by approval of the Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1103), began to conduct its first comprehensive review of WQS regulations, policies and implementation procedures which became the basis for the next Triennial Review. Additional reviews and revisions were made to the Commonwealth's WQS during 1998, 1999, 2000, 2002 and 2004 to address amendments for the Great Lakes Initiative (GLI), antidegradation policies, the WQS Regulatory Basics Initiative (RBI) Triennial and several other corrective amendments.

On May 9, 2007, the Department's Water Resources Advisory Committee voted to present this rulemaking package to the Board. In addition, the Department presented this rulemaking package to the Agricultural Advisory Board on August 22, 2007. This proposal constitutes this Commonwealth's current triennial review of its WQS.

#### E. Summary of Issues and Proposed Regulatory Revisions

Issues being considered in this triennial review are: updating the water quality criteria; merging sections of Chapter 16 (relating to water quality toxics management strategy—statement of policy) into Chapter 93; adding a definition in § 93.1 to clarify the term "conventional treatment" for potable water supply (PWS) that is used in § 93.3, Table 1 and clarifying in the footnote to Table 3 in § 93.7 (relating to specific water quality criteria) that other more sensitive "critical uses" may apply; verifying current exceptions to fishable/swimmable waters; making corrections and changes to drainage lists; and other typographic and grammatical corrections.

#### Chapter 93. Water Quality Standards, Table of Contents

The chapter is being amended to show the incorporation of sections of Chapter 16 into Chapter 93. The sections proposed to be merged include the criteria tables. The merging of these sections will consolidate the WQSs by allowing all of this Commonwealth's water quality criteria to reside in one chapter. The remaining sections of Chapter 16 will be retained in the statement of policy, with some modifications, corrections and updates.

*Section 93.1. Definitions.*

The Board proposes to clarify that the substances referred to in the definition for “toxic substances” will be identified in Chapter 93, rather than Chapter 16.

A new definition is proposed to clarify and define the reference to “conventional treatment” in the description of the PWS in Table 1 in § 93.3 (protected water uses). This definition incorporates the practices identified by the drinking water program that are commonly understood to provide “conventional” treatment.

A definition for “water effect ratio” will be added to Chapter 93 using language from § 16.31(e) (relating to application) that currently describes a WER.

*Section 93.3. Protected water uses.*

The Board proposes to clarify the definition of “migratory fishes” in Table 1. The proposed definition will explain that the fishes move to and from flowing waters to complete their life cycle in other waters.

The Board will also clarify that the definition of “irrigation” also includes golf courses, athletic fields and other commercial horticultural activities.

*Section 93.7. Specific water quality criteria. Table 3.*

Changes to the use notation in the Critical Use column for the Ammonia-nitrogen (Am) criterion was inadvertently missed during the previous triennial review when the numerical system was replaced by the protected use symbols identified in § 93.3, Table 1. The proposed change replaces the “1” with the aquatic life use symbols that it had previously intended to represent (CWF, WWF, TSF, MF).

The Board proposes to change the footnote in § 93.7, Table 3, for “Critical Use” to clarify that other intervening uses may become the most sensitive use if it is determined that the specified Critical Use is not providing adequate protection for all Statewide and protected uses, identified in § 93.3 and § 93.4 (relating to Statewide water uses), in or on the waterbody. Additional language will be added to the footnote as follows: “Other intervening more sensitive uses may apply at a given location on the waterbody.”

*Section 93.8. Development of site-specific water quality criteria.*

The Board proposes to relocate this section to a new § 93.8d (relating to special criteria for the Great Lakes Systems) following the proposed incorporation of sections and criteria tables from Chapter 16. The Board is also proposing to refine the procedure for informing the public of how site-specific water quality criteria will be incorporated into the WQS.

The Department has considered and approved NPDES permitted dischargers’ requests for site-specific water quality criteria for facilities in this Commonwealth when it has been demonstrated that there exist site-specific biological or chemical conditions of the receiving waters, which differ from conditions upon which the water quality criteria were based. This was accomplished by performing site-specific chemical and toxicological studies through a WER study or through criteria recalculation methods following the EPA’s “Guidance on the Determination and Use of Water—Effect Ratios for Metals” (EPA-823-B-94-001, February 1994). A WER is a factor that expresses the difference between the measures of the toxicity of a substance in laboratory water and the toxicity in site water. The WER provides a mechanism to account for that portion of a metal or other applicable chemical,

which is toxic under certain physical, chemical or biological conditions. A criterion recalculation considers the appropriateness of the toxicity data used to develop the National or State-recommended criterion as compared to conditions at a specific site.

*Section 93.8a. Toxic substances.*

This section is being amended and the new title will read, “water quality criteria for toxic substances.” The language in subsection (b) of the current section relating to Chapter 16 (relating to water quality toxics management strategy—statement of policy) and the toxics criteria will be replaced with references to Chapter 93. The new entry will read, “Water quality criteria for toxic substances shall be established as set forth in this Chapter. The analytical procedures will be listed in Chapter 16 (relating to water quality toxics management strategy—statement of policy).”

The Board proposes to delete, “At intervals not exceeding 1 year” in subsection (h) because the regulatory process will generally extend longer than 1 year, and this function will now become part of the triennial review process.

The Board proposes to clarify in subsection (j)(3) the location of the antidegradation requirements. The antidegradation requirements are now in Chapter 93 and Chapter 96 (relating to water quality standards implementation). The current reference to Chapter 95 (relating to water quality standards; and wastewater treatment requirements) is obsolete and will be replaced with Chapter 96.

The Board proposes to create four new sections in Chapter 93 to accommodate sections and tables being moved from Chapter 16. These new sections are §§ 93.8b—93.8e.

The water quality criteria for toxic substances that are National recommended water quality criteria currently contained in Chapter 16, Appendix A, Table 1 will be moved into § 93.8c, Table 5. New site-specific water quality criteria that are developed or approved by the Department will be placed and remain in Chapter 16 Appendix A Table 1, until they can be moved into Chapter 93 during a triennial review or other review of WQS.

*New § 93.8c. Human health and aquatic life criteria for toxic substances.*

Many of the human health criteria in the “EPA National Recommended Water Quality Criteria: 2002 (EPA-822-R-02-047, November 2002)” compilation have been revised based on the EPA’s new methodology for deriving human health criteria (*Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health (2000), EPA-822-B-00-004, October 2000*) or based on new scientific data not previously available for calculating water quality criteria.

The National recommended water quality criteria revisions include a compilation of: previously published criteria that are unchanged, criteria that have been recalculated from earlier criteria and newly calculated criteria based on peer-reviewed assessments and data.

A summary of the Boards proposed toxics criteria revisions is listed as follows:

The following revised human health criteria incorporate the EPA's new human health criteria methodology from October 2000. A new National default fish consumption rate of 17.5 grams/day replaces the previous 6.5 grams/day fish consumption rate, to adequately protect the general population of fish consumers. In addition, the cancer potency factor for PCBs has been updated accord-

ing to the best available toxics data located in the Integrated Risk Information System (IRIS) database, which is the National preferred information source. Following are the present and proposed criteria changes to the human health water quality criteria for toxic substances:

<i>Chemical name</i>	<i>Present Criteria µg/L</i>	<i>Proposed Criteria µg/L</i>
2-CHLOROPHENOL	121	81
2,4-DICHLORO-PHENOL	93	77
2,4-DIMETHYL-PHENOL	540	380
4,6-DINITRO-o-CRESOL	13.4	13
2,4-DINITRO-PHENOL	70	69
PENTACHLORO-PHENOL	0.28	0.27
2,4,6-TRICHLORO-PHENOL	2.1	1.4
ACROLEIN	320	190
ACRYLONITRILE	.059	.051
CARBON TETRACHLORIDE	0.25	0.23
CHLORODIBROMO-METHANE	0.41	0.40
DICHLOROBROMO- METHANE	0.56	0.55
METHYL BROMIDE	48.0	47.0
METHYLENE CHLORIDE	4.7	4.6
TETRACHLORO ETHYLENE	0.8	0.69
TOLUENE	6,800	1,300
1,1,2-TRICHLOROETHANE	0.60	0.59
TRICHLOROETHYLENE	2.7	2.5
VINYL CHLORIDE	2.0	0.025
ACENAPHTHENE	1200	670
ANTHRACENE	9600	8300
BENZIDINE	.00012	.000086
BENZO(a)ANTHRACENE	.0044	.0038
BENZO(a)PYRENE	.0044	.0038
3,4-BENZOFLUORANTHENE	.0044	.0038
BENZO(k)FLUORANTHENE	.0044	.0038
BIS(2-CHLOROETHYL)ETHER	.031	.030
BIS(2-ETHYLHEXYL)PHTHALATE	1.8	1.2
2-CHLORONAPHTHALENE	1700	1000
CHRYSENE	.0044	.0038
DIBENZO(a,h)ANTHRACENE	.0044	.0038
3,3-DICHLOROBENZIDINE	.04	.021
DIETHYL PHTHALATE	23000	17000
DIMETHYL PHTHALATE	31300	27000
DI-N-BUTYL PHTHALATE	2700	2000
1,2-DIPHENYLHYDRAZINE	.04	.036
FLUORANTHENE	300	130
FLUORENE	1300	1100
HEXACHLOROBENZENE	.00075	.00028
HEXACHLOROETHANE	1.9	1.4
INDENO(1,2,3cd)PYRENE	.0044	.0038

<i>Chemical name</i>	<i>Present Criteria µg/L</i>	<i>Proposed Criteria µg/L</i>
ISOPHORONE	36	35
N-NITROSODI-N-PHENYLAMINE	5	3.3
PYRENE	960	830
1,2,4-TRICHLOROBENZENE	330	35
ALDRIN	.00013	.000049
alpha-BHC	.0039	.0026
beta-BHC	.014	.0091
CHLORDANE	0.0021	.00080
4,4-DDT	.00059	.00022
4,4-DDE	.00059	.00022
4,4-DDD	.00083	.00031
DIELDRIN	.00014	.000052
alpha-ENDOSULFAN	110	62
ENDRIN ALDEHYDE	0.76	0.29
HEPTACHLOR	.00021	.000079
HEPTACHLOREPOXIDE	.0001	.000039
PCBs	.000044	.000064
TOXAPHENE	.00073	.00028
2,3,7,8-TCDD	1.3 E-8	5.0 E-9

Similar to those listed previously, the toxics criteria listed as follows are also calculated using the EPA's 2000 methodology for deriving human health criteria, but because these toxics can also be found in other media (such as in food, air and the like), the Federally-recommended criterion contains a relative source contribution (RSC) to account for nonwater sources of exposure.

<i>Chemical Name</i>	<i>RSC</i>	<i>Present Criteria µg/L</i>	<i>Proposed Criteria µg/L</i>
ANTIMONY	.40	14	5.6
THALLIUM	.20	1.7	.24
CYANIDE, FREE	.20	700	140
CHLOROBENZENE	.20	680	130
ETHYLBENZENE	.20	3100	530
TOLUENE	.20	6800	1300
1,2-trans-DICHLOROETHYLENE	.20	700	140
1,2-DICHLOROBENZENE	.20	2700	420
HEXACHLOROCYCLOPENTADIENE	.20	240	40
ENDRIN	.20	0.76	.059

The criteria for the following toxics were developed based on the EPA's 2000 methodology for deriving human health criteria and other toxicity data as follows:

<i>Chemical name</i>	<i>RSC</i>	<i>Present Criteria µg/L</i>	<i>Proposed Criteria µg/L</i>
ARSENIC		50	10
1,1-DICHLOROETHYLENE	0.2	0.057	33
BUTYLBENZYL PHTHALATE		300	150
gamma-BHC (LINDANE)	0.2	.019	0.098

*Arsenic.* The EPA is in the process of an extensive evaluation of the ambient water criterion for arsenic. The Department's present criterion for arsenic is 50 µg/L, which was the maximum contaminate level (MCL) allowed in drinking water. On January 22, 2001, the EPA adopted the MCL for arsenic in drinking water at 10 µg/L, replacing the old MCL of 50 µg/L. The rule became

effective on February 22, 2002. The date by which systems had to comply with the new 10 µg/L standard was January 23, 2006.

At this time the Board is proposing to adopt 10 µg/L for the arsenic ambient water quality criterion. Upon the EPA's completion of the arsenic evaluation, and in the event of incorporation of a new recommended ambient

water quality human health criterion, the Department will reevaluate the criterion for arsenic and make a recommendation to the Board on whether to incorporate it into the Commonwealth's WQS.

*1,1-Dichloroethylene (1,1-DCE).* The EPA has determined after comprehensive review that the toxicity data for 1,1-DCE exhibits suggestive evidence of carcinogenicity but not sufficient evidence to assess human carcinogenic potential. Therefore 1,1-DCE has been labeled a possible human carcinogen. The cancer potency factor has been removed from the IRIS database, which is the National preferred information source. The Board is proposing this recalculated human health criterion as a threshold level toxic, as recommended by the EPA. The criterion is calculated using a reference dose, which accounts for noncancer effects and a RSC that accounts for nonwater sources of exposure. In addition, because this toxic substance exhibits suggestive evidence of carcinogenicity the criterion was developed using an addition margin of safety (divided by a factor of 10) to protect human health from carcinogenic effects. The guidelines for development of human-based criteria with threshold level toxic effects are presently found in Chapter 16.

*Butylbenzyl Phthalate.* This compound is also calculated as a human health threshold level toxic substance. The proposed criterion retains an additional margin of safety (divided by a factor of 10) to account for it being a possible human carcinogen, according to established protocols presently found in Chapter 16.

*Gamma-BHC (Lindane).* The cancer potency factor for lindane has been removed from IRIS. The Board is proposing the calculated human health criterion as a threshold level toxic as recommended by the EPA. The criterion was calculated using a reference dose, which accounts for noncancer effects and a RSC that accounts for nonwater sources of exposure. In addition, because this toxic substance exhibits suggestive evidence of carcinogenicity the criterion includes a margin of safety (divided by a factor of 10) to protect human health from carcinogenic effects.

*New criteria being added to Table 5.*

New criteria that have been developed or approved by the Department are being proposed for adoption by the Board and added to Table 5. The Board is proposing to add ambient water quality human health criteria for molybdenum (210 µg/L) and metolachlor (69 µg/L) to the water quality standards since these compounds are expected to be present in discharges.

The Board proposes to adopt the freshwater aquatic life criterion that was recently developed by the EPA for diazinon where both the criteria continuous concentration and criteria maximum concentration are not to exceed 0.17 µg/L (EPA-822-R-05-006, Dec. 2005). This criterion replaces a similar guidance value that was previously developed by the Department based on limited available toxicological data. Formally adopting this new diazinon criterion is needed to support TMDLs and for use in other NPDES permits when needed.

*New § 93.8d. Development of site-specific water quality criteria.*

This new § 93.8d is proposed to contain the provisions for developing site-specific water quality criteria, which were previously contained in § 93.8 prior to merging the criteria tables from Chapter 16.

*New § 93.8e. Special criteria for the Great Lakes System.*

The Board is proposing to incorporate portions of the Special Provisions for the Great Lakes System from

Chapter 16 into a new § 93.8e, including the Great Lakes Aquatic Life and Human Health Criteria Table (as a new Table 6) and the Great Lakes Wildlife Criteria Table (as a new Table 7) from § 16.61 (relating to special provisions for the Great Lakes System).

*Section 93.9. Designated water uses and water quality criteria.*

Clarification is being added to describe that the county being referenced in the stream drainage lists in §§ 93.9a—93.9z is the county in which the mouth “or the downstream limit of the zone being described for that entry” is located. It currently only refers to it being the location of the mouth of the waterbody. In addition, an amendment to § 93.9(b) clarifies that the most stringent WQS applies between the Department's standards and interstate or international agencies' standards under an interstate compact or international agreement.

*Corrections to Drainage Lists*

*Sections 93.9a—93.9o and 93.9z. Add MF to Drainage Lists A—O and Z.*

The three major eastern drainage basins within this Commonwealth, the Delaware, Susquehanna and Potomac River basins, which make up the Commonwealth's contribution to the greater Mid-Atlantic slope, have historically supported the passage, maintenance and propagation of migratory fish. Migratory fish are characterized as anadromous and catadromous fishes and other fishes, which travel to or from flowing waters to complete their life cycle. Anadromous fishes spend most of their lives in saltwater, but migrate to flowing freshwaters to spawn, while catadromous fishes spend most of their lives in freshwater, and spawn in saltwater. The construction of large hydroelectric dams, smaller milldams, other lowhead dams or obstructions, and overfishing, which started in the 1800s, has led to the decline of this Commonwealth's migratory fish populations. Since that time, restoration efforts have been and continue to be successfully implemented in an effort to restore migratory fish populations into their historical ranges. The presence or potential for passage, maintenance and propagation of native migratory fish can be substantiated through fish passage restoration projects that currently facilitate the recovery of species to a significant portion of their historical range and proposed projects with the potential to restore populations to the entire historical range. This proposal would apply a migratory fish designation to the Mid-Atlantic slope drainages, and has taken into consideration the presence or potential for passage, maintenance and propagation of American eel, American shad, hickory shad, blueback herring, alewife, Atlantic striped bass, shortnose sturgeon, Atlantic sturgeon and other fish species that migrate locally within the watershed to complete their life cycles. Therefore, a basin-wide migratory fish designation is proposed for drainage lists A—O and Z, unless there are specific exceptions noted for certain waterbodies or stream segments within one of these drainage lists. Drainage lists A—G are located within the Delaware River Basin. Drainage lists H—O are located within the Susquehanna River Basin. Drainage list Z is located within the Potomac River Basin. It should be noted, however, that this particular revision that accompanies this rulemaking, but will be incorporated into the regulations at final-form rulemaking.

The following additional changes to the drainage lists are proposed by the Board to clarify stream names and segment boundaries and designations. These corrections do not change the current stream use designations, and only serve as clarifications:

*Section 93.9d. Drainage List D.*

The zone description for the headwaters of the Black Creek basin is currently written in § 93.9d as 'Basin, Source to Beaver Creek.' This zone description, however, actually defines the Hazle Creek basin since the confluence of Hazle Creek and Beaver Creek form Black Creek. Hazle Creek is currently missing from this drainage list. To correct this, an entry for Hazle Creek basin will be inserted before the Beaver Creek entry. The 'Main Stem' entry for Black Creek will be corrected to reference the confluence of Hazle Creek and Beaver Creek, which forms Black Creek. The unnamed tributaries (UNT) entry for Beaver Creek to the Mouth will also be corrected to reference the confluence of Hazle Creek and Beaver Creek. This action will not affect the current stream use designations for these waters.

Additionally, Koons Creek and Brushy Hollow Run are listed as tributaries to Black Creek in the Department's stream directory. To clarify their proper location within Drainage List D, the Board proposes to add Koons Creek before the Quakake Creek entries and add Brushy Hollow Run after Quakake since these two streams are named tributaries within this section. This action will not affect the current stream use designations.

*Section 93.9f. Drainage List F.*

The Board proposes to correct an error that was made during the most recent Triennial Review of Water Quality Standards (TR04) concerning Drainage List F. Before TR04, which was published as a proposal at 33 Pa.B. 5192 (October 18, 2003) and final-form rulemaking at 35 Pa.B. 1197 (February 12, 2005), there were two entries for the UNTs to the Schuylkill River from the Berks-Chester-Montgomery County border to Valley Creek. One entry designated all of the UNTs to the Schuylkill River on the Chester County shore as HQ-TSF (except those in Spring City and Phoenixville). The other entry designated all of the UNTs to the Schuylkill River on the Montgomery County shore as Warm Water Fishes (WWF). The UNTs to the Schuylkill River in Spring City and Phoenixville were not listed in Chapter 93. The result of the last triennial review was to incorrectly list all of the UNTs to the Schuylkill River (on both the Chester and Montgomery County shores) from the Berks-Chester-Montgomery County border to Valley Creek (except those in Spring City and Phoenixville) as HQ-TSF in § 93.9f. The UNTs to the Schuylkill River in Spring City and Phoenixville were designated WWF. Further corrective action is necessary because all of the UNTs to the Schuylkill River on the Montgomery County shore should not be HQ-TSF, but rather should be WWF. Also, the entry for reference to UNTs from 'Valley Creek to Tide' should be changed so that it reads from 'Valley Creek to Head of Tide.' The county listed for this entry should not be Chester-Montgomery since the 'Head of Tide' for the Schuylkill River is actually located in Philadelphia County (Fairmont Dam).

It was brought to the Department's attention that Mellshamic Creek is listed in the Department's stream directory as a UNT to the Schuylkill River. After extensive review, the Department has determined that Mellshamic Creek is a local name given to one of two UNTs in this reach of the Schuylkill River. To clarify this, the Board proposes to remove the stream entry containing the local name Mellshamic Creek from this drainage list. This action will not affect the current stream use designations since this stream will be covered by the UNTs entry.

Additionally, the Department recently received information that suggests Trout Creek and Monocacy Creek may be improperly designated in § 93.9f. Both streams are currently designated WWF and they will both undergo separate reviews for redesignation to CWF. The Department will conduct its review of available information pertaining to these two streams during the proposed phase of this rulemaking. The public is encouraged to make available to the Department any technical data concerning the water quality, instream habitat or biological condition of either of these two streams. After the Department's review has been completed, the appropriate designated use for Monocacy Creek and Trout Creek will be included in the final-form rulemaking. The Department will protect any more stringent existing use, as indicated on the Department's Existing Use List which is posted on the Department's website and maintained by the Bureau of Water Standards and Facility Regulation.

*Section 93.9i. Drainage List I.*

It was determined that the name of North Fork Mehoopany Creek is incorrect in the drainage list. After thorough review of the PA Gazetteer of Streams and the PA Stream Directory it was determined that North Branch Mehoopany Creek is the correct name. The Board proposes to correct the name of North Fork Mehoopany Creek, to North Branch Mehoopany Creek.

Nine Partners Creek is a tributary to the Tunkhannock Creek. Nine Partners Creek was historically known as Leslie Creek and was referenced in the *Water Resources Bulletin*, Gazetteer of Streams (June 1984) as being the same stream as Leslie Creek. To clarify the stream name, the Board proposes to change the name of Leslie Creek to Nine Partners Creek.

These actions will not affect the current stream use designations for these waters.

*Section 93.9l. Drainage List L.*

The Board proposes to clarify that the origin of Rauchtown Creek is the confluence of Rockey Run and Gottshall Run. This action will not affect the current stream use designations.

*Section 93.9m. Drainage List M.*

Currently, Buddys Run is an incorrect name for a tributary to Shamokin Creek. This stream name should be Bennys Run. This action will not affect the current stream use designation for this tributary.

*Section 93.9q. Drainage List Q.*

Shirley Run is a tributary to Thompson Creek in the Ohio River basin (Drainage List Q). The entry, which designates Shirley Run basin as HQ-CWF, is missing from § 93.8. Shirley Run basin was redesignated from CWF to HQ-CWF in the Tincum Creek et. al, final-form rulemaking published at 17 Pa.B. 5247 (October 11, 1997). As a result of the RBI (Regulatory Basics Initiative) Triennial Review final rulemaking, which was published at 30 Pa.B. 6111 (November 18, 2000), the designation for Shirley Run was inadvertently and erroneously reverted back to CWF as it was prior to the Tincum Creek, et al rulemaking. This proposed amendment to Chapter 93 is intended to restore the HQ-CWF designation for Shirley Run, which was originally established by the Tincum Creek, et. al., rulemaking package of 1997.

To clarify that the mouth of West Branch Caldwell Creek lies in Warren County, the Board will change the county entry in § 93.9q from Crawford County to Warren County. This action will not affect the current stream use designations.

*Section 93.9v. Drainage List V.*

The Board proposes to clarify the county listings for two of the entries that comprise the Tenmile Creek basin. The downstream boundary for the zone that describes the headwaters of Tenmile Creek (Basin, Source to South Fork Tenmile Creek) lies along the boundary between Greene and Washington Counties and therefore both Greene and Washington Counties should be listed with this entry in § 93.9v. Similarly, Greene, Washington and Fayette Counties should be listed with the entry for the downstream portion of Tenmile Creek (Basin, South Fork Tenmile Creek to Mouth) since the mouth of Tenmile Creek lies at the border of these three counties. These corrections will not affect the current stream use designations.

*Section 93.9x. Drainage List X.*

The Board proposes to add a reference to both the Department of Health's regulations and the Federal regulation in 40 CFR 131.41, which sets forth new bacteria criteria within this Commonwealth for coastal recreation waters on Lake Erie.

*Exceptions for Fishable/Swimmable Waters*

Part of the triennial review requires that states reexamine water body segments that do not meet the fishable or swimmable uses specified in section 101(a)(2) of the Federal Clean Water Act. The Department evaluated the two Commonwealth water bodies where the uses are not currently met: (1) the Harbor Basin and entrance channel to Outer Erie Harbor/Presque Isle Bay (Drainage List X, § 93.9x); and (2) several zones in the Delaware Estuary (Drainage Lists E and G, §§ 93.9e and 93.9g).

The swimmable use designation was deleted from the Harbor Basin and entrance channel demarcated by United States Coast Guard buoys and channel markers on Outer Erie Harbor/Presque Isle Bay because pleasure boating and commercial shipping traffic pose a serious safety hazard in this area. This decision was further supported by a Use Attainability (UAA) study conducted by the Department in 1985. Because the same conditions and hazards exist today, no change to the designated use for Outer Erie Harbor/Presque Isle Bay is proposed.

In April 1989, the Department cooperated with the Delaware River Basin Commission (DRBC), the EPA and other DRBC signatory states on a comprehensive UAA study in the lower Delaware River and Delaware Estuary. This study resulted in appropriate recommendations relating to the swimmable use, which DRBC included in water use classifications and water quality criteria for portions of the tidal Delaware River in May 1991. The appropriate DRBC standards were referenced in §§ 93.9e and 93.9g (relating to Drainage List E; and Drainage List G) in 1994. The primary water contact use remains excluded from the designated uses for river miles 108.4 to 81.8 because of continuing significant impacts from combined sewer overflows, and hazards associated with commercial shipping and navigation.

*F. Benefits, Costs and Compliance*

1. *Benefits.* Overall, the Commonwealth, its citizens and natural resources will benefit from these recommended changes because they provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality has economic values provided to present and future generations in the form of clean water, recreational opportunities and aquatic life protection. It is important to realize all benefits and to ensure that

activities that depend on surface water or that may affect its chemical, biological and physical integrity may continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

2. *Compliance Costs.* The proposed amendments to Chapter 93 may impose additional compliance costs on the regulated community. These regulatory changes are necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

Persons conducting or proposing activities or projects shall comply with the regulatory requirements relating to designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment to meet the more stringent criteria for selected parameters or there are changes in designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating cost for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. Therefore, it is not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs from technologically improved treatments may be offset over time by potential savings from and increased value of improved water quality through these improved and possibly more effective or efficient treatments.

3. *Compliance Assistance Plan.* The proposed revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations.

The proposed amendments will be implemented, in part, through the National Pollutant Discharge Elimination System (NPDES) permitting program. No additional compliance actions are anticipated. Staff is available to assist regulated entities in complying with the regulatory requirements if questions arise.

4. *Paperwork Requirements.* The proposed revisions should have no significant paperwork impact on the Commonwealth, its political subdivisions or the private sector.

*G. Pollution Prevention*

WQS are a major pollution prevention tool because they protect water quality and designated and existing uses. The proposed amendments will be implemented through the Department's permit and approval actions. For example, the NPDES bases effluent limitations on the designated use of the stream and the water quality criteria necessary to achieve designated and existing uses.

*H. Sunset Review*

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (act) (71 P. S. § 745.5(a)), on December 21, 2007, the Depart-

ment submitted a copy of the proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. 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 Department, the General Assembly and the Governor of comments, recommendations or objections raised.

*J. Public Comments*

*Written Comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17105-8477). Comments submitted by facsimile will not be accepted. The Board must receive comments by February 26, 2008. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by February 26, 2008. The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered.

*Electronic Comments.* Comments may be submitted electronically to the Board at RegComments@state.pa.us and must be received by the Board by February 26, 2008. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the e-mail address provided above to ensure receipt.

*K. Public Meeting and Public Hearing*

The Department will hold two public meetings to explain the proposed rulemaking and to respond to questions from meeting participants. The meetings will be held at 2 p.m. and at 6 p.m. as follows:

February 14, 2008      Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna Room A  
909 Elmerton Avenue  
Harrisburg, PA 17110

The Board will hold two public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 4 p.m. and at 8 p.m. as follows:

February 14, 2008      Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna Room A  
909 Elmerton Avenue  
Harrisburg, PA 17110

Persons wishing to present testimony at the hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are

requested to submit three written copies of oral testimony to the testimony on their behalf at each hearing. Organizations are limited to designating one witness to present testimony on their behalf at the hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 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*

*(Editor's Note:* For a document relating to this document see 38 Pa.B. 258 (January 12, 2008).)

**Fiscal Note:** 7-421. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 93. WATER QUALITY STANDARDS**

**§ 93.1. Definitions.**

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

\* \* \* \* \*

**Conventional treatment—Conventional filtration in a treatment process that uses separate, sequential units for coagulation/flocculation, clarification and granular media filtration to produce finished water for drinking.**

\* \* \* \* \*

**Toxic substance—**A chemical or compound in sufficient quantity or concentration which is, or may become, harmful to human, animal or plant life. The term includes, but is not limited to, priority pollutants and those substances which are identified in **Tables 5 and 6 of this chapter. Additional toxic substances are also described in Chapter 16 Appendix A, Table 1** (relating to **site-specific water quality criteria for toxic [management] substances [strategy—statement of policy]**).

**WER—Water Effect Ratio—**A factor that expresses the difference between the measures of the toxicity of a substance in laboratory water and the toxicity in site water. The WER provides a mechanism to account for that portion of a metal that is toxic under certain physical, chemical or biological conditions.

\* \* \* \* \*

**§ 93.3. Protected water uses.**

Water uses which shall be protected, and upon which the development of water quality criteria shall be based, are set forth, accompanied by their identifying symbols, in Table 1:

**TABLE 1**

<i>Symbol</i>	<i>Protected Use</i>
<b>Aquatic Life</b>	



<i>Symbol</i>	<i>Protected Use</i>
	* * * * *
MF	<i>Migratory Fishes</i> —Passage, maintenance and propagation of anadromous and catadromous fishes and other fishes which [ <b>ascend</b> ] <b>move to or from</b> flowing waters to complete their life cycle <b>in other waters</b> .
	* * * * *
<b>Water Supply</b>	
	* * * * *
IRS	<i>Irrigation</i> —Used to supplement precipitation for [ <b>growing crops</b> ] <b>crop production, maintenance of golf courses and athletic fields, and other commercial horticultural activities</b> .
	* * * * *

**§ 93.7. Specific water quality criteria.**

(a) Table 3 displays specific water quality criteria and associated critical uses. The criteria associated with the Statewide water uses listed in § 93.4, Table 2 apply to all surface waters, unless a specific exception is indicated in §§ 93.9a—93.9z. Other specific water quality criteria apply to surface waters as specified in §§ 93.9a—93.9z. All applicable criteria shall be applied in accordance with this chapter, Chapter 96 (relating to water quality standards implementation) and other applicable State and Federal laws and regulations.

TABLE 3

<i>Parameter</i>	<i>Symbol</i>	<i>Criteria</i>	<i>Critical Use*</i>
	* * * * *		
Ammonia Nitrogen	Am	The maximum total ammonia nitrogen concentration ( <b>in mg/L</b> ) at all times shall be the numerical value given by: un-ionized ammonia nitrogen (NH <sub>3</sub> -N) × (log <sup>-1</sup> [ pK <sub>T</sub> -pH ] + 1), where:	[ 1 ] CWF, WWF, TSF, MF
	* * * * *		

\* Critical [ **use** ] **Use**: The most sensitive designated or existing use the criteria are designed to protect. **Other intervening, more sensitive uses may apply at a given location on the waterbody.**

(b) Table 4 contains specific water quality criteria that apply to the water uses to be protected. When the symbols listed in Table 4 appear in the Water Uses Protected column in [ **§ 93.9** ] §§ 93.9a—93.9z, they have the meaning listed in the second column of Table 4. Exceptions to these standardized groupings will be indicated on a stream-by-stream or segment-by-segment basis by the words “Add” or “Delete” followed by the appropriate symbols described elsewhere in this chapter.

\* \* \* \* \*

(d) If the Department determines that natural quality of a surface water segment is of lower quality than the applicable aquatic life criteria in Table 3, **5 or Chapter 16, Appendix A Table 1**, the natural quality shall constitute the aquatic life criteria for that segment. All

draft natural quality determinations shall be published in the *Pennsylvania Bulletin* and be subject to a minimum 30-day comment period. The Department will maintain a publicly available list of surface waters and parameters where this subsection applies, and [ **shall** ] **will**, from time to time, submit appropriate amendments to §§ 93.9a—93.9z.

**§ 93.8. [ Development of site-specific water quality criteria ] (Reserved).**

[ (a) The Department will consider a request for site-specific criteria for protection of aquatic life, human health or wildlife when a person demonstrates that there exist site-specific biological or chemical conditions of receiving waters which differ from conditions upon which the water quality criteria were based. Site-specific criteria may be developed for use only in place of current Statewide or regional (such as the Great Lakes systems) criteria. The request for site-specific criteria shall include the results of scientific studies for the purpose of:

(1) Defining the areal boundaries for application of the site-specific criteria which will include the potentially affected wastewater dischargers identified by the Department, through various means, including, but not limited to, the total maximum daily load (TMDL) process described in Chapter 96 (relating to water quality standards implementation) or biological assessments.

(2) Developing site-specific criteria which protect its existing use and designated use.

(b) Scientific studies shall be performed in accordance with the procedures and guidance in the Water Quality Standards Handbook (EPA 1994), as amended and updated, guidance provided by the Department or other scientifically defensible methodologies approved by the Department.

(c) Prior to conducting studies specified in subsections (a) and (b), a proposed plan of study shall be submitted to and approved by the Department.

(d) Signed copies of all reports including toxicity test data shall be submitted to the Department within 30 days of completion of the tests.

(e) If as a result of its review of the report submitted, the Department determines that a site-specific criterion is appropriate, the Department will, for site-specific changes to criteria in § 93.7 (relating to specific water quality criteria), prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating that criterion for the water body segment. The site-specific changes to the criteria will become effective for the water body segment following adoption by the EQB as final rulemaking and publication in the *Pennsylvania Bulletin*.

(f) A person challenging a Department action under this section shall have the burden of proof to demonstrate that the Department’s action does not meet the requirements of this section. ]

**§ 93.8a. [ Toxic ] Water quality criteria for toxic substances.**

\* \* \* \* \*

(b) Water quality criteria for toxic [management] substances shall be established as described under Chapter 16 (relating to water quality toxics management strategy—statement of policy) [wherein the criteria and]. The Department will develop water quality criteria for toxics not listed in Chapter 93, Table 5 in accordance with § 93.8d (relating to development of site-specific water quality criteria) and Chapter 16, Appendix A, Table 1 in Chapter 16 lists site-specific human health and aquatic life criteria that have been recently developed or adopted by the Department based on approved methodologies and the best scientific information currently available. The approved EPA analytical procedures and detection limits for these substances will also be listed in Chapter 16. Chapter 16, along with changes made to it, is hereby specifically incorporated by reference.

\* \* \* \* \*

(h) [At intervals not exceeding 1 year, the] The Department will periodically, but at least once every 3 years, review, revise as necessary, and publish [a] new or revised water quality criteria for toxic substances, and revised procedures for criteria development in the *Pennsylvania Bulletin*.

\* \* \* \* \*

(j) The requirements for discharges to and antidegradation requirements for the Great Lakes System are as follows:

\* \* \* \* \*

(3) Statewide antidegradation requirements in this chapter and Chapter [95 (relating to water quality standards; and wastewater treatment requirements)] 96 (relating to water quality standards implementation) and in the Federal regulation in 40 CFR 131.32(a) (relating to Pennsylvania) as applicable, apply to all surface waters of the Great Lakes System.

\* \* \* \* \*

§ 93.8b. Metals criteria.

Dissolved criteria are footnoted in Table 5, and have been developed by applying the most current EPA conversion factors to the total recoverable criteria. The EPA factors are listed in the following Conversion Factors Table:

*Conversion Factors Table*

	<i>Chronic</i>	<i>Acute</i>	<i>Source</i>
Arsenic	1.000 (As3+)	1.000 (As3+)	1,2
Cadmium	1.101672- (ln[H] × 0.041838)	1.136672- (ln[H] × 0.041838)	2
Chromium VI	0.962	0.982	1,2
Copper	0.960	0.960	1,2

	<i>Chronic</i>	<i>Acute</i>	<i>Source</i>
Lead*		1.46203- (ln[H] × 0.145712)	
Mercury	0.85	0.85	1,2
Nickel	0.997	0.998	1,2
Selenium	0.922	0.922	1
Silver	NA	0.85	2
Zinc	0.986	0.978	1,2

\* Conversion factor applies to both acute and chronic criteria.

Source 1—Final Water Quality Guidance for the Great Lakes System (60 FR 15366, March 23, 1995)

Source 2—Establishment of Numeric Criteria for Priority Pollutants; Revision of Metals Criteria-Interim Final Rule (60 FR 22229, May 4, 1995)

§ 93.8c. Human health and aquatic life criteria for toxic substances.

(a) Table 5 and Chapter 16, Appendix A, Table 1 (relating to site-specific water quality criteria for toxic substances) list the aquatic life and human health criteria for toxic substances which the Department uses in development of effluent limitations in NPDES Permits and for other purposes. The human health criteria, which include probable modes of exposure (such as, but not limited to, ingestion from drinking water and fish consumption, inhalation and dermal absorption), are further defined as to the specific effect (that is, cancer or threshold health effects). For those aquatic life criteria which are hardness related and specified as a formula, such as several of the heavy metals, the Department will use the specific hardness of the receiving stream after mixing with the waste discharge in calculating criteria on a case-by-case basis. The priority pollutant numbers (PP NO) used by the EPA to identify priority pollutants are included in Table 5 for reference purposes. The toxics without a PP NO are nonpriority pollutants and State-derived criteria.

(b) Some of these criteria may be superseded for the Delaware Estuary, Ohio River Basin, Lake Erie Basin and Genesee River Basin under interstate and international compact agreements with the Delaware River Basin Commission, Ohio River Valley Sanitation Commission and International Joint Commission, respectively. The criteria in Table 5 do not apply to the Great Lakes System. Water quality criteria for the Great Lakes System are contained in § 93.8e (relating to special criteria for the Great Lakes System) and Table 6 (relating to Great Lakes Aquatic Life and Human Health Criteria). Criteria may be developed for the Great Lakes System for substances other than those listed in § 93.8e under the methodologies in § 16.61 (relating to special provisions for the Great Lakes system).

TABLE 5  
WATER QUALITY CRITERIA FOR TOXIC SUBSTANCES

*Fish and Aquatic Life Criteria*

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	
1M	ANTIMONY	07440360	220	1100	5.6	H
2M	ARSENIC	07440382	150 (As3+)	340 (As3+)	10	H
3M	BERYLLIUM	07440417	N/A	N/A	N/A	—
4M	CADMIUM	07440439	*{1.101672-(ln[H] ×0.041838)} ×Exp(0.7409×ln[H]-4.719) (ex: @H=100, CCC=0.25)	*{1.136672-(ln[H] ×0.041838)} ×Exp(1.0166×ln[H]-3.924) (ex: @H=100, CMC=2.0)	N/A	—
5M	CHROMIUM III	16065831)	*0.860×Exp(0.819×ln[H]+0.6848) (ex: @H=100, CCC=74)	*0.316Exp(0.819×ln[H]+3.7256) (ex: @H=100, CMC=570)	N/A	—
5M	CHROMIUM VI	18540299	*10	*16	N/A	—
6M	COPPER	07440508	*0.960×Exp(0.8545×ln[H]-1.702) (ex: @H=100, CCC=9.0)	*0.960×Exp(0.9422×ln[H]-1.700) (ex: @H=100, CMC=13)	N/A	—
7M	LEAD	07439921	*{1.46203-(ln[H] ×0.145712)} ×Exp(1.273×ln[ H ]-4.705) (ex: @H=100, CCC=2.5)	*{1.46203-(ln[H] ×0.145712)} ×Exp(1.273×ln[H]-1.460) (ex: @H=100, CMC=65)	N/A	—
8M	MERCURY	07439976	*0.77 (Hg2+)	*1.4 (Hg2+)	0.05	H
9M	NICKEL	07440020	*0.997×Exp(0.846×ln[H]+0.0584) (ex: @H=100, CCC=52)	*0.998×Exp(0.846×ln[H]+2.255) (ex: @H=100, CMC=470)	610	H
10M	SELENIUM	07782492	*4.6	N/A	N/A	—
11M	SILVER	07440224	N/A	*0.850×Exp(1.72×ln[H]-6.590) (ex: @H=100, CMC=3.2)	N/A	—
12M	THALLIUM	07440280	13	65	.24	H
13M	ZINC	07440666	*0.986×Exp(0.8473×ln[H]+0.884) (ex: @H=100, CCC=120)	*0.978×Exp(0.8473×ln[H]+0.884) (ex: @H=100, CMC=120)	N/A	
14M	CYANIDE, FREE	00057125	5.2	22	140	H
1A	2-CHLORO-PHENOL	00095578	110	560	81	H
2A	2,4-DICHLORO-PHENOL	00120832	340	1700	77	H
3A	2,4-DIMETHYL-PHENOL	00105679	130	660	380	H
4A	4,6-DINITRO-o-CRESOL	00534521	16	80	13	H
5A	2,4-DINITRO-PHENOL	00051285	130	660	69	H
6A	2-NITRO-PHENOL	00088755	1600	8000	N/A	—
7A	4-NITRO-PHENOL	00100027	470	2300	N/A	—
8A	P-CHLORO-m-CRESOL	00059507	30	160	N/A	—

*Fish and Aquatic Life Criteria*

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	
9A	PENTACHLORO-PHENOL	00087865	Exp(1.005 × [pH -5.134] @pH=6.5 7.8 9.0 Crit=4.1 15 50	Exp(1.005 × [pH -4.869] @pH=6.5 7.8 9.0 Crit=5.3 19 65	0.27	CRL
10A	PHENOL	00108952	N/A	N/A	21000	H
11A	2,4,6-TRICHLORO-PHENOL	00088062	91	460	1.4	CRL
1V	ACROLEIN	00107028	1	5	190	H
2V	ACRYLONITRILE	00107131	130	650	0.051	CRL
3V	BENZENE	00071432	130	640	1.2	CRL
5V	BROMOFORM	00075252	370	1800	4.3	CRL
6V	CARBON TETRACHLORIDE	00056235	560	2800	0.23	CRL
7V	CHLORO-BENZENE	00108907	240	1200	130	H
8V	CHLORODIBRO-MO-METHANE	00124481	N/A	N/A	0.40	CRL
9V	CHLOROETHANE	00075003	N/A	N/A	N/A	—
10V	2-CHLOROETHYL VINYL ETHER	00110758	3500	18000	N/A	—
11V	CHLOROFORM	00067663	390	1900	5.7	CRL
12V	DICHLOROBRO-MO- METHANE	00075274	N/A	N/A	0.55	CRL
14V	1,1-DICHLORO-ETHANE	00075343	N/A	N/A	N/A	—
15V	1,2-DICHLORO-ETHANE	00107062	3100	15000	0.38	CRL
16V	1,1-DICHLORO-ETHYLENE	00075354	1500	7500	33.0	H
17V	1,2-DICHLORO-PROPANE	00078875	2200	11000	N/A	—
18V	1,3-DICHLORO-PROPYLENE	00542756	61	310	34	CRL
19V	ETHYLBENZENE	00100414	580	2900	530	H
20V	METHYL BROMIDE	00074839	110	550	47	H
21V	METHYL CHLORIDE	0074873	5500	28000	N/A	—
22V	METHYLENE CHLORIDE	00075092	200	12000	4.6	CRL
23V	1,1,2,2-TETRA-CHLOROETHANE	00079345	210	1000	0.17	CRL
24V	TETRACHLORO-ETHYLENE	00127184	140	700	0.69	CRL
25V	TOLUENE	00108883	330	1700	1300	H
26V	1,2-trans-DICHLORO-ETHYLENE	00156605	1400	6800	140	H
27V	1,1,1-TRICHLORO-ETHANE	00071556	610	3000	N/A	
28V	1,1,2-TRICHLORO-ETHANE	00079005	680	3400	0.59	CRL
29V	TRICHLORO-ETHYLENE	00079016	450	2300	2.5	CRL

*Fish and Aquatic Life Criteria*

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	
31V	VINYL CHLORIDE	00075014	N/A	N/A	.025	CRL
1B	ACENAPHTHENE	00083329	17	83	670	H
2B	ACENAPHTHYLENE	00208968	N/A	N/A	N/A	—
3B	ANTHRACENE	00120127	N/A	N/A	8300	H
4B	BENZIDINE	00092875	59	300	0.000086	CRL
5B	BENZO(a)- ANTHRACENE	00056553	0.1	0.5	0.0038	CRL
6B	BENZO(a)PYRENE	00050328	N/A	N/A	0.0038	CRL
7B	3,4-BENZO- FLUORANTHENE	00205992	N/A	N/A	0.0038	CRL
8B	BENZO(ghi)- PERYLENE	00191242	N/A	N/A	N/A	—
9B	BENZO(k)- FLUORANTHENE	00207089	N/A	N/A	0.0038	CRL
10B	BIS(2-CHLORO- ETHOXY)METHANE	00111911	N/A	N/A	N/A	—
11B	BIS(2-CHLORO- ETHYL)ETHER	00111444	6000	30000	0.030	CRL
12B	BIS(2-CHLORO- ISOPROPYL)ETHER	00108601	N/A	N/A	1400	H
13B	BIS(2-ETHYL- HEXYL)PHTHALATE	00117817	910	4500	1.2	CRL
14B	4-BROMOPHENYL PHENYL ETHER	00101553	54	270	N/A	—
15B	BUTYLBENZYL PHTHALATE	00085687	35	140	150	H
16B	2-CHLORO- NAPHTHALENE	00091587	N/A	N/A	1000	H
17B	4-CHLORO- PHENYL PHENYL ETHER	07005723	N/A	N/A	N/A	—
18B	CHRYSENE	00218019	N/A	N/A	0.0038	CRL
19B	DIBENZO(a,h)- ANTHRACENE	00053703	N/A	N/A	0.0038	CRL
20B	1,2-DICHLORO- BENZENE	00095501	160	820	420 for dichloro- benzene	H
21B	1,3-DICHLORO- BENZENE	00541731	69	350	See 20B	H
22B	1,4-DICHLORO- BENZENE	00106467	150	730	See 20B	H
23B	3,3-DICHLORO- BENZIDINE	00091941	N/A	N/A	.021	CRL
24B	DIETHYL PHTHALATE	00084662	800	4000	17000	H
25B	DIMETHYL PHTHALATE	00131113	500	2500	270000	H
26B	DI-N-BUTYL PHTHALATE	00084742	21	110	2000	H
27B	2,4-DINITRO- TOLUENE	00121142	320	1600	0.05 for dinitro- toluene	CRL

*Fish and Aquatic Life Criteria*

<i>PP NO</i>	<i>Chemical Name</i>	<i>CAS Number</i>	<i>Criteria Continuous Concentrations (µg/L)</i>	<i>Criteria Maximum Concentration (µg/L)</i>	<i>Human Health Criteria (µg/L)</i>	
28B	2,6-DINITRO-TOLUENE	00606202	200	990	See 27B	CRL
29B	DI-N-OCTYL PHTHALATE	00117840	N/A	N/A	N/A	—
30B	1,2-DIPHENYL-HYDRAZINE	00122667	3	15	.036	CRL
31B	FLUORANTHENE	00206440	40	200	130	H
32B	FLUORENE	00086737	N/A	N/A	1100	H
33B	HEXACHLORO-BENZENE	00118741	N/A	N/A	0.00028	CRL
34B	HEXACHLORO-BUTADIENE	00087683	2	10	0.44	CRL
35B	HEXACHLORO-CYCLOPENTADIENE	00077474	1	5	40	H
36B	HEXACHLORO-ETHANE	00067721	12	60	1.4	CRL
37B	INDENO(1,2,3-cd)PYRENE	00193395	N/A	N/A	.0038	CRL
38B	ISOPHORONE	00078591	2100	10000	35	H
39B	NAPHTHALENE	00091203	43	140	N/A	—
40B	NITROBENZENE	00098953	810	4000	17	H
41B	N-NITROSO-DIMETHYLAMINE	00062759	3400	17000	0.00069	CRL
42B	N-NITROSODI-N-PROPYLAMINE	00621647	N/A	N/A	0.005	CRL
43B	N-NITROSO-DIPHENYLAMINE	00086306	59	300	3.3	CRL
44B	PHENANTHRENE	00085018	1	5	N/A	—
45B	PYRENE	00129000	N/A	N/A	830	H
46B	1,2,4-TRICHLORO-BENZENE	00120821	26	130	35	H
1P	ALDRIN	00309002	0.1	3	0.000049	CRL
2P	alpha-BHC	00319846	N/A	N/A	0.0026	CRL
3P	beta-BHC	00319857	N/A	N/A	.0091	CRL
4P	gamma-BHC (LINDANE)	00058899	N/A	0.95	0.098	H
5P	delta-BHC	00319868	N/A	N/A	N/A	—
6P	CHLORDANE	00057749	0.0043	2.4	0.00080	CRL
7P	4,4-DDT	00050293	0.001	1.1	.00022	CRL
8P	4,4-DDE	00072559	0.001	1.1	.00022	CRL
9P	4,4-DDD	00072548	0.001	1.1	.00031	CRL
10P	DIELDRIN	00060571	0.056	0.24	.000052	CRL
11P	alpha-ENDOSULFAN	00959988	0.056	0.22	62 for endosulfan	H
12P	beta-ENDOSULFAN	33213659	0.056	0.22	See 11P	H
13P	ENDOSULFAN SULFATE	01031078	N/A	N/A	N/A	—
14P	ENDRIN	00072208	0.036	0.086	.059	H

*Fish and Aquatic Life Criteria*

PP NO	Chemical Name	CAS Number	Criteria Continuous Concentrations (µg/L)	Criteria Maximum Concentration (µg/L)	Human Health Criteria (µg/L)	
15P	ENDRIN ALDEHYDE	07421934	N/A	N/A	0.29	—
16P	HEPTACHLOR	00076448	0.0038	0.52	.000079	CRL
17P	HEPTACHLOR EPOXIDE	01024573	0.0038	0.5	.000039	CRL
18P	PCB		0.014	N/A	0.000064 for PCBs	CRL
25P	TOXAPHENE	08001352	0.0002	0.73	0.00028	CRL
PP	2,3,7,8-TCDD	01746016	N/A	N/A	5.0 E-9	CRL
—	ACETONE	00067641	86000	450000	3500	H
—	ALUMINUM	07429905	N/A	750	N/A	—
—	BARIUM	07440393	4100	21000	2400	H
—	BORON	07440428	1600	8100	3100	H
—	COBALT	07440484	19	95	N/A	—
—	p-CRESOL	00106445	160	800	N/A	—
—	DIAZINON	333415	0.17	0.17	N/A	—
—	FORMALDEHYDE	00050000	440	2200	700	H
—	2-HEXANONE	00591786	4300	21000	N/A	—
—	LITHIUM	07439932	N/A	N/A	N/A	—
—	METHYLETHYL KETONE	00078933	32000	230000	21000	H
—	METHYLISO-BUTYL KETONE	00108101	5000	26000	N/A	—
—	METOLACHLOR	51218452	NA	NA	69	H
—	MOLYBDENUM	07439987	NA	NA	210	H
—	I-PROPANOL	00071238	46000	230000	N/A	—
—	2-PROPANOL	00067630	89000	440000	N/A	—
—	1,2,3-TRICHLORO-PROPANE	00096184	N/A	N/A	210	H
—	VANADIUM	07440622	100	510	N/A	—
—	XYLENE	01330207	210	1100	70000	H

Acronyms and Footnotes to Table 5

\* Indicates dissolved metal criterion; others are total recoverable metals. Each listed dissolved criterion in Table 5 is equal to the corresponding total recoverable criterion before rounding (from the EPA National Ambient Water Quality Criteria Documents) multiplied by the conversion factor (from the Conversions Factors Table); a criterion that is expressed as a hardness (H)-based equation is shown in Table 5 as the conversion factor (listed) multiplied by the hardness criterion equation; an example criterion at hardness=100mg/L is included.

CAS—Chemical Abstract Service number

CRL—Cancer risk level at  $1 \times 10^{-6}$

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln[H]—Natural Logarithm of the Hardness of stream as mg/l CaCO<sub>3</sub>

µg/L—Micrograms per liter

N/A—Criterion not developed

PP NO—Priority Pollutant Number

§ 93.8d. Development of site-specific water quality criteria.

(a) The Department will consider a request for site-specific criteria for protection of aquatic life, human health or wildlife when a person demonstrates that there exist site-specific biological or chemical conditions of receiving waters which differ from conditions upon which the water quality criteria were based. Site-specific criteria may be developed for use only in place of current State-wide or regional (such as the Great Lakes systems) criteria. The request for site-specific criteria must include the results of scientific studies for the purpose of:

(1) Defining the areal boundaries for application of the site-specific criteria which will include the potentially affected wastewater dischargers identi-

fied by the Department, through various means, including, but not limited to, the total maximum daily load (TMDL) process described in Chapter 96 (relating to water quality standards implementation) or biological assessments.

(2) Developing site-specific criteria which protect its existing use and designated use.

(b) Scientific studies shall be performed in accordance with the procedures and guidance in the Water Quality Standards Handbook (EPA 1994), including "Guidance on the Determination and Use of Water-Effect Ratios for Metals" (February 1994) and with the "Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health" (2000), as amended and updated. Other guidance approved by the Department, which is based on other EPA approved or scientifically defensible methodologies, may be used. The WER study may be conducted, based on either total recoverable or dissolved criteria, depending on the form of the criterion.

(c) Prior to conducting studies specified in subsections (a) and (b), a proposed plan of study shall be submitted to the Department for review, consideration and approval.

(d) Signed copies of all reports including toxicity test data shall be submitted to the Department within 60 days of completion of the tests.

(e) If, as a result of its review of the report submitted to satisfy a request, the Department determines that a site-specific criterion for a toxic substance is appropriate, the Department will publish the site-specific criterion in the *Pennsylvania Bulletin*, along with other special conditions under § 92.61(a)(5) (relating to public notice of permit application and public hearing), and in Chapter 16

Appendix A, Table 1 (relating to site-specific water quality criteria for toxic substances). Changes listed in Appendix A, Table 1 will be promulgated through a formal rulemaking process as part of a triennial review or other rulemaking. If, as a result of its review of the report submitted to satisfy a request, the Department determines that a site-specific criterion for a parameter listed in § 93.7 (relating to specific water quality criteria) is appropriate, the Department will prepare a recommendation to the EQB in the form of proposed rulemaking, incorporating that criterion for the water body segment. A change to the criterion for a parameter listed in § 93.7 will become effective following adoption by the EQB as final rulemaking and publication in the *Pennsylvania Bulletin*.

(f) A person challenging a Department action under this section shall have the burden of proof to demonstrate that the Department's action does not meet the requirements of this section.

§ 93.8e. Special criteria for the Great Lakes System.

(a) *Special criteria.* The special provisions in this section apply for the Great Lakes System, which includes the streams, rivers, lakes and other bodies of surface water within the drainage basin of the Great Lakes in this Commonwealth.

(b) *Water quality criteria for the Great Lakes System.* Human health and aquatic life criteria for the Great Lakes System are contained in Table 6 (relating to Great Lakes aquatic life and human health criteria). For any pollutant not listed in the table, criteria to protect existing and designated uses will be developed by the Department, as needed in accordance with this chapter and Chapter 16 (relating to water quality toxics management strategy—statement of policy).

TABLE 6  
GREAT LAKES AQUATIC LIFE AND HUMAN HEALTH CRITERIA  
*Fish and Aquatic Life Criteria*

PP NO	Chemical Name	CAS Number	Criteria Continuous Concentrations (µg/L)	Criteria Maximum Concentration (µg/L)	Human Health Criteria (µg/L)	
2M	Arsenic	07440382	*148 (As3+)	*340 (As3+)	N/A	
4M	Cadmium	07440439	*{1.101672-(ln[H] × 0.041838)} × Exp(0.7852 × ln[H] - 2.715) (ex: @H=100, CCC=2.24)	*{1.136672-(ln[H] × 0.041838)} × Exp(1.128 × ln[H] - 3.6867) (ex: @H=100, CMC=4.26)	N/A	
5M	Chromium, III	16065831	*0.860 × Exp(0.819 × ln[H] + 0.6848) (ex: @H=100, CCC=74)	*0.316 × Exp(0.819 × ln[H] + 3.7256) (ex: @H=100, CMC=570)	N/A	
5M	Chromium, VI	18540299	*10.56	*15.73	N/A	—
6M	Copper	07440508	*0.960 × Exp(0.8545 × ln[H] - 1.702) (ex: @H=100, CCC=8.96)	*(0.960 × Exp(0.9422 × ln[H] - 1.700)) (ex: @H=100, CMC=13.44)	N/A	
8M	Mercury	07439976	*0.77	*1.44	0.0031	H



*Fish and Aquatic Life Criteria*

PP NO	Chemical Name	CAS Number	Criteria Continuous Concentrations (µg/L)	Criteria Maximum Concentration (µg/L)	Human Health Criteria (µg/L)	
9M	Nickel	07440020	*0.997×Exp(0.846×ln [H]+0.0584) (ex: @H=100, CCC=52.01)	*[0.998×Exp(0.846×ln [H]+2.255) (ex: @H=100, CMC=468.24)	N/A	H
10M	Selenium	07782492	*4.61	N/A	N/A	—
13M	Zinc	07440666	*0.986×Exp(0.8473xln [H]+0.884) (ex: @H=100, CCC=118.14)	*0.978×Exp(0.8473×ln [H]+0.884) (ex: @H=100, CMC=117.18)	N/A	
14M	Cyanide, Free	00057125	5.2	22	600	H
3A	2,4-Dimethyl-phenol	00105679	N/A	N/A	450	H
5A	2,4-Dinitro-phenol	00051285	N/A	N/A	55	H
9A	Pentachlorophenol	00087865	Exp(1.005 [pH]-5.134) @pH=6.5 7.8 9.0 Crit=4.05 14.95 49.95	Exp (1.005 [pH]-4.869) @pH=6.5 7.8 9.0 Crit=5.28 19.49 65.10	N/A	
3V	Benzene	00071432	N/A	N/A	1.2	CRL
7V	Chloro-benzene	00108907	N/A	N/A	470	H
22V	Methylene Chloride	00075092	N/A	N/A	4.7	CRL
25V	Toluene	00108883	N/A	N/A	5600	H
29V	Trichloro-ethylene	00079016	N/A	N/A	2.9	CRL
33B	Hexachloro-benzene	00118741	N/A	N/A	0.000045	CRL
36B	Hexachloro-ethane	00067721	N/A	N/A	0.53	CRL
4P	gamma-BHC (Lindane)	00058899	N/A	0.95	0.47	H
6P	Chlordane	00057749	N/A	N/A	0.000025	CRL
7P	4,4-DDT	00050293	N/A	N/A	0.000015	CRL
10P	Dieldrin	00060571	0.056	0.24	0.00000065	CRL
14P	Endrin	00072208	0.036	0.086	N/A	
18P	PCBs		N/A	N/A	0.00000039	CRL
25P	Toxaphene	08001352	N/A	N/A	0.0000068	CRL
PP	2,3,7,8-TCDD	01746016	N/A	N/A	8.6 E-10	CRL
—	Parathion	00056382	0.013	0.065	N/A	

Acronyms and Footnotes to Table 6

\* Indicates dissolved metal criterion; others are total recoverable metals. Each listed dissolved criterion in Table 6 is equal to the corresponding total recoverable criterion before rounding (from the EPA National Ambient Water Quality Criteria Documents) multiplied by the conversion factor (from the Conversions Factors); a criterion that is expressed as a hardness (H)-based equation is shown in Table 6 as the conversion factor (listed) multiplied by the hardness criterion equation; an example criterion at hardness=100mg/L is included.

CAS—Chemical Abstract Service number

CRL—Cancer risk level at  $1 \times 10^{-6}$

H—Threshold effect human health criterion; incorporates additional uncertainty factor for some Group C carcinogens.

ln[H]—Natural Logarithm of the Hardness of stream as mg/l CaCO<sub>3</sub>

µg/L—Micrograms per liter

N/A—Criterion not developed.

PPNO—Priority Pollutant Number

(c) *Wildlife criteria.* Wildlife criteria will be developed for the bioaccumulative chemicals of concern (BCCs) in the Great Lakes System using methodologies contained in the Great Lakes guidance in 40 CFR Part 132, Appendix D (relating to Great Lakes Water Quality Initiative methodology for the development of wildlife criteria). The wildlife criteria are contained in the following table:

GREAT LAKES WILDLIFE CRITERIA

TABLE 7

PP NO	Chemical Name	Criterion (µg/L)
7-9P	DDT & METABOLITES	0.000011
8M	MERCURY	0.0013

<i>PP NO</i>	<i>Chemical Name</i>	<i>Criterion (µg/L)</i>
<b>18-24P</b>	<b>PCBs (TOTAL)</b>	<b>0.00012</b>
<b>PP</b>	<b>2,3,7,8-TCDD</b>	<b>3.1 E-9</b>

**DESIGNATED WATER USES AND WATER QUALITY CRITERIA**

**§ 93.9. Designated water uses and water quality criteria.**

(a) The tables in §§ 93.9a—93.9z display designated water uses and water quality criteria in addition to the water uses and criteria specified in Tables 2 and 3. Designated uses shall be protected in accordance with Chapters 95 and 96 (relating to wastewater treatment requirements; and water quality standards implementation) and any other applicable State and Federal laws and regulations. The tables also indicate specific exceptions to Tables 2 and 3 on a stream-by-stream or segment-by-segment basis by the words “add” or “delete” followed by the appropriate symbols described elsewhere in this chapter. The county column in §§ 93.9a—93.9z indicates the county in which the mouth of the stream or the downstream limit of the zone described for that entry is located. Abbreviations used in the Stream and the “Zone” columns are as follows:

\* \* \* \* \*

(b) When appropriate, “Exceptions to Specific Criteria” provide reference to the Delaware River Basin Commission (DRBC) water quality regulations, Orsanco (Ohio River Valley Water Sanitation Commission) pollution control standards and the Great Lakes Water Quality Agreement (GLWQA) which specify the criteria that apply **if a water quality standard is more stringent than those in this title**. The applicable criteria can be obtained from the following:

\* \* \* \* \*

**(Editor’s Note:** A basin-wide migratory fishes (MF) designation is being applied to Drainage Lists A—O and Z, unless there are specific exceptions already noted for certain waterbodies or stream segments within one of these drainage lists. These specific changes to the drainage lists, however, are not reflected in this Annex, but will be added to the regulations at final rulemaking. Drainage Lists A—G are located within the Delaware River Basin. Drainage Lists H—O are located within the Susquehanna River Basin. Drainage List Z is located within the Potomac River Basin.)

\* \* \* \* \*

**§ 93.9d. Drainage List D.**

**Delaware River Basin in Pennsylvania**

*Lehigh River*

<b>Stream</b>	<b>Zone</b>	<b>County</b>	<b>Water Uses Protected</b>	<b>Exceptions To Specific Criteria</b>
3—Penn Springs	Basin	Carbon	HQ-CWF	None
3—Black Creek	<b>[ Basin, Source to Beaver Creek</b>	<b>Carbon</b>	<b>HQ-CWF</b>	<b>None ]</b>
<b>4—Hazle Creek</b>	<b>Basin</b>	<b>Carbon</b>	<b>HQ-CWF</b>	<b>None</b>
4—Beaver Creek	Basin	Carbon	CWF	None
3—Black Creek	Main Stem, <b>Confluence of Hazle Creek and</b> Beaver Creek to Mouth	Carbon	CWF	None
4—[ <b>Unnamed Tributaries ]</b> UNTs to Black Creek	Basins, <b>Confluence of Hazle Creek and</b> Beaver Creek to Mouth	Carbon	HQ-CWF	None
<b>4—Koons Creek</b>	<b>Basin</b>	<b>Carbon</b>	<b>HQ-CWF</b>	<b>None</b>
4—Quakake Creek	Basin, Source to Wetzel Creek	Carbon	HQ-CWF	None
5—Wetzel Creek	Basin	Carbon	CWF	None
4—Quakake Creek	Basin, Wetzel Creek to Mouth	Carbon	CWF	None
<b>4—Brushy Hollow Run</b>	<b>Basin</b>	<b>Carbon</b>	<b>HQ-CWF</b>	<b>None</b>
3—Maple Hollow	Basin	Carbon	HQ-CWF	None

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania

*Schuylkill River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
3—Monocacy Creek	Basin	Berks	WWF	None
3—UNTs to Schuylkill River	Basins, (all UNT's along Montgomery County shore), Berks-Chester-Montgomery County Border to Valley Creek [ (except those in Spring City and Phoenixville) ]	[ Chester— ] Montgomery	[ HQ-TSF ] WWF	None
3—UNTs to Schuylkill River	Basins (all UNTs along Chester County shore except those in Spring City and Phoenixville), Berks-Chester-Montgomery County Border to Valley Creek	Chester	HQ-TSF	None
3—UNTs to Schuylkill River	Basins, in Spring City and Phoenixville	Chester	WWF	None
		* * * * *		
3—Valley Creek	Basin	Montgomery-Chester	EV	None
3—[ Unnamed Tributaries ] UNTs to Schuylkill River	Basins, Valley Creek to Head of Tide	[ Chester-Montgomery ] Philadelphia	WWF	None
[ 3—Mellshamic Creek	Basin	Montgomery	WWF	None ]
3—Trout Creek	Basin	Montgomery	WWF	None
		* * * * *		

§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania

*Susquehanna River*

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
		* * * * *		
2—Mehoopany Creek	Basin, Source to North [ Fork ] Branch Mehoopany Creek	Wyoming	HQ-CWF	None
3—North [ Fork ] Branch Mehoopany Creek	Basin	Wyoming	CWF	None
2—Mehoopany Creek	Basin, North [ Fork ] Branch Mehoopany Creek to Mouth	Wyoming	CWF	None
2—Tagues Creek	Basin	Wyoming	CWF	None
2—Tunkhannock Creek	Main Stem, Source to Susquehanna-Wyoming County Border	Susquehanna-Wyoming	CWF	None
3—[ Unnamed Tributaries ] UNTs to Tunkhannock Creek	Basins, Source to Susquehanna-Wyoming County Border	Susquehanna	CWF	None
3—Bear Swamp Creek	Basin	Susquehanna	CWF	None
3—Bell Creek	Basin	Susquehanna	CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3— [ Leslie ] Nine Partners Creek	Basin	Susquehanna	CWF	None
3—Partners Creek	Basin	Susquehanna	CWF	None

§ 93.9l. Drainage List L.

**Susquehanna River Basin in Pennsylvania**  
***West Branch Susquehanna River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
4—[ Unnamed Tributary ] UNT 21134	Basin, Source to Raughtown Creek	Lycoming	CWF	None
5—Raughtown Creek	[ Basin, Source to Confluence of Rockey Run and Gottshall Run	Clinton	HQ-CWF	None ]
6—Rockey Run	Basin	Clinton	HQ-CWF	None
6—Gottshall Run	Basin	Clinton	HQ-CWF	None
5—Raughtown Creek	Basin, Confluence of Rockey Run and Gottshall Run to Mouth	Lycoming	CWF	None

§ 93.9m. Drainage List M.

**Susquehanna River Basin in Pennsylvania**  
***Susquehanna River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Trout Run	Basin	Northumberland	CWF	None
3—[ Buddys ] Bennys Run	Basin	Northumberland	CWF	None
3—Millers Run	Basin	Northumberland	CWF	None

§ 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania**  
***Allegheny River***

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
4—Marsh Run	Basin	Crawford	CWF	None
4—Thompson Creek	Basin, Source to Shirley Run	Crawford	CWF	None
5—Shirley Run	Basin	Crawford	HQ-CWF	None
4—Thompson Creek	Basin, Shirley Run to Mouth	Crawford	CWF	None
5—Caldwell Creek	Basin, Source to West Branch Caldwell Creek	Warren	HQ-CWF	None

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
6—West Branch Caldwell Creek	Basin	[ Crawford ] Warren	EV	None
5—Caldwell Creek	Basin, West Branch Caldwell Creek to Mouth	Crawford	EV	None

\* \* \* \* \*

§ 93.9v. Drainage List V.

Ohio River Basin in Pennsylvania

Monongahela River

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
3—Bates Run	Basin	Fayette	WWF	None
3—Tenmile Creek	Basin, Source to South Fork Tenmile Creek	Greene- Washington	TSF	None
4—South Fork Tenmile Creek	Basin, Source to Browns Creek	Greene	HQ-WWF	None
5—Browns Creek	Basin	Greene	HQ-WWF	None
4—South Fork Tenmile Creek	Basin, Browns Creek to Mouth	Greene- Washington	WWF	None
3—Tenmile Creek	Basin, South Fork Tenmile Creek to Mouth	Greene- Washington- Fayette	WWF	None

\* \* \* \* \*

§ 93.9x. Drainage List X.

Lake Erie

Stream	Zone	County	Water Uses Protected	Exceptions To Specific Criteria
1—Lake Erie	All sections of lake in PA except Outer Erie Harbor and Presque Isle Bay	Erie	CWF	Delete Fe, [ pH1, ] DO1 and Bac1 See GLWQA <b>Add E. coli per 40 CFR 131.41 and See 28 Pa. Code § 18.28(b)(2) and (3)</b>
1—Lake Erie (Outer Erie Harbor and Presque Isle Bay)	Portion of lake bordered by Presque Isle on west, longitude 80° 10' 18" on north, except harbor area and central channel dredged and maintained by United States Army Corps of Engineers.	Erie	WWF	Delete pH Add pH between 7 and 9 <b>Add E. coli per 40 CFR 131.41 and See 28 Pa. Code § 18.28(b)(2) and (3)</b>
1—Lake Erie (Outer Erie Harbor and Presque Isle Bay)	Harbor area and central channel dredged and maintained by United States Army Corps of Engineers	Erie	WWF, Delete WC	Delete pH and Bac1, Add pH between 7 and 9, Bac2

\* \* \* \* \*

[Pa.B. Doc. No. 08-46. Filed for public inspection January 11, 2008, 9:00 a.m.]

# STATEMENTS OF POLICY

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

[ 25 PA. CODE CH. 16 ]

### Water Quality Toxics Management Strategy— Statement of Policy

The Department of Environmental Protection (Department) is proposing to amend Chapter 16 (relating to water quality toxics management strategy—statement of policy). These proposed amendments compliment the water quality standards triennial review and revisions of Chapter 93 (relating to water quality standards).

The Commonwealth's water quality standards, which are set forth in part in Chapter 93, implement the provisions of sections 5 and 402 of The Clean Streams Law (35 P. S. §§ 691.5 and 691.402) and section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313). Water quality standards consist of the uses of the surface waters of this Commonwealth, the specific numeric and narrative criteria necessary to achieve and maintain those uses and an antidegradation policy. Chapter 16 is a water quality policy for regulating toxic pollutants. It sets forth the guidelines for development of criteria for toxic substances, and currently lists the water quality criteria and analytical methods and detection limits for toxic substances. Chapter 16 is directly referenced as a supporting policy document in the Department's toxic substances regulation in § 93.8a (relating to toxic substances).

#### Contact Persons

For further information contact Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### Availability of Proposed Statement of Policy

Copies of the proposed statement of policy may be obtained from Ken Parmelee, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8647, Harrisburg, PA 17105-8467, (717) 772-4018; kparmelee@state.pa.us. This proposal is available electronically through the Department of Environmental Protection's (Department's) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword "Public Participation, Participate;") then choose "Proposals Currently Open for Comment").

#### Summary of Amendments

The proposed revisions will merge sections of Chapter 16 into Chapter 93. Portions of the remaining sections from Chapter 16 that were not merged into Chapter 93 will be retained as the statement of policy and provide guidance.

The proposed revision is comprised of:

- Replacing the substances currently listed in Appendix A, Table 1 with a table that will contain future listings of site-specific human health and aquatic life criteria that have been developed or reviewed and approved by the Department.
- Moving the criteria that were previously in Appendix A, Table 1 and the criteria tables in § 16.61 (relating to special provisions for the Great Lakes System) to Chapter 93.
- Updating and correcting sections and tables remaining in the statement of policy.

#### Sections of Chapter 16 to be incorporated into Chapter 93

The sections proposed to be merged are: the criteria table portions of § 16.61 and toxics criteria located in Table 1, Appendix A. The merging of these sections will consolidate the water quality standards by placing water quality criteria in one regulation.

#### § 16.1. General.

Language has been added to refer to the listing of site-specific criteria in Chapter 16.

#### § 16.11. Toxic substances.

A citation has been added to clarify that the EPA has added new methodologies (*The Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health and the National Recommended Water Quality Criteria: 2002*) for the development of human health criteria.

#### § 16.22. Criteria development.

The Department proposes to clarify that amended and updated documents can be used for aquatic life criteria development.

#### § 16.24. Metals criteria.

Dissolved criteria are relocated to Chapter 93, Table 5 and the conversion factors are located in a new § 93.8b (relating to metal criteria).

#### § 16.32. Threshold level toxic effect and § 16.33. Nonthreshold effects (cancer).

The Department proposes to add a new fish consumption rate of 17.5 grams as updated in the *Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health, 2000*. As a result of definition clarifications in the 2000 methodology, the Department proposes to change the term "bioaccumulation factor" to a "bioconcentration factor." The Department is also adding a citation to allow for the use of other approved data sources to obtain risk assessment values for developing threshold and nonthreshold toxics criteria as referred through the Integrated Risk Assessment System.

#### § 16.41. Additional changes and additions.

The Department has updated the language in this section to clarify that the toxics criteria are housed in Chapter 93, Table 5 and Chapter 16, Appendix A.

#### § 16.51. Human health and aquatic life criteria.

The Department has added a new citation to clarify that additional State-derived and site-specific criteria are also housed in Chapter 16, Appendix A, Table 1. The

Department will also clarify that the toxics criteria without a priority pollutant number are State-derived criteria.

*§ 16.61. Special provisions for the Great Lakes System.*

In § 16.61(b)(4), the Great Lakes aquatic life and human health criteria will be moved to Chapter 93, § 93.8e (relating to special criteria for the Great Lakes System), Table 6 and the wildlife criteria to Table 7.

*§ 16.101. Introduction.*

In subsection (c), the Department proposes to change language to support the use of the purest water required for each analytical method.

*Appendix A, Table 1*—The Department proposes to rename this table, "Site-specific Water Quality Criteria For Toxic Substances." Site-specific criteria that are developed or approved by the Department will be housed in Appendix A, Table 1 until a time that there is an opportunity for a final rulemaking by the Board that incorporates the criteria into Chapter 93, Table 5.

*Appendix A, Table 2—Approved Analytical Methods and Detection Limits*

The approved methods and detection limits in Table 2A and 2B have been updated to reflect the EPA approved methods that were recently updated and published as final in the *Federal Register* (72 FR 11199) on March 12, 2007. The revised and updated methods associated with the Federal regulations were effective April 11, 2007.

In Table 2B organics, the Department proposes to correct the spelling for dichlorobromomethane.

*Appendix A, Table 3—Description of EPA Methods for the Analysis of Priority Pollutant Organics*

The Department proposes to change the method number for semivolatile organic compounds by isotope dilution GC/MS from EPA method 1625 to EPA method 1625B. The method number was changed in Table 2B during the last triennial review of water quality standards, but was inadvertently omitted from Table 3.

*Public Comments*

Written comments, suggestions or objections regarding the proposed amendments to the statement of policy may be addressed to Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, (717) 787-9637. Comments submitted by facsimile will not be accepted; however, the Department will accept comments submitted by e-mail. Electronic comments may be submitted to RA-WQS@state.pa.us. A subject heading of the proposal and return name and address must be included in each e-mail transmission. Comments must be received by February 26, 2008.

(*Editor's Note:* For a proposed rulemaking relating to this document, see 38 Pa.B. 236 (January 12, 2008).)

*Public Meeting and Public Hearing*

The Department will hold two public meetings and two public hearings on the proposed amendments to Chapter 16. The public meetings and public hearings will take place on the same date and at the same location where the Environmental Quality Board will conduct public meetings and hearings on the proposed amendments to Chapter 93. At the public meeting for the Chapter 16 amendments, the Department will provide an overview of the proposed amendments to Chapter 16, as well as an overview of the proposed amendments to Chapter 93, and address questions from meeting participants. The public meetings will begin at 2 p.m. and 6 p.m. as follows:

February 14, 2008	Department of Environmental Protection Southcentral Regional Office Susquehanna Room A 909 Elmerton Avenue Harrisburg, PA 17110
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The two Chapter 16 public hearings will be held for the purpose of accepting comments from the public and will begin at 3 p.m. and 7 p.m. as follows:

February 14, 2008	Department of Environmental Protection Southcentral Regional Office Susquehanna Room A 909 Elmerton Avenue Harrisburg, PA 17110
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Persons wishing to present testimony at the Chapter 16 hearings are requested to contact Ken Parmelee at (717) 772-4018; kparmelee@state.pa.us at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness and one designated witness for each organization. Witnesses are requested to submit three written copies of their testimony to the hearing chairperson.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service of other accommodation to participate should contact Ken Parmelee at the previously listed telephone number or e-mail address or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how their needs may be accommodated.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-47. Filed for public inspection January 11, 2008, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Referendum on Continuation of the Pennsylvania Vegetable Marketing and Research Program

1. The Pennsylvania Vegetable Marketing and Research Program (Program) was initially established in 1989 under the provisions of the Pennsylvania Agricultural Commodities Marketing Act (act) (3 P. S. §§ 1001—1012). The Act requires that the Secretary of Agriculture call a referendum of affected producers every 5 years to determine whether or not a majority of those voting still desire the Program. The Program was continued through a review referendum conducted in 2003. It is now time for another review referendum to determine whether a majority of the vegetable producers still desire the Program to continue.

2. *Referendum Period:* The referendum shall be March 10, 2008, until 4 p.m. on March 24, 2008. Completed ballots shall be mailed or hand delivered to the Department of Agriculture, Commodity Promotion Division, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110-9408. Hand-delivered ballots must be received by 4 p.m. on March 24, 2008. Ballots that are mailed must be postmarked no later than March 24, 2008 and received no later than March 27, 2008.

3. *Notice of Referendum:* This referendum order, the program order and official ballot shall be mailed no later than March 3, 2008, to all affected producers whose names appear on the list of the Pennsylvania vegetable producers maintained in the Office of the Bureau of Market Development. Additional copies of the same materials shall be made available at the Office of the Secretary of Agriculture.

4. *Eligible Voters:* The rules governing the eligibility of a producer for voting are as follows: The record date for determination of whether a producer is eligible to vote is February 29, 2008. All vegetable producers within the Commonwealth who grow 1 or more acres of vegetables for sale are eligible to vote, as are all producers who, for the purpose of selling, grow vegetables in 1,000 square feet or more of greenhouse area. Greenhouse area used to produce vegetable transplants for outdoor use shall not be included. All producers with one or more acres of vegetable production or 1,000 or more square feet of greenhouse vegetable production, as of February 29, 2008, are entitled to vote.

5. *Counting of Ballots:* The ballots will be conveyed and counted by a Teller Committee appointed by the Secretary of Agriculture. The counting of the ballots will begin at 10 a.m. Thursday, April 3, 2008, in the State Agriculture Building, Harrisburg, PA. The Secretary will announce the results of the referendum within 30 days following the completion of the referendum period. The results will be published in the *Pennsylvania Bulletin* and disseminated to the news media.

6. *Reporting Irregularities:* Any irregularities or disputes concerning the referendum procedures must be reported in written form to the Secretary of Agriculture no later than 7 calendar days from the end of the referendum period.

7. *Publication:* This referendum order shall be published in the *Pennsylvania Bulletin* and the Harrisburg *Patriot-News*.

8. *Effective Date:* The foregoing order shall be effective from and after the 10th day of February, 2008.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 08-48. Filed for public inspection January 11, 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 January 1, 2008.

### BANKING INSTITUTIONS

#### Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-24-07	Vantage Point Bank Fort Washington Montgomery County	1250 Virginia Drive Suite 175 Fort Washington, PA 19034	Commenced Operations

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-28-07	Quakertown National Bank Quakertown Bucks County	15 North Third Street Quakertown, PA 18951-9005	Effective



<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	<i>To:</i> QNB Bank Quakertown Bucks County	15 North Third Street Quakertown, PA 18951-9005	
	Conversion from a Federally-chartered bank to a Pennsylvania State-chartered bank. QNB Bank is a wholly-owned subsidiary of QNB Corp., Quakertown, an existing bank holding company.		
	<b>Branch offices operated by QNB Bank:</b>		
	240 South West End Boulevard Quakertown Bucks County	161 North Main Street Dublin Bucks County	
	410—420 Pottstown Avenue Pennsburg Montgomery County	51 South Third Street Coopersburg Lehigh County	
	607 Chestnut Street Perkasie Bucks County	750 Souderton Road Souderton Montgomery County	
	901 South West End Boulevard Quakertown Bucks County		

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-27-07	TriState Capital Bank Pittsburgh Allegheny County	Pittsburgh	Approved
	Purchase of assets/assumption of liabilities of one branch office of Sterling Bank, Mount Laurel, NJ, located at: 101 Gaither Drive Mount Laurel Burlington County, NJ		

**Branch Applications**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-19-07	CNB Bank Clearfield Clearfield County	101 10th Street Erie Erie County	Opened
12-28-07	Graystone Bank Lancaster Lancaster County	1759 West Main Street Clay Township Lancaster County	Approved
12-28-07	Graystone Bank Lancaster Lancaster County	2300 East Market Street Springettsbury Township York County	Approved

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-24-07	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 780 South Valley Forge Road Lansdale Montgomery County  <i>From:</i> 1601 South Valley Forge Road Lansdale Montgomery County	Filed

## NOTICES

## SAVINGS INSTITUTIONS

No activity.

## CREDIT UNIONS

## Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
12-21-07	TruMark Financial Credit Union, Trevose, and Local 98 IBEW Federal Credit Union, Philadelphia Surviving Credit Union: TruMark Financial Credit Union, Trevose	Trevose	Filed

The Department's website at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Acting Secretary*

[Pa.B. Doc. No. 08-49. Filed for public inspection January 11, 2008, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, January 23, 2008, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-50. Filed for public inspection January 11, 2008, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal waste; discharge into groundwater
Section IV	NPDES	MS4 individual permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0030996	Bangor Area School District 123 Five Points Richmond Road Bangor, PA 18013	Upper Mt. Bethel Township Northampton County	UNT to Jacoby Creek 1F	Y
PA0063088	Karl A. and Linda L. Landon 2020 Raubsville Road Hellertown, PA 18055	Northampton County Williams Township	UNT to East Branch Saucon Creek Watershed 2C HQ-CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080268 (Sew)	Regency Woods Mobile Home Park (North) 1104 Fernwood Avenue Camp Hill, PA 17011	Cumberland County Middlesex Township	UNT to Conodoguinet Creek 7-B	Y
PA0081825 (Sew)	Betty P. Nelson Betty P. Nelson MHP 16 Betty Nelson Court Carlisle, PA 17013	Cumberland County Lower Frankford Township	Conodoguinet Creek 7-B	Y
PA0080811 (Sew)	GSP Management Company P. O. Box 677 Morgantown, PA 19543-0677	York County Newberry Township	UNT to Conewago Creek 7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0006238	NAPCO, Inc. 125 McFann Road Valencia, PA 16059	Middlesex Township Butler County	Glade Run 20-C	Y
PA0238911	Titusville Dairy Products, Co. 217 South Washington Street P. O. Box 186 Titusville, PA 16354	Titusville City Crawford County	Oil Creek 16-E	Y
PA0023566	Emlenton Area Municipal Authority P. O. Box 448 Emlenton, PA 16373	Emlenton Borough Venango County	Allegheny River 16-G	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.*

**PA0057088**, IW, SIC 4911, **Exelon Generating Company**, 300 Kennett Square, PA 19348. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontacted cooling water into the Delaware River.

The receiving stream, the Delaware River—Zone 2, is in the State Water Plan Watershed 2E and is classified for: WWF. The nearest downstream public water supply intake for the Bucks Joint Municipal Authority is located on the Delaware River and is 1.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 37.4 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Temperature			0.2		110° F
Total Residual Chlorine			Instantaneous Minimum		0.5
pH (Standard Units)			6.0		9.0

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

1. Delaware River—Zone 2 Thermal Requirements.
2. Chemical Additives Requirements.
3. 316(b) Intake Structure Condition.
4. PMP for PCBs.

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

**PA0011762**, Industrial, **American Nickeloid Company**, 131 Cherry Street, Walnutport, PA 18088. This proposed facility is located in Walnutport Borough, **Northampton County**.

Description of Proposed Activity: Renewal of Existing NPDES Permit.

The receiving stream, Lehigh River, is in the State Water Plan Watershed 2A and is classified for: TSF, the aquatic life, water supply and recreation. The nearest downstream public water supply intake is for the Northampton Borough Water authority, located on the Lehigh River, approximately 8 miles below the point of discharge.

The proposed effluent limits for Monitoring Point 101 based on a design flow of 0.029 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		<i>Mass (lb/day)</i>	
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Total Dissolved Solids	967	1,935	4,000	8,000
Total Suspended Solids	7.3	14.5	30	60
Oil and Grease			15	
Copper Total			2.07	3.38
Lead Total			0.43	0.69
Zinc Total			1.48	2.61
Cadmium Total			0.26	0.69
Chromium Total			1.71	2.77
Cyanide Total			0.65	1.20

Parameter	Concentration (mg/l)		Mass (lb/day)	
	Average	Maximum	Average	Maximum
	Monthly	Daily	Monthly	Daily
Nickel Total			2.38	3.98
Silver Total			0.24	0.43
Total Toxic Organics				2.13
pH	Within limits of 6.0 to 9.0 Standard Units at all times.			

The proposed effluent limit for Outfall 001  
 pH Within limits of 6.0 to 9.0 Standard Units at all times.

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

**Application No. PA0025381**, Amendment No. 2, Sewage, **Saxton Borough Municipal Authority**, P. O. Box 173, Saxton, PA 16678. This facility is located in Liberty Township, **Bedford County**.

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

The receiving stream, Raystown Branch Juniata River, is in Watershed 11-D, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for 7 Points Marina is located on the Raystown Branch Juniata River (Raystown Lake), approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.400 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine			
(Interim)	1		2
(Final)	0.5		1.64
Total Phosphorus	2		4
Color (PCU)		Maximum 1,000 at all times	
Oil and Grease		Monitor	
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly	Annual
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

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.

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

**PA0021792, Amendment No. 2**, Sewage, **Municipal Authority of the Borough of Edinboro**, 301 Water Street, Edinboro, PA 16412-2863. This proposed facility is located in Edinboro Borough, **Erie County**.

Description of Proposed Activity: An expansion of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Franklin General Authority intake on French Creek located at Franklin, approximately 48 miles below the point of discharge.

The receiving stream, the Conneautee Creek, is in Watershed 16-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 1.2 mgd.

#### Interim Limits

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>					
(5-1 to 10-31)	200	300	20	30	40
(11-1 to 4-30)	250	400	25	40	50
Total Suspended Solids	300	450	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	20		2		4
(11-1 to 4-30)	60		6		12
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a Geometric Average			
(10-1 to 4-30)		2,000/100 ml as a Geometric Average			
Dissolved Oxygen		minimum of 4 mg/l at all times			
Total Residual Chlorine			0.3		0.9
pH		6.0 to 9.0 Standard Units at all times			

The proposed effluent limits for Outfall 001 are based on a design flow of 1.8 mgd.

#### Final Limits

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX	XX			
CBOD <sub>5</sub>					
(5-1 to 10-31)	150	225	10	15	20
(11-1 to 4-30)	375	600	20	30	40
Total Suspended Solids	450	676	30	45	60
NH <sub>3</sub> -N					
(5-1 to 10-31)	37.5		2.5		5
(11-1 to 4-30)	113		7.5		15
Fecal Coliform					
(5-1 to 9-30)		200/100 ml as a Geometric Average			
(10-1 to 4-30)		2,000/100 ml as a Geometric Average			
Dissolved Oxygen		minimum of 4 mg/l at all times			
Total Residual Chlorine			0.24		0.77
pH		6.0 to 9.0 Standard Units at all times			

The proposed effluent limits for Outfalls 002 and 003 are based on a design flow of n/a mgd.

<i>Parameters</i>	<i>Loadings</i>			<i>Concentrations</i>	
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>

These discharges shall consist of uncontaminated stormwater runoff from the treatment plant site.

XX—Monitor and report on monthly DMRs.

#### Special Conditions:

- Total Residual Chlorine Minimization.
- Whole Effluent Toxicity testing requirement for the renewal permit.
- Stormwater Best Management Practices.

The EPA waiver is not in effect.

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

**PA0102652**, Sewage. **GCP Countryside, LP**, 560 Oakwood Avenue, No. 100, Lake Forest, IL 60014. This existing facility is located at 8158 Bargain Road in McKean Township, **Erie County**.

Description of Proposed Activity: The applicant requests a new NPDES permit for an existing discharge of treated sewage from a sewage treatment plant serving the Countryside Manufactured Home Community.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, there is no potable water supply affected by this discharge.

The receiving stream, UNT to Elk Creek, is in Watershed 15-EC and classified for: CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5
(11-1 to 4-30)	7.5		15
Phosphorus as "P"	1.0		
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
Total Residual Chlorine	0.5		1.2
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	
pH		6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

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

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

**WQM Permit No. 2807407**, Sewerage, **Cumberland-Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257. This proposed facility is located in Letterkenny and Southampton Townships, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation to extend public sewer service to existing residential, commercial and industrial development in the Villages of Pleasant Hall and Upper Strasburg and adjoining areas, primarily in Letterkenny Township.

**WQM Permit No. 3607203**, CAFO, **Geoffrey Rohrer, Meadow Lane Dairy**, 3392 Blue Rock Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of Manure Storage Facilities and Impoundments due to expansion of additional dairy facilities.

**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**

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

*Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAS10Q157R1	David Budge JPN Development c/o Developers Diversified Realty 3300 Enterprise Parkway Beachwood, OH 44122	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

*Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807017	Department of Military and Veteran Affairs Attn: Mark Austin Bureau of Facilities Management Building 0-10 Fort Indiantown Gap Annville, PA 17003	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024507017	Sawmill Highlands, LLC P. O. Box K Stroudsburg, PA 18360	Monroe	Hamilton Township	Appenzell Creek HQ-CWF
PAI024507016	East Stroudsburg Area School District 321 North Courtland Street East Stroudsburg, PA 18301	Monroe	Middle Smithfield Township	Tributary to Marshalls Creek HQ-CWF
PAS10S056R6	Sanofi Pasteur, Inc. Discovery Drive Route 611 Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek EV
PAI024507015	Alfred and Richard Iadevaio 4792 Coolbaugh Road East Stroudsburg, PA 18302	Monroe	Middle Smithfield Township	Tributary to Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030607009	Robert MacMinn 65 Shady Lane Mohnton, PA 19540	Berks	Robeson Township	Beaver 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0414040181	Gary Ream Sports Management Group 134 Sports Camp Drive P. O. Box 93 Woodward, PA 16882	Centre	Haines Township	Pine Creek EV

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

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

## **PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determi-

nations 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 determi-



nation may be appealed to the Environmental Hearing Board.

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

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

### SAFE DRINKING WATER

#### Applications Received under the Pennsylvania Safe Drinking Water Act

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

**Application No. 1301503MA**, Public Water Supply.

Applicant	<b>Summit Management and Utilities, Inc.</b> Kidder Township <b>Carbon County</b>
Responsible Official	Jack Kalins Summit Management and Utilities, Inc. P. O. Box 592 Lake Harmony, PA 18624
Type of Facility	PWS
Consulting Engineer	James Palumbo, P. E. Quad Three Group, Inc. 72 Glenmaura National Boulevard Moosic, PA 18507
Application Received Date	December 12, 2007
Description of Action	The applicant proposes relocating the existing drinking water treatment facility for Wells 1 and 2 at Split Rock Resort and Golf Club. The facility will be relocated to part of a new building being constructed as part of the renovation project. The drinking water system will remain the same. The chemical treatment will also remain the same with the exception of caustic soda replacing soda ash.

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

**Application No. 4307503**, Public Water Supply.

Applicant	<b>Greenville Borough Municipal Water Authority</b>
Township or Borough	Hempfield Township <b>Mercer County</b>
Responsible Official	William M. Brady Superintendent

Consulting Engineer	Thomas L. Thomspson, P. E. Gannett Fleming 554 South Erie Street Merce, PA 16137
Application Received Date	December 20, 2007
Description of Action	Construction of a new water storage tank adjacent to the existing tank.
<b>Application No. 6107502</b> , Public Water Supply.	
Applicant	<b>Clintonville Borough Sewer and Water Authority</b>
Township or Borough	Clintonville Borough <b>Venango County</b>
Responsible Official	Sandra Reisinger, Chairperson
Consulting Engineer	Dennis J. Duryea, P. E. Sr. Project Manager Herbert, Rowland & Grubic, Inc. 200 West Kensing Drive Suite 400 Cranberry Township, PA 16066
Application Received Date	December 31, 2007
Description of Action	Water Treatment Plant Filter Replacement Project. Replacing two pressure sand filters with four pressure sand filters in new WTP building for iron and manganese removal.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person

shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Twin at Frankford Creek**, City of Philadelphia, **Philadelphia County**. Charlene Drake, React Environmental Professing Services Group, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Robert LaBrum, Redevelopment Authority of Philadelphia, 1234 Market Street, 16th Street, PA 19107, Michael Shurr, OKKS Development, LP, 3333 Street Road, Suite 101, Bensalem, PA 19020 has submitted a revised Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of Pah, inorganics. The intended future use of the site includes approximately 50 residential homes. A Summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on August 1, 2007.

**Schmidts Brewery**, City of Philadelphia, **Philadelphia County**. Charlene Drake, React Environmental Professional Services, Group, Inc., 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Adam Lisausky, Northern Liberties Development, LP, 969 North Second Street, Philadelphia, PA 19123 has submitted a revised Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The proposed future use of the property will be a combination of residential and nonresidential purposes. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* and *The North Star* on December 6, 2007.

**Verizon Montgomeryville Material Processing Center**, Montgomery Township, **Montgomery County**. Sean M. Damon, P. G., Langan Engineering & Environmental Services, P. O. Box 1569, Doylestown, PA 18901 on behalf of Karen Anthony, Nappen & Associates, 171 Corporate Drive, Montgomeryville, PA 18936 has submitted a

Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of lead. The future use of the site will remain the same. A summary of the Notice to Intent to Remediate was reported to have been published in *The Intelligencer* on December 3, 2007.

**Rendeh Property**, Horsham Township, **Montgomery County**. Sean M. Damon, P. G., Langan Engineering & Environmental Services, Inc., P. O. Box 1569, Doylestown, PA 18901 on behalf of Carl Hedner, Rendeh, LLP, 489 Creek Road, Doylestown, PA 18901 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of volatile organics and metals. The future use of the site will remain the same. A summary of the Notice to Intent to Remediate was reported to have been published in *The Intelligencer* on December 3, 2007.

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

**Holzman Residence**, Jefferson Township, **Lackawanna County**. Sherry Carlo, P. G., United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Notice of Intent to Remediate (on behalf of her client, Leonard Holzman, R. R. 4, Box 4270, Lake Ariel, PA 18436), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as the result of a ruptured heating oil tank. The applicant proposes to remediate the site to meet the residential Statewide Health Standard for soils. A summary of the Notice of Intent to Remediate was published in *The Times-Tribune* on November 20, 2007. A Final Report was simultaneously submitted.

**Former Getty Station Property**, City of Bethlehem, **Northampton County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate (on behalf of his clients, Michael and Costas Hoimes, P. O. Box K, Allentown, PA 18105), concerning the remediation of site soils found or suspected to have been impacted by leaded gasoline as a result of two leaking underground storage tanks. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be commercial. A Summary of the Notice of Intent to Remediate was published in *The Express-Times* on November 28, 2007.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 101659. Champion Recycling, Inc.**, 354 Alexander Spring Road, Suite 3, Carlisle, PA 17015, East Caln Township, **Chester County**. This is an application for the renewal of the Champion Recycling, Inc., C&D Waste Transfer facility located in East Caln Township. The application was received by Southeast Regional Office on December 5, 2007.

**Permit Application No. 300997. Aqua Pa, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420,

Marple Township, **Delaware County**. This application is being submitted for the renewal of the solid waste permit for the Foxcroft Residual Waste Landfill. The application was received by the Southeast Regional Office on December 10, 2007.

**Permit Application No. 300725. Aqua Pa, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420, Middletown Township, **Bucks County**. This application is being submitted for the renewal of the solid waste permit for the Neshaminy Falls Residual Waste Disposal Landfill. The application was received by the Southeast Regional Office on December 10, 2007.

**Permit Application No. 301299. Aqua Pa, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420, Schuylkill Township, **Chester County**. This application is being submitted for the renewal of the solid waste permit for the Pickering Residual Waste Disposal Landfill. The application was received by the Southeast Regional Office on December 10, 2007.

## 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

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**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.**

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

**48-320-014A: Cadmus Specialty Publications** (1991 Northampton Street, Easton, PA 18042) for modification to their existing offset web press with afterburner at their facility in Wilson Borough, **Northampton County**.

**66-315-049: Procter & Gamble Paper Products Co.** (P. O. Box 32, Mehoopany, PA 18629-0032) for modification of their existing 6M paper machine at their facility in Washington Township, **Wyoming County**.

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

**67-05114A: BAE Systems Land & Armaments, LP** (1100 Bairs Road, York, PA 17404) for installation of a fourth painting line at their Ground Systems Division in West Manchester Township, **York County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.*

**56-00305A: SG Somerset Power, LLC** (94 Spruce Street, Indiana, PA 15701) for construction of a 300 megawatt (net) waste coal fired electric generation facility in Shade Township, **Somerset County**.

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**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.**

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

**06-05112A: WBLF Acquisition Company, LLC** (256 Eagle View Boulevard, Exton, PA 19341) for expansion of an existing municipal solid waste landfill and installation of an enclosed ground flare in Cumru Township, **Berks County**. The modification of the landfill will subject it to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources. The modification will subject the landfill to the requirements of Title V. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is currently covered by a State-only operating permit No. 06-03090. After the expansion the facility will be issued a Title V operating permit.

**36-03171: New Holland Concrete** (P. O. Box 550, Blue Ball, PA 17506) for authorization to combust treated landfill gas in the facility's boiler in East Earl Township, **Lancaster County**. The facility's annual emissions are expected to be around 0.4 ton of PM, 8.7 tons of SO<sub>2</sub>, 2.1 tons of NOx, 9.0 tons of CO, 0.7 ton of VOCs and .20 ton of HAPs. The plan approval and operating permit will contain appropriate conditions designed to keep the facility operating within all applicable air quality requirements.

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

**AMS 07217: Caledonian Dye Works** (3300 Emerald Street, Philadelphia, PA 19134) for replacement of an existing 600 horsepower (HP) boiler, firing No. 6 fuel oil, with a 300 HP boiler with low NOx burners firing natural gas or No. 2 fuel oil in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission decrease of 20 tons for NOx and 19 tons of SOx for the facility. The plan approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 07100: GE International, Inc.** (1040 East Erie Avenue, Philadelphia, PA 19124) for installing two cold cleaning degreasers. There will be a potential emission increase of 0.79 ton for VOCs for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**AMS 07092: National Publishing Co.** (11311 Roosevelt Boulevard, Philadelphia, PA 19154) for installing a heatset offset lithographic press with a 7.16 mmBtu/hr natural gas dryer in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 6.67 tons for VOCs and 3.03 tons of NOx for the facility. The facility is taking facility wide emission restriction of 25 tpy of VOCs. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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

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

**15-00084: Jane Latta, VMD** (725 East Washington Street, West Chester, PA 19380) for renewal of the State-only (Natural Minor) Operating Permit in West Goshen Township, **Chester County**. Jane Latta, VMD, operates and maintains an animal crematorium, from which the main pollutants emitted are NOx and PM. The actual emission rates of NOx and PM from the crematorium are each less than 1 tpy. No changes have occurred since the permit was amended on June 22, 2007. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00150: Montgomery County SPCA** (1059 Sweiford Road, Perkiomenville, PA 18074) for a renewal of their State-only (Natural Minor) Operating Permit, in Upper Frederick Township, **Montgomery County**. The Montgomery County SPCA operates and maintains an animal crematorium, from which the main pollutants emitted are NOx and PM. The actual emission rates of

NOx and PM from the crematorium are each less than 1 tpy. No changes have occurred at the facility since the permit was originally issued on December 3, 2002. The renewed permit will include the same monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-03079: Interstate Container, LLC** (100 Grace Street, Reading, PA 19611) for operation of a recycled paper manufacturing plant in the City of Reading, **Berks County**. The boiler is subject to 40 CFR Part 60, Subpart Dc, Standards of Performance for New Stationary Source. This action is a renewal of the State-only operating permit issued in 2003.

**67-03008: York Label** (405 Willow Springs Lane, York, PA 17405) for operation of a label printing facility in East Manchester Township, **York County**. This is a renewal of the State-only operating permit issued in 2003.

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

**41-00011: John Savoy and Son, Inc.** (300 Howard Street, Montoursville, PA 17754) for their wood furniture manufacturing facility in Montoursville Borough, **Lycoming County**. The facility's main sources include 22 natural gas fired space heaters, six spray booths, two UV coaters, one glue spreader and various woodworking operations. The facility has the potential to emit PM10, NOx, CO, VOCs, HAPs and SOx below the major emission thresholds. The proposed 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.*

**30-00067: Jefferson-Morgan School District** (1351 Jefferson Road, Box 158, Jefferson, PA 15344) for two CNB T-125L and two T 100L Tri Fuel Boilers at their Elementary and JR/SR High Schools in Jefferson Borough, **Greene County**. Emissions from this facility shall not exceed 100 tons SO<sub>2</sub>, 100 tons NOx, 100 tons PM10, 50 tons VOCs, 10 tons of a single HAP and/or 25 tons of all HAPs combined. This is a State-only Operating Permit Renewal.

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

**N06-004: V & S Philadelphia Galvanizing** (2520 East Hagert Street, Philadelphia, PA 19125) for operation of a coating (hot dip galvanizing) facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: one large zinc galvanizing kettle with a 450,000 Btu/hr burner fired by No. 2 fuel oil, one small zinc galvanizing kettle with a 230,000 Btu/hr burner fired by No. 2 fuel oil, four pickling tanks, one strip tank, two caustic tanks, two flux tanks and yard lot/vehicle traffic.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previously operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

*Coal Applications Received*

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

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

<sup>1</sup>The parameter is applicable at all times.

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

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

**32020106. Britt Energies, Inc.**, (2450 Philadelphia Street, Indiana, PA 15701). Permit renewal for the continued operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting

274.5 acres. Receiving streams: UNTs to Yellow Creek and UNTs to Tearing Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 19, 2007.

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

**04070104 and NPDES Permit No. PA0251291. Mashuda Corp.** (21101 Route 19, Cranberry Township, PA 16066). Application for commencement, operation and reclamation of a bituminous surface mine, located in Franklin and Perry Townships, **Beaver and Lawrence Counties**, affecting 103.8 acres. Receiving streams: UNTs

to Slippery Rock Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received December 17, 2007.

**02860201 and NPDES Permit No. PA0588407. IP Harmar Holdings, LLC** (2929 Allen Parkway, Suite 2200, Houston, TX 77019). Application received for transfer of permit currently issued to Minerals Technology, Inc., for continued operation and reclamation of a coal refuse reprocessing facility located in Harmar Township, **Allegheny County**, affecting 168.3 acres. Receiving stream: Guys Run, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is City of Pittsburgh, Shaler Water. Transfer application received December 27, 2007.

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

**33070104 and NPDES Permit No. PA0258351. Cookport Coal Co., Inc.** (425 East Market Street, Kittanning, PA 16201). Transfer of an existing bituminous surface strip operation in Young and McCalmont Townships, **Jefferson County** affecting 19.7 acres. Receiving streams: UNTs of Elk Run to Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from 3M Resources Company. Application received December 20, 2007.

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

**54070105 and NPDES Permit No. PA0224634. Blackwood Mining,** (540 East Center Street, Ashland,

PA 17921). Commencement, operation and restoration of an anthracite surface mine operation in Reilly and Tremont Townships, **Schuylkill County** affecting 89.0 acres, receiving stream: Swatara Creek, classified for the following use: CWF. Application received December 21, 2007.

**40970201C. Silverbrook Anthracite, Inc.,** (1 Market Street, Laflin, PA 18702). Correction to an existing anthracite coal refuse reprocessing operation to change the post mining land use to unnamed natural habitat in Plymouth Borough and Plymouth Township, **Luzerne County** affecting 16.0 acres, receiving stream: none. Application received December 24, 2007.

*Coal Applications Returned*

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

**65060105 and NPDES Permit No. PA0250953. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Returned the application for a bituminous surface mine, located in Ligonier Township, **Westmoreland County**, affecting 88.8 acres. The receiving streams: UNTs to Fourmile Run. Application received July 12, 2006. Application returned December 20, 2007.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

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

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

**03070801. William L. Traister** (4393 St. Charles Road, New Bethlehem, PA 16242). Small noncoal application for removal of sandstone, located in Madison Township, **Armstrong County**, affecting 5 acres. Receiving

stream: Redbank Creek, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Application received December 19, 2007.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E48-395. Transcontinental Gas Pipeline Corporation**, 2800 Post Oak Boulevard, Houston, TX 77056, in Bushkill, Plainfield and Ross Townships, **Northampton and Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain 17 utility line wetland crossings permanently impacting 0.12 acre of wetlands and temporarily impacting 2.60 acres of wetlands; 13 utility line stream crossings and a pond crossing and filling for the installation of a 3.87 mile 42-inch diameter gas pipeline known as the Wind Gap loop in Plainfield and Bushkill Townships, Northampton County and in Ross Township, Monroe County. The start of the project is the metering station located at 1/4 mile east T646 east from its junction with SR 0115 (Wind Gap Station, PA Quadrangle N: 13.0 inches; W: 5.0 inches).

**E35-412. North Keyser Partners, LLC**, 888 North Keyser Avenue, Scranton, PA 18504, in City of Scranton,

**Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two building additions and parking facilities in the floodway of Keyser Creek (CWF). The project is located at the eastern corner of the intersection of North Keyser Avenue (SR 3011) and Simplex Road T646 east from its junction with SR 0115 (Scranton, PA Quadrangle N: 9.8 inches; W: 9.1 inches).

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

**E20-566. Stanley and Darlene Bradshaw**, 15212 Bradshaw Road, Meadville, PA 16335. Stream Restoration UNT Woodcock Creek, in Woodcock Township, **Crawford County**, ACOE Pittsburgh District (Blooming Valley, PA Quadrangle N: 41° 40' 52.4"; W: 80° 4' 9.5").

The applicant proposes to construct and maintain approximately 1,400-foot long stream restoration project of a UNT Woodcock Creek approximately 0.6 mile North of the intersection of SR 77 and Bradshaw Road involving: 1) to construct three stream relocations having a total length of 300 feet; 2) to construct two floodplain excavations removing 475 cubic yards of material and having a total length of 400 feet; 3) to establish a vegetated riparian buffer; 4) to construct rock crossvane structures; 5) to construct a ford crossing with cow slats; 6) to install stream bank fencing; and 7) to establish wetlands adjacent to the stream. The UNT Woodcock Creek is a perennial stream classified as a HQ-WWF.

**E43-346. Borough of Grove City**, P. O. Box 110, Grove City, PA 16127. Grove City Borough Sewage Treatment Plant Upgrade, in Grove City Borough, **Mercer County**, ACOE Pittsburgh District (Pittsburgh, PA Quadrangle N: 41° 8' 40"; W: 80° 5' 48").

The applicant proposes to construct an upgrade to the existing Borough of Grove City Wastewater Treatment Plant off Greenwood Street utilizing an Integrated Fixed Film Activated Sludge (IFAS) process involving: 1) to remove various infrastructure covering 5,600 square feet within the FEMA floodplain; 2) to construct and maintain a portion of the headworks facility, anaerobic digester, IFAS tanks, plant effluent pump station and other infrastructure covering an area of 5,450 square feet within the FEMA floodplain; 3) to construct and maintain an 18-inch diameter ductile iron pipe force main crossing of a PEM wetland; and 4) to construct and maintain an outfall to Wolf Creek having an 18-inch diameter ductile iron pipe. Wolf Creek is a perennial stream classified as a CWF. The project proposes to temporarily impact approximately 0.01 acre (de minimis) of PEM wetland.

**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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section III	WQM	Industrial, sewage or animal wastes; discharges 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064190 (Minor Sewage)	Bennoco's Beef & Brew, Inc. P. O. Box 289 Hamlin, PA 18427	Salem Township Wayne County	UNT to West Branch Wallenpaupack Creek 1C	Y
PA0062936 (Industrial Waste)	Lehighon Water Authority Box 29 Municipal Building Lehighon, PA 18235	Franklin Township Carbon County	Long Run 2B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029335 (Sew)	PA Lions Beacon Lodge Camp, Inc. 114 SR 103 South Mount Union, PA 17066	Mifflin County Wayne Township	Sugar Valley Run 12-A	Y
PA0246484 (Sew)	Little Washington Wastewater Company The Links at Gettysburg STP 762 West Lancaster Avenue Bryn Mawr, PA 19010-3489	Adams County Mount Joy Township	Rock Creek 13-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0034380	Emlenton SVC Plaza 7041 Truck World Boulevard Hubbard, OH 44425	Scrubgrass Township Venango County	UNT to the Allegheny River 16-G	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. PA0030228**, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19355. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from a facility known as Keats Glen STP to a UNT in Beaver Creek in Watershed 3H.

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

**NPDES Permit No. PA0014672**, Industrial Waste, **Exide Technologies, Reading Smelter**, P. O. Box 1494, Reading, PA 19612-4294. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the Schuylkill River (Outfall 001) and Bernhart Creek (Outfall 002) in Watershed 3-C.

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

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

**WQM Permit No. 6607401**, Sewerage, **St. Michael's School**, P. O. Box 370, Tunkhannock, PA 18657-0370. This proposed facility is located in Falls Township, **Wyoming County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for replacement of an existing wastewater treatment plant, utilizing a single Cromaglass package treatment unit, sludge holding tank and disinfection tank.

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

**WQM Permit No. 2107409**, Sewage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement of interceptor from MH 11 in Gross Drive at Mechanicsburg Borough/Silver Spring Township boundary to MH 1 at Borough treatment plant with 8-inch (441 feet) and 12-inch (1,552 feet) sewer lines.

**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**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10N029R1	First Industrial Acquisitions, Inc. 200 Philips Road Exton, PA 19341	Lackawanna	Covington Township	Roaring Brook HQ-CWF Tamarack Creek HQ-CWF
PAI023507006	First Industrial Acquisitions, Inc. 200 Philips Road Exton, PA 19341	Lackawanna	Covington Township	Roaring Brook HQ-CWF Tamarack Creek HQ-CWF
PAS10Q1252R1	Polaris Iron Run, LP 7562 Penn Drive Allentown, PA 18106	Lehigh	Lower Macungie Township	Swabia Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033106003	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Huntingdon	Jackson Township	Shavers Creek 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAR10F171R	Benner Associates 126 East Foster Avenue State College, PA 16801	Centre	College Township	UNT to Spring Creek CWF
	Skyward Investments, LTD 213 Ridge Avenue Altoona, PA 16602			
	Christ Community Church 1606 Norma Avenue State College, PA 16801			

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### *General Permit Type—PAG-02*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethel Township Berks County	PAG2000607055	C. E. Siegrist 1728 Camp Swatara Road Myerstown, PA 17067	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bern Township Berks County	PAG2006070201	Terry R. Sroka Reading Regional Airport Authority 2501 Bernville Road Reading, PA 19605	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Pennsboro Township Cumberland County	PAG2002107038	Mike Greene Floribunda Associates, LP 4075 Market Street Camp Hill, PA 17011	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Williamstown Borough Dauphin County	PAG2002207064	Williamstown Borough Sewer Authority P. O. Box 44 Williamstown, PA 17098	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Susquehanna Township Dauphin County	PAG2002207050	Samuel Nemroff PennWynne Homes, Inc. P. O. Box 240 Wynnewood, PA 19096	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
East Hanover Township Dauphin County	PAG2002207056	Sander Mednick Grantville Holding, LLC 2600 North Military Trail Suite 349 Boca Raton, FL 33431	Bow Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Wayne Township Dauphin County	PAG2002207067	Jerry Edinger 1033 Matamoras Road Halifax, PA 17032	Powell Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002207060	HSC Management Corp. P. O. Box 5133 Evanston, IL 60204-8210	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
South Lebanon Township Lebanon County	PAG2003807029	Lebanon Valley Cold Storage Attn: Mike Moore P. O. Box 191 156 West Harrisburg Avenue Rheems, PA 17570-0191	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-5314 (717) 272-3908, Ext. 4
City of Lebanon Lebanon County	PAG2003807025	Habitat for Humanity of Lebanon County, Inc. Attn: Jason Giurintano 235 South 12th Street Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-5314 (717) 272-3908, Ext. 4
Swatara Township Lebanon County	PAG2003807023	Isaac B. and Lena M. Martin 1131 Hunters Chase Lane Lebanon, PA 17046	UNT to Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-5314 (717) 272-3908, Ext. 4
Bedford Township Bedford County	PAG2000507014	Interstate Emergency Services, Inc. 174 Transport Street Bedford, PA 15522	UNT to Dunning Creek WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Taylor Township Blair County	PAG2000707020	Steven and Patty McGraw R. D. 2 Box 568 Martinsburg, PA 16662	Cabbage Creek-Halter Creek WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Liberty Township Bedford County	PAG2000507013	Tussey Mountain School 199 Front Street Saxton, PA 16678	Raystown Branch Juniata River TSF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3
Carroll Township York County	PAG2006706012	Kevin Anderson Anderson Properties 1 South Baltimore Street Dillsburg, PA 17019	Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conewago Township York County	PAG2006707072	James L. Craft JJ One, LP 2780 York Haven Road P. O. Box 8 York Haven, PA 17370	UNT to Oak Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Wernersville Borough Lower Heidelberg Township Berks County	PAG2000607034	Rev. Barry Galley Phoebe Berks Health Care Center, Inc./Phoebe-Devitt Homes 1 Reading Drive Wernersville, PA 19565	Cacoosing Creek CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
East Donegal Township Lancaster County	PAG2003607083	Donegal School District 10512 Koser Road Mount Joy, PA 17552	Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003607088	Brian Weaver 190 East Church Street Stevens, PA 17578	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Clay Township Lancaster County	PAG2003607090	Homestead Investments, LLP 325 West Mount Airy Road Stevens, PA 17578	Middle Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Clay Township Lancaster County	PAG2003607091	Merv Gingrich 1 Valley View Court Lititz, PA 17543	Middle Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003607093	Fln Development Co. 805 Estelle Drive Suite 204 Lancaster, PA 17061	UNT to Swarr Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Leacock Township Lancaster County	PAG2003607094	The Worship Center 2384 New Holland Pike Lancaster, PA 17601	UNT to Conestoga WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Upper Leacock Township Lancaster County	PAG2003607095	Kenneth P. Pruitt P. O. Box 26 Leola, PA 17540	Groff Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Centre County Benner Township	PAG2001407018	Dan Lentz Penn State Federal Credit Union 1937 North Atherton Street State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Clearfield Borough	PAG2001707014	Clearfield Commercial Properties, LP Clearfield Rite Aid One Atlantic Avenue Pittsburgh, PA 15202-1707	West Branch Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clinton County Wayne Township	PAG2001807002	Big Woods Land Co. P. O. Box 400 McElhattan, PA 17748	UNT to West Branch Susquehanna River CWF McElhattan Run CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Lycoming County Wolf Township	PAG2004107019	Jason Kline P. O. Box 46 Eagles Mere, PA 17731	UNT to Muncy Creek CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Somerset County Somerset Township	PAG2005607013	Department of General Services 18th and Herr Streets Harrisburg, PA 17120	UNTB to East Branch of Coxes Creek TSF	Somerset County CD (814) 445-4652
<i>General Permit Type—PAG-3</i>				
<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Parryville City Carbon County	PAR602243	LKQ Corporation 201 State Road Parryville, PA 18244	Lehigh River TSF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Dauphin County Lower Swatara Township	PAR803705	UPS Cartage Services, Inc. West Mezzanine 6406 Grade Lane Louisville, KY 40213	Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Winslow Township Jefferson County	PAR608312	Wells Auto Wreckers 4510 Route 322 Reynoldsville, PA 15851	Soldier Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Rome Township Crawford County	PAG049390	Church of Jesus Christ in God 11360 Turnpike Road Union City, PA 16348	UNT to McLaughlin Creek 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048534	Daniel P. Wallace 853 Vernon Road Greenville, PA 16125	UNT to Booth Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-10*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Blair County Logan Township	PAG103531	Gulf Oil Limited Partnership 275 Washington Street Suite 300 Newton, MA 02458-1646	Sugar Run Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 4907502-T1—Operation, Public Water Supply.**

Applicant	<b>Cherokee Pharmaceuticals, LLC</b>
Township or Borough	Riverside Borough
County	<b>Northumberland</b>
Responsible Official	Stratton C. Lee, Jr., Manager Cherokee Pharmaceuticals, LLC P. O. Box 600 Danville, PA 17821
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	January 1, 2008
Description of Action	Operation of the Cherokee water treatment plant, including: a raw water intake on the North Branch of the Susquehanna River; four 400,000 gallon presettling basins; gas pre- and post-chlorination, polyphosphate, caustic soda, potassium permanganate, clay and Cat-Floc chemical feed systems; three upflow clarifiers; two clarified water storage basins (290,000 and 110,000 gallons); Filtration System No. 1 consisting of three Permutit filters; Filtration System No. 2 consisting of two gravity sand multicell (3 cells) filters; two clearwells; two 500,000 gallon finished water storage tanks; and the distribution system. At the request of Cherokee

Pharmaceuticals, LLC, all previously valid Merck and Company, Inc. permits have been consolidated into one Permit No. 4907502-T1.

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

**Permit No. 6207501**, Public Water Supply.  
 Applicant **North Warren Municipal Authority**  
 Borough or Township Conewango Township  
 County **Warren County**  
 Type of Facility Municipal Water Authority  
 Consulting Engineer Dale W. Sorensen, P. E.  
 Northwest Engineering, Inc.  
 P. O. Box Q  
 Tidioute, PA 16351  
 Permit to Construct December 27, 2007  
 Issued

**Permit No. 2507501**, Public Water Supply.  
 Applicant **Idyll Whyte Village Mobile Home Park**  
 Borough or Township McKean Township  
 County **Erie County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Clayton J. Fails, P. E.  
 Hill Engineering, Inc.  
 8 Gibson Street  
 North East, PA 16428  
 Permit to Construct December 28, 2007  
 Issued

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Huntingdon Borough	530 Washington Street Huntingdon, PA 16652	Huntingdon

*Plan Description:* The approved plan provides for modifications of the Borough's wastewater treatment facility to address nutrient reduction requirements imposed by Pennsylvania's Chesapeake Bay Tributary Strategy. The Plan also provides for floodproofing the headworks, conversion of clarigesters to primary clarifiers, conversion from chlorine to UV disinfection and modifications to produce Class A biosolids. 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>
Dublin Township	1366 Cole Road Hustontown, PA 17229	Fulton County

*Plan Description:* The approved plan provides for a sewage collection, conveyance and treatment system to serve the Burnt Cabins area of the Township. The previous plan prescribed a conventional gravity sewage collection system. The new collection system proposes to use grinder pumps and pressure sewers to make the project more economically feasible. The system will be owned, operated and maintained by the Dublin Township Board of Supervisors. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. WQM Permits must be obtained in the name of the Authority.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Mahaffey Borough	P. O. Box 232 Mahaffey, PA 15757	Clearfield

*Plan Description:* The approved plan provides for sewer extensions to provide sewer service to the existing Mahaffey Campground and Byers Settlement as well as modifications to the collection and conveyance system on Locust Street. 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 municipal authority.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals 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:* The development is located along SR 0234 east of Biglerville Borough in Butler Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Butler Township	P. O. Box 339 Biglerville, PA 17307	Adams County

*Plan Description:* The development proposed 358 residential units on 227.6 acres with a private sewage treatment plant and water supply. Wastewater flows are estimated at 96,660 gpd. The project code number is A3-01909-172-3. The plan was disapproved because it failed to address incomplete items identified by the Department of Environmental Protection within the required time frame for resubmission.

## 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.*

**Paxson Park Subdivision**, West Chester Borough, **Chester County**. Chris Reitman, Advanced Geoservices, 1055 Andrew Drive, Suite A, West Chester, PA 19380, Bernard Beegle, Advance Geoservices, 1055 Andrews Drive, Suite A, West Chester, PA 19380 on behalf of Richard Meadows, SBCM, Inc., 121 West Miner Street, West Chester, PA 19382, Tony Alloy, SCBM, Inc., 121 West Miner Street, West Chester, PA 19381 has submitted a Final Report concerning remediation of site soil contaminated with Pah, inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Gallo Residence**, Newtown Township, **Delaware County**. James Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA

19343 on behalf of Martin Liebbardt, Sunoco, Inc. (R & M) 350 Eagleview Boulevard, Suite 300, Exton, PA 19341 has submitted a 90-day 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 Standards.

**Blue Grass Plaza**, City of Philadelphia, **Philadelphia County**. Samuel Kucia, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Lennard Katz, Blue Grass Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**26th and Penrose Avenue Site**, City of Philadelphia, **Philadelphia County**. Gary Brown, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Stephen D'Angelo, Danbro, LP, 3700 South 26th Street, Philadelphia, PA 19145 has submitted a Final Report concerning remediation of site soil contaminated with inorganics and lead. The report is intended to document remediation of the site to meet the Site-Specific Standards.

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

**Holzman Residence**, Jefferson Township, **Lackawanna County**. Sherry Carlo, P. G., United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Final Report (on behalf of her client, Leonard Holzman, R. R. 4, Box 4270, Lake Ariel, PA 18436), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as the result of a ruptured heating oil tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. A Notice of Intent to Remediate was simultaneously submitted. A public notice regarding the submittal of the Final Report was published in *The Times-Tribune* on December 13, 2007.

**Scot Lubricants of PA, Inc.**, 1801 East Tremont Street, Allentown City, **Lehigh County**. Jeremy W. Boly, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report (on behalf of his client, Scot Lubricants of PA, Inc., P. O. Box 326, Allentown, PA 18105), concerning the remediation of site soils and groundwater found to have been impacted by No. 2 fuel oil and leaded gasoline as a result of an accidental release during the removal of a 550-gallon fuel oil underground storage tank and a 1,000-gallon leaded gasoline underground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A summary of the Notice of Intent to Remediate and a public notice regarding the submittal of the Final Report were simultaneously published in *The Morning Call* on October 30, 2007.

**Former Getty Station Property**, City of Bethlehem, **Northampton County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his clients, Michael and Costas Hoimes, P. O. Box K, Allentown, PA 18105), concerning the remediation of site soils found or suspected to have been impacted by leaded gasoline as a result of two leaking underground storage tanks. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in *The Express-Times* on November 28, 2007.



## 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.*

**The Village at Franklin Corners**, Borough of West Chester, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA

19382 on behalf of Russ Skog, Franklin Corners Condominium Associates, 237 Lacey Street, West Chester, PA 19382 has submitted a Background Final Report concerning the remediation of site groundwater contaminated with other organics. The Background Final Report was approved by the Department of Environmental Protection on December 27, 2007.

**Nagel Residence**, Bedminster Township, **Bucks County**. Staci Cottone, J & J Spill Services and Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The 90 day Final Report was approved by the Department of Environmental Protection on December 20, 2007.

**McIntyre Residence**, Lower Salford, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Lisa Neimann, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Mr. and Mrs. McIntyre, 223 1st Avenue, Harleysville, PA 19438 has submitted a Final Report concerning the remediation of site groundwater contaminated with petroleum. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on December 6, 2007.

**Toll Integrated Systems**, Morrisville Borough, **Bucks County**. Mark Fortna, DelVal Soil & Environmental Consultants, Inc., Sky Run II, Suite A-1, 4050 Skyron Drive, Doylestown, PA 18901 on behalf of Brian Hunter, Toll Integrated Systems, 449 South Pennsylvania Avenue, Morrisville, PA 19067 has submitted a Cleanup Plan concerning the remediation of site soil contaminated with No. 2 fuel oil. The Cleanup Plan was approved by the Department of Environmental Protection on December 17, 2007.

**Royal Petroleum Tanker Truck Spill Site**, Plymouth Township, **Bucks County**. Raymond Lees, Malcolm Pirnie, Inc., 640 Freedom Business Center, King of Prussia, PA 19406 on behalf of Stewart McCracken, 2606 Narcissa Road, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on December 17, 2007.

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

**Belyea Company, Inc.**, Palmer Township, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Belyea Company, Inc., 2200 Northwood Avenue, Easton, PA 18045), concerning the remediation of soils found to have been impacted by diesel fuel as a result of a vehicular accident. The report documented attainment of the Residential Statewide Health Standard for soils and was approved on December 18, 2007.

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

**Robbins Mobile Home Park—Pierson Site**, Jordan Township, **Lycoming County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Mr. and Mrs. Chancy Robbins, 1205 Mordan Hollow Road, Unityville, PA 17774 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The Final Report demonstrated attainment of

the Statewide Health Standard and was approved by the Department on December 21, 2007.

#### RESIDUAL WASTE GENERAL PERMIT

**General Permit Renewal Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR052. Reliant Energy.** 121 Champion Way, Canonsburg, PA 15317. General Permit Number WMGR052 authorizes the beneficial use of Low Permeability Cementitious material for: (i) construction; (ii) mine sealing; (iii) mine fire and subsidence control; and (iv) for reclamation of mine sites. The general permit renewal was issued by the Central Office on December 17, 2007.

Persons interested in obtaining more information, or obtaining copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGM020D001. American Ash Recycling Corp. of Pennsylvania.** 1072 Roosevelt Avenue, York, PA 17404-2833. The General Permit WMGM020D001 is for the processing of ash residue generated from a municipal waste incineration facility for: (i) recovering of ferrous and nonferrous metals; and (ii) removing unburned material, at its facility located in West Manchester Township, **York County**. The General Permit was issued by Central Office on December 21, 2007.

Persons interested in obtaining more information about the general permit application should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472 at (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL 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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR052D001. Allegheny Energy Supply Company, LLC.** 800 Cabin Hill Drive, Greensburg, PA 15601-1689. General Permit Number WMGR052D001 authorizes the beneficial use of Low Permeability Cementitious material for: (i) construction; (ii) mine sealing; (iii) mine fire and subsidence control; and (iv) for reclamation of mine sites. The general permit renewal was issued by the Central Office on December 17, 2007.

Persons interested in obtaining more information, or obtaining copies of the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 100265. Grand Central Sanitary Landfill, Grand Central Sanitary Landfill, Inc.,** 1963 Pen Argyl Road, Pen Argyl, PA 18072. A Permit Renewal approval for this municipal waste landfill located in Plainfield Township, **Northampton County**. The approval authorizes the extension of their permit to continue construction and operations at the Grand Central Sanitary Landfill until December 31, 2010. The Permit Renewal was issued by the Regional Office on December 27, 2007.

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

**Permit ID No. WMGR038SW008. Liberty Tire Services of Ohio, LLC, d/b/a Liberty Tire Recycling, LLC.** Change of ownership from Recovery Technologies of Pennsylvania, Inc., for a waste tire processing facility in Braddock and Rankin Boroughs, **Allegheny County**. Permit issued in the Regional Office on December 20, 2007.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

**GP4-21-03083: Coating Concepts** (405 North East Street, Carlisle, PA 17013) on December 20, 2007, for Burn Off Ovens under GP4 in Carlisle Borough, **Cumberland 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.*

**23-0027A: 3M—Dyneon, LLC** (50 Milton Drive, Aston, PA 19014) on December 24, 2007, to operate a thermal oxidizer and baghouse in Chester Township, **Delaware County**.

**23-0108B: FPI Food Processing International, Inc.** (903 Industrial Highway, Eddystone, PA 19022) on December 24, 2007, to operate a regenerative thermal oxidizer and incorporate plan approval 23-0108A, in Eddystone Borough, **Delaware County**.

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

**36-05001F: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547) on December 20, 2007, for moving a tenoner to another building in East Donegal Township, **Lancaster County**.

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

**49-00007E: Merck & Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) on December 19, 2007, for the VOC plantwide applicability limit and flexible manufacturing of pharmaceutical/chemical products at the Cherokee plant in Riverside Borough, **Northumberland County, PA**.

**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.*

**09-0126A: Air Liquide Electronics U.S., LP** (19 Steel Road West, Morrisville, PA 19067) on December 20, 2007, to operate a specially gas purification scrubber in Falls Township, **Bucks County**.

**09-0124F: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on December 28, 2007, to operate an auxiliary boiler retrofits in Falls Township, **Bucks County**.

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

**05-05022C: Bedford Reinforced Plastics, Inc.** (264 Reynoldsdale Road, Bedford, PA 15522) on December 17, 2007, for installation of three new fiberglass reinforced plastic pultrusion production lines at their facility in East Saint Clair Township, **Bedford County**. This plan approval was extended.

**36-05099A: McMinn's Asphalt Company, Inc.** (P. O. Box 4688, Lancaster, PA 17604-4688) on December 21, 2007, to facilitate the shakedown of sources and air cleaning device in East Hempfield Township, **Lancaster County**. This plan approval was extended.

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

**53-00009A: Morgan Advance Materials & Technology, Inc.** (441 Hall Avenue, St. Marys, PA 15857) on September 13, 2007, to authorize the construction and operation of three electric powered heat treat ovens, each to be equipped with a natural gas fired thermal oxidizer to control air contaminant emissions in their Coudersport plant in Eulalia Township, **Potter County** until January 11, 2008. The plan approval has been extended.

**08-00003C: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on October 17, 2007, to extend the authorization to operate wood-fired boiler No. 3 and dry fuel handling equipment identified in the respective plan approval on a temporary basis until January 30, 2008, at the facility in Wysox Township, **Bradford County**.

**08-00003D: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda, PA 18848) on October 17, 2007, to extend the authorization to operate a cyclonic separator on the Line I Press on a temporary basis and to extend the required PM stack testing until February 27, 2008, at their facility in Wysox Township, **Bradford County**.

**49-00020B: Truck Accessories Group, Inc.—d/b/a Leer East** (3560 Housels Run Road, Milton, PA 17847) on December 21, 2007, to extend the authorization to operate a mold maintenance area, a wet-out reinforcement area, a secondary lamination area, a base rail lamination area, a truck cap and tonneau cover headliner adhesive process, fiberglass reinforced plastic truck cap and tonneau cover assembly and final finish operations, an aluminum welding operation and an aluminum truck cap assembly, final finish and installation operation in a fiberglass reinforced plastic and aluminum truck cap manufacturing facility on a temporary basis until April 19, 2008, in Milton Borough, **Northumberland County**. The plan approval has been extended.

**41-320-002: Webb Communications** (One Maynard Street, Williamsport, PA 17701) on December 27, 2007, to allow the use of an alternate fountain solution additive in four heatset web offset lithographic printing presses in the City of Williamsport, **Lycoming 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.**

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

**46-00018: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041) On December 24, 2007, for a renewal of the Title V Operating Permit for printing of magazines, magazine inserts and newspaper inserts in Upper Hanover Township, **Montgomery County**. The initial permit was issued on September 14, 2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit will contain Compliance Assurance Monitoring conditions under 40 CFR Part 64 for the six offset lithographic presses and the thermal oxidizers used to control VOC emissions. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**01-05003: Columbia Gas Transmission Corp.** (950 Manifold Road, Washington, PA 15301-9610) on December 19, 2007, for operation of natural gas transmission and storage facilities in Straban Township, **Adams County**. This is a renewal of the Title V operating permit.

**36-05082: Clark Filter** (3649 Hempland Road, Lancaster, PA 17601-1323) on December 21, 2007, the Title V Operating Permit for the facility was administratively amended to incorporate plan approval 36-05082C in the City of Lancaster, **Lancaster County**. This is Revision No. 3.

**67-05113: Graham Architectural Products Corp.** (1551 Mt. Rose Avenue, York, PA 17403-2929) on December 18, 2007, for operation of their commercial replacement window manufacturing facility in Spring Garden Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**55-00005: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) on October 29, 2007, to issue a renewal Title V Operating Permit for their kitchen cabinet manufacturing facility in Middlecreek Township, **Snyder County**. Under 40 CFR Part 64, compliance assurance monitoring conditions have been included in the Title V operating permit. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**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.*

**09-00105: Naceville Materials—Coopersburg Materials Asphalt Plant** (438 Springfield Street, Springfield Township, PA 19474) on December 21, 2007, for operation of the crushing and screening equipment at their batch mix asphalt plant in Springfield Township, **Bucks County**. The permit is for a non-Title V (State-only)

facility. The proposed permit will incorporate conditions from the previously issued Plan Approval No. 09-0105B. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00073: Alan McIlvain Co.** (501 Market Street, Marcus Hook, PA 19061) on December 24, 2007, for renewal of State-only (Natural Minor) Operating Permit No. 23-00073 originally issued on July 1, 2002 for operation of a waste wood and No. 2 fuel oil-fired boiler, various woodworking machinery and a cold parts cleaner, along with their associated air pollution control devices, in Marcus Hook Borough, **Delaware County**. The main pollutant emitted from the facility is PM. The maximum potential emissions of PM from the facility figure to be approximately 74 tpy. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00009: AGC Chemicals Americas, Inc.** (255 South Bailey Road, Downingtown, PA 19355) on December 26, 2007, for a renewal non-Title V Facility, State-only, Synthetic Minor Permit in Caln Township, **Chester County**. AGC Chemicals Americas, Inc. is a manufacturing custom compound purchased resins facility. The facility has taken a site level restriction of 15 tons of VOCs per year and 3 tons of VOCs per 3-month period. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**06-03059: Charles Evans Cemetery Co.** (1119 Centre Avenue, Reading, PA 19601-1409) on December 20, 2007, for operation of two crematory units in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

**38-03019: Allied Veterinary Cremation, LTD** (719 Lawn Road, Palmyra, PA 17078-9734) on December 20, 2007, for three animal crematories in South Londonderry Township, **Lebanon County**. This is a renewal of the State-only operating permit.

**67-03113: Advanced Industrial Services, Inc.** (3250 North Susquehanna Trail, York, PA 17402-9754) on December 20, 2007, for operation of a metal fabrication job shop in Manchester Township, **York County**. This is a renewal of the State-only operating permit.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

**46-00091: Sunoco Partners Marketing & Terminals, LP** (4041 Market Street, Aston, PA 19014) on December 21, 2007, to operate a transport-loading terminal at 2390 Sunset Lane, Upper Moreland Township, **Montgomery County**. This Title V operating permit has been administratively amended to incorporate plan approval No. PA-46-0091 and General Plan Approval and Operating Permit No. 46-312-026GP.

**46-00179: Tuscan Lehigh Dairies, LP** (880 Allentown Road, Lansdale, PA 19446-5298) on December 26, 2007, in Upper Gwynedd Township, **Montgomery County**, for revision of the hourly and yearly emission limits for Boiler No. 1 and Boiler No. 2. All other conditions in the Permit shall remain the same. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**08-00003: CraftMaster Manufacturing, Inc.** (Shiner Road, P. O. Box 311, Towanda, PA 18848) on December 7, 2007, to issue a revised operating permit for their wood products manufacturing facility in Wysox Township, **Bradford County**. In accordance with 40 CFR 63.6(i), the revision of this permit is to incorporate a 1 year extension of the compliance date of the Plywood and Composite Wood Products (PCWP) MACT rule (40 CFR Part 63, Subpart DDDD) for the existing Line I and Line II pressurized refiners and first stage primary tube dryers. The compliance date for the PCWP MACT rule is October 1, 2007. CraftMaster is requesting a 1 year extension for the Line I and Line II pressurized refiners and first stage primary tube dryers to install an RTO on each refiner and dryer line exhaust to comply with the MACT standard. The revised Title V 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

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

**32070106 and NPDES No. PA0262447. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface mine in Center Township, **Indiana County**, affecting 35.7 acres. Receiving streams: UNTs to Two Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007. Permit issued December 21, 2007.

**11060101 and NPDES No. PA0249882. CMT Energy, Inc.**, 108 South Twigg Street, Box 23, Smoke Run, PA 16681, revision of an existing bituminous surface mine to add blasting in Chest Township, **Cambria County**, affecting 33.1 acres. Receiving streams: UNTs to Chest Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 5, 2007. Permit issued December 21, 2007.

**32020101 and NPDES No. PA0249165. Alverda Enterprises, Inc.**, P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to add auger mining and revise E & S plan in Pine Township, **Indiana County**, affecting 18.3 acres. Receiving stream: Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 9, 2007. Permit issued December 21, 2007.

**11920102. L & J Energy Company, Inc.**, P. O. Box J, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 113.3 acres. Receiving streams: UNT to Moss Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 5, 2007. Permit issued December 21, 2007.

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

**26020101 and NPDES Permit No. PA0250066. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for reclamation only of a bituminous surface mining site located in Springfield Township, **Fayette County**, affecting 65.1 acres. Receiving stream: Indian Creek. Application received November 20, 2007. Renewal issued December 20, 2007.

**03020114 and NPDES Permit No. PA0250287. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County**, affecting 44.8 acres. Receiving stream: UNT to Crooked Creek. Application received August 28, 2007. Renewal permit issued December 21, 2007.

**26060106 and NPDES Permit No. PA0250988. Charles L. Swenglish & Sons Coal Co., Inc.** (83 Swenglish Lane, Smithfield, PA 15478). Permit for commencement, operation and reclamation for a bituminous surface mine, located in Georges and Springhill Townships, **Fayette County**, affecting 529.9 acres. Receiving streams: UNTs to Rubles Run and Mountain Creek. Application received October 13, 2006. Permit issued December 21, 2007.

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

**16070104 and NPDES Permit No. PA0258342. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Limestone Township, **Clarion County** affecting 30.2 acres. Receiving streams: Poe Run. Application received June 11, 2007. Permit issued December 27, 2007.

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

**54880203T3, R3 and NPDES Permit No. PA0594393. Rausch Creek Land, LP**, (978 Gap Street,

Valley View, PA 17983), transfer and renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Tremont Township, **Schuylkill County** affecting 15.8 acres, receiving stream: Rowe Tunnel to Lorberry Creek. Applications received August 27, 2004. Transfer and renewal issued December 20, 2007.

**54803203T2, R3 and NPDES Permit No. PA01262. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Hegins Township, **Schuylkill County** affecting 76.0 acres, receiving stream: East Branch Rausch Creek. Applications received December 9, 2005. Transfer and renewal issued December 20, 2007.

**54920103T & R2, Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 47.6 acres, receiving stream: none. Applications received December 9, 2005. Transfer and Renewal issued December 20, 2007.

**54860109R3. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation for reclamation activities only in Tremont Township, **Schuylkill County** affecting 35.0 acres, receiving stream: none. Application received February 22, 2002. Renewal issued December 20, 2007.

**54860109T. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 35.0 acres, receiving stream: none. Application received December 9, 2005. Transfer issued December 20, 2007.

**54860109R4. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation for reclamation activities only in Tremont Township, **Schuylkill County** affecting 35.0 acres, receiving stream: none. Application received January 22, 2007. Renewal issued December 20, 2007.

**54850207T, R4 and NPDES Permit No. PA0592901. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Hegins Township, **Schuylkill County** affecting 39.08 acres, receiving stream: East Branch Rausch Creek. Applications received December 9, 2005. Transfer and Renewal issued December 20, 2007.

**54803004R3. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation for reclamation activities only in Hegins and Porter Townships, affecting 214.0 acres, receiving stream: none. Application received December 4, 2002. Renewal issued December 21, 2007.

**54803004T2. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), transfer of an existing anthracite surface mine operation in Hegins and Porter Townships, affecting 214.0 acres, receiving stream: none. Application received March 30, 2004. Transfer issued December 21, 2007.

**54803004R4. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite surface mine operation for reclamation activities only in Hegins and Porter Townships, affecting 214.0

acres, receiving stream: none. Application received December 9, 2005. Renewal issued December 21, 2007.

**54803019T2 & R3. Rausch Creek Land, LP**, (978 Gap Street, Valley View, PA 17983), transfer and renewal of an existing anthracite surface mine operation for reclamation activities only in Hegins and Porter Townships, affecting 1,313.0 acres, receiving stream: none. Application received December 9, 2005. Renewal issued December 21, 2007.

#### *Noncoal Permits Actions*

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

**25072804. John F. Pfadt** (12612 Half Moon Road, Wattsburg, PA 16442) Commencement, operation and restoration of a small noncoal sand and gravel operation in Venango Township, **Erie County** affecting 2.0 acres. Receiving streams: West Branch French Creek. Application received November 19, 2007. Permit issued December 24, 2007.

**10072802 and NPDES Permit No. PA0258431. Natural Sand Company, Inc.** (4783 Harlansburg Road, Slippery Rock, PA 16057) Commencement, operation and restoration of a small noncoal clay operation in Buffalo Township, **Butler County** affecting 5.0 acres. Application received August 1, 2007. Permit issued December 27, 2007.

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

**58910301C4 and NPDES Permit No. PA0595454. F. S. Lopke Contracting, Inc.**, (3430 SR 434, Apalachin, NY 13732), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Forest Lake Township, **Susquehanna County**, receiving stream: UNT to Middle Branch of Wyalusing Creek. Application received October 31, 2007. Renewal issued December 21, 2007.

**7974SM3C9 and NPDES Permit No. PA0595853. New Hope Crushed Stone & Lime Company**, (P. O. Box 248, New Hope, PA 18938), depth correction for an existing quarry operation in Solebury Township, **Bucks County** affecting 141.0 acres, receiving stream: Primrose Creek. Application received June 15, 2007. Correction issued December 21, 2007.

**7974SM3C10 and NPDES Permit No. PA0595853. New Hope Crushed Stone & Lime Company**, (P. O. Box 248, New Hope, PA 18938), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Solebury Township, **Bucks County**, receiving stream: Primrose Creek. Application received September 11, 2007. Renewal issued December 21, 2007.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

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

**21074174. Douglas Explosives, Inc.**, P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is January 1, 2009. Permit issued December 21, 2007.

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

**42074009. East Resources, Inc.** (P. O. Box 246, Mt. Jewett, PA 16740). Blasting activity permit for well exploration in Hamilton Township, **McKean County**. This blasting activity permit will expire on December 20, 2008. Application received December 11, 2007. Application issued December 20, 2007.

**42074008. East Resources, Inc.** (P. O. Box 246, Mt. Jewett, PA 16740). Blasting activity permit for well exploration in Hamilton Township, **McKean County**. This blasting activity permit will expire on December 20, 2008. Application received December 11, 2007. Application issued December 20, 2007.

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

**360741131. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for West Penn Township Waste Water Treatment Plant in Penn Township, **Lancaster County** with an expiration date of December 1, 2008. Permit issued December 19, 2007.

**46074005. PACT Construction, Inc.**, (P. O. Box 74, Ringoes, NJ 08551), construction blasting for Franconia Sewer Authority Lower Skippack Creek Interceptor in Franconia Township, **Montgomery County** with an expiration date of December 31, 2008. Permit issued December 20, 2007.

**45074164. Silver Valley Drilling & Blasting, Inc.**, (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Haltermans in East Stroudsburg Borough, **Monroe County** with an expiration date of December 27, 2008. Permit issued December 21, 2007.

**48074119. Silver Valley Drilling & Blasting, Inc.**, (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for The Learning Center in Lower Nazareth Township, **Northampton County** with an expiration date of January 10, 2009. Permit issued December 21, 2007.

**39074131. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Whitfield Estates in Lower and Upper Macungie Townships, **Lehigh County** with an expiration date of January 1, 2009. Permit issued December 24, 2007.

**09074129. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Heritage Center at Warrington in Warrington Township, **Bucks County** with an expiration date of December 21, 2008. Permit issued December 27, 2007.

**46074128. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Kingston Hills Phase II in New Hanover Township, **Montgomery County** with an expiration date of January 1, 2009. Permit issued December 27, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously

received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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**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).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Regional Office, Watershed Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E13-157. John and Kimberly Ciavarella**, P. O. Box 93, Lake Harmony, PA 18624. Penn Forest Township, **Carbon County**, United States Army Corps of Engineers Philadelphia District.

To authorize placement of fill in 0.15 acre of PSS wetlands within the Mud Run Watershed. The permittee is required to provide for 0.30 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project is located on the east side of Bishop Circle approximately 100 feet south of Tennyson Circle within the Towamensing Trails Residential Subdivision (Pohopoco Mountain, PA Quadrangle N: 21.8 inches; W: 10.8 inches). (Subbasin: 2B)

**E64-271. Duck Harbor Company**, R.R. 1, Box 214C, Equinunk, PA 18417. Lebanon Township, **Wayne County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 10-foot wide concrete boat launching ramp extending approximately 20 feet into Duck Harbor Pond (HQ-CWF); to construct and maintain a dry hydrant in Duck Harbor Pond; to construct and maintain a 4-foot wide loading/unloading dock extending approximately 40 feet into Duck Harbor Pond; and to construct and maintain additional docking facilities consisting of five piers and mooring for approximately 76 boats, each pier extending approximately 92 feet into Duck Harbor Pond. The project is located along the northern shore of Duck Harbor Pond approximately 4,000 feet northwest of the intersection of Duck Harbor and Schenakenberg Roads (Long Eddy, NY-PA Quadrangle N: 1.0 inch; W: 11.4 inches). (Subbasin: 1A)

**E39-477. Jaindl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069. Lower Macungie Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To reauthorize the construction and maintenance of the following water obstructions and encroachments associated with the development of a proposed 700-lot residential subdivision known as The Hills at Lock Ridge. The water obstructions and encroachments were previously authorized by Permit No. E39-381, which expired prior to completion of construction. Other water obstructions were previously authorized and constructed under Permit No. E39-381.

1. A road crossing of a tributary to Swabia Creek (Tributary B) (HQ-CWF), consisting of a 6.0-foot by 3.5-foot concrete box culvert, with its invert depressed 6 inches, for the construction of Stack Road.

2. Relocation of approximately 1,720 linear feet of a tributary to Swabia Creek (Tributary B) for widening of Orchard Road.

3. Recreational facilities (including soccer and playground equipment and 6-foot wide bituminous path) in the floodway of Swabia Creek (HQ-CWF).

The project is located on a 272-acre tract of land on the south side of the Norfolk Southern Railroad, adjacent to T-480, T-482, T-484 and Lock Ridge Park and Furnace Museum (Allentown West, PA Quadrangle N: 2.0 inches; W: 11.0 inches). (Subbasin: 2C)

**E48-386. Lower Mt. Bethel Township**, 2004 Hutchison Avenue, P. O. Box 257, Bangor, PA 18063. Lower Mt. Bethel Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 5-foot wide by 72-foot long concrete, fair-weather ford crossing for the purpose of providing a pedestrian crossing in Oughoughton Creek (CWF). The project is located approximately 3,000 feet upstream of the confluence with the Delaware River (Belvidere, PA-NJ Quadrangle N: 8.8 inches; W: 17.2 inches). (Subbasin: 1F)

**E52-209. Masthope Mountain Community**, 196 Karl Hope Boulevard, Lackawaxen, PA 18435. Lackawaxen Township, **Pike County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain three dry hydrants, two in Westcolang Lake (HQ-CWF) and one in a pond locally known as Briars Pond. The hydrants are located in the

Masthope Mountain Community Residential Development (Narrowsburg, NY-PA Quadrangle N: 2.1 inches; W: 5.3 inches). (Subbasin: 1A)

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

**E50-242. Donald and Rose Slike**, P. O. Box 292, Camp Hill, PA 17001-0292, Carroll Township, **Perry County**, ACOE Baltimore District.

To place 160-foot long by 40-foot wide earth fill along the right bank's 100-year floodway of a UNT to Sherman Creek (WWF) in order to expand a parking lot located at the Pisgah State and Spring Roads intersection (Shermans Dale, PA Quadrangle N: 12.58 inches; W: 5.70 inches, Latitude: 40° 19' 09"; Longitude: 77° 09' 57") in Carroll Township, **Perry County**.

**E22-517. Anthony Leo, Sunnyhill Homes, Inc.**, 6291 Lyters Lane, Harrisburg, PA 17111, Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 140-foot long, 6.0-foot CMP stream crossing in a UNT to Beaver Creek (WWF) (Latitude: 40° 16' 35.4"; Longitude: 76° 46' 31.8"), a 160.0-foot long, 7.0-foot CMP stream crossing in a UNT to Beaver Creek (WWF) (Latitude: 40° 16' 35.46"; Longitude: 76° 46' 40.86") and to permanently impact 0.243 acre of palustrine emergent wetlands associated to a UNT to Beaver Creek (WWF) at the southwest intersection of Lyters Lane and 67th Street (Harrisburg East, PA Quadrangle N: 5 inches; W: 3.5 inches, Latitude: 40° 16.640' N; Longitude: 76° 46.595' W) in Lower Paxton Township, Dauphin County. Applicant proposes 0.245 acre of onsite wetland mitigation.

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

**E55-218. David Bowersox**, 4 Lake Road, Selinsgrove, PA 17870. Bowersox Addition/Elevation, in Monroe Township, **Snyder County**, ACOE Baltimore District (Sunbury, PA Quadrangle Latitude: 40° 48' 45"; Longitude: 76° 51' 53").

To construct, operate and maintain an elevated deck and dwelling structure 1.5 feet above the 100-year base flood elevation in the floodway of Penns Creek, WWF. The first floor elevation shall be elevated above the 100-year flood elevation and supported on piers. This project is located across from the Penn Valley Airport along Creek Road in Monroe Township, Snyder County. This permit was issued under Section 105.13(e) "Small Projects."

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

**E10-436. Dale A. Hall, H & M Truck and Auto**, 108 Harmony Road, Prospect, PA 16052. H & M Truck and Auto Repair Shop, in Franklin Township, **Butler County**, ACOE Pittsburgh District (Prospect, PA Quadrangle N: 40° 54' 10"; W: 80° 00' 05").

To construct and maintain a 40-foot long corrugated steel open bottom arch having a span of 15 feet and a rise of 4.6 feet in Mulligan Run and associated grading approximately 160 feet within the right floodway of Mulligan Run for H & M Truck and Auto repair shop building and driveway access south of the intersection of West Old Route 422 (T-441) and Rieger Road.

**E10-437. G. L. McKnight, Inc.**, P. O. Box 774, 600 Centreville Pike, Slippery Rock, PA 16057. Weathervane Hill Pedestrian Bridge, in Slippery Rock Township, **But-**



**ler County**, ACOE Pittsburgh District (Slippery Rock, PA Quadrangle N: 41° 02' 57"; W: 80° 01' 48").

To construct and maintain 4-foot wide timber bridge having for spans for a total of 83 feet and a maximum underclearance of about 10 feet across a tributary to Slippery Rock Creek (CWF) and adjoining wetlands for a scenic walkway connecting Phases 1 and 2 to Phase 3 of the Weathervane Hill residential development along Harmony Road (T-376) approximately 1,500 feet north of SR 173.

**E25-53A, Lauderdale Estates Improvement Association**, P. O. Box 5241, Conneaut Lake, PA 16316. Marina 1 and 2 Upgrade, in Summit Township, **Crawford County**, ACOE Pittsburgh District (Harmonburg, PA Quadrangle N: 3.2 inches; W: 7.75 inches).

The applicant is proposing to amend Permit E25-513 which authorized the Lauderdale Estates Improvement Association to repair, operate and maintain walls, bulkheads, docks and other appurtenant structures, including maintenance dredging, associated with three boat docking areas for Lauderdale Estates located along the east side of a canal tributary to the north end of Conneaut Lake west of East Canal Drive (Harmonburg, PA Quadrangle N: 3.2 inches; W: 7.75 inches) in Summit Township, Crawford County.

The applicant is proposing to amend Permit E25-513 to authorize the Lauderdale Estates Improvement Association to conduct the following activities in Lauderdale Estates Ports 1—3 located along the east side of a canal tributary to the north end of Conneaut Lake west of East Canal Drive (Harmonburg, PA Quadrangle N: 3.2 inches; W: 7.75 inches) in Summit Township, Crawford County: 1) replace the existing walls, bulkheads and docks in Ports 1 and 2 with vinyl sheet piling and floating docks; 2) to repair, operate and maintain the bulkheads, walls and docks in Ports 1—3 to conduct dredging of Ports 1 and 2 (approximately 1,000 cubic yards of material). Project includes construction of a temporary dewatering area for the dredged material located within the 100-year floodplain of Conneaut Lake on the Lauderdale Estates beach.

**E25-712, Michael J. Bray**, 8223 Mill Street, Girard, PA 16417-9301. Michael Bray Bridge, in Washington

Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle 41° 51' 30"; W: 80° 03' 35").

The applicant proposes to construct a private residence including a 2,400-foot long driveway approximately 1.5 miles NE of the intersection of Krietz Road and SR 1027 involving to construct and maintain: 1) a bridge over Little Conneauttee Creek having a clear span of approximately 60 feet and an underclearance of approximately 10 feet; 2) a 16-foot long, 3-foot diameter culvert pipe crossing of a UNT to Little Conneauttee Creek; 3) five driveway wetland crossings having lengths of 118 feet, 490 feet, 15 feet, 20 feet and 580 feet respectively and 4) 0.26 acre of mitigation wetland onsite. Little Conneauttee Creek and the tributary are perennial streams classified as a CWF. The project proposes to directly impact approximately 60 feet of stream and 0.26 acre of wetland.

**E33-228, Department of Transportation, Engineering District 10-0**, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. SR 0028 Sec 510 Game School Road 3R, in Warsaw Township, **Jefferson County**, ACOE Pittsburgh District (Hazen and Falls Creek, PA Quadrangle N: 41° 14' 10"; W: 78° 53' 45").

To place and maintain fill in 0.29 acre of PEM wetlands and to remove/replace and maintain five culverts having a combined existing length of 286 feet and a combined proposed length of 400' in UNTs to Mill Creek (CWF) as a part of a 3R roadway project located on SR 0028 Section 510.

The applicant is required to provide 0.29 acre of wetland banking as compensation for this project.

**E42-334, Tuna Valley Trail Association**, 20 Russell Boulevard, Bradford, PA 16701. Tuna Valley North Trail—Crook Farm Loop, in Foster Township, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41° 59' 00"; W: 78° 37' 30").

To construct and maintain approximately 7,500 feet of pedestrian/bicycle trail measuring approximately 10 feet wide and constructed at grade along the east bank and within the 100-year floodway of Tunungwant Creek extending upstream from SR 356 to Tuna Cross Road including a steel beam bridge having a span of 75 feet and an underclearance of 12.6 feet across Foster Brook approximately 100 feet upstream of its confluence with Tunungwant Creek.

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-39-004	Buckeye Terminals, LLC 5 TEK Park 9999 Hamilton Boulevard Breinigsville, PA 18031 Attn: Adam F. Kovacs	Lehigh	Lower Macungie Township	1 AST storing gasoline	1,680,000 gallons

## SPECIAL NOTICES

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

**43992804. Thomas Construction, Inc.** (310 Diamond Road, Grove City, PA 16127-4830). Final release for a small noncoal mining operation in Wolf Creek Township, **Mercer County**. Restoration of 1.0 acre completed. Receiving streams: Wolf Creek. Application received November 28, 2007. Final bond release approved December 17, 2007.

### Bureau of Deep Mine Safety Approval of Request for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BMS) has approved Rosebud Mining Company's request for a variance from the requirements of Section 290(d) of the Pennsylvania Bituminous Coal Mine Act at the Keystone East Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS website at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp).

*Summary of the Request:* Rosebud Mining Company requests a variance to reduce the number of main entries in the 1 Left Butt Section at the Keystone East Mine.

The basis for the BMS's approval is summarized as follows:

1. The Keystone East mine variance area will allow short-term access to the 1st Left Butt reserves only. When the coal within this area is depleted the mine will be sealed.

2. Longwall mines have successfully ventilated three entry systems for distances up to 12,000 feet. Longwall gate-road development generally encounters methane liberations far in excess of those shown at the Keystone East Mine.

3. According to a June 28, 2007, air sample collected by MSHA, the Keystone East Mine produces 50,015 CFM of CH<sub>4</sub> per 24 hours.

4. The main fan is located 700 feet from the mouth of the 1st Left Butt and can supply as much air as is required to mine the 1st Left Butt area safely.

5. Reducing the number of main entries from four to three reduces the amount of exposed roof within a potentially bad roof area.

6. A CO monitoring system will enhance escapability through the variance area by providing early warning.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in the enclosed plan and the following conditions.

1. All unused crosscuts through the variance area must have two cribs placed on both entrances in line with the entry rib. Additional supplemental support will be installed throughout the area as required.

2. All roof falls that occur in the variance area must be completely cleaned and permanently supported before resumption of mining.

3. CO sensors should be placed in the primary intake escapeway at the beginning of the variance area. A second

sensor should be positioned along the primary intake escapeway at the end of the variance area.

4. The CO system shall provide visual and audible alarms at the tailpiece.

### Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for the UNT to the Georges Creek Watershed in Fayette County

*Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on January 23, 2008, beginning at 1 p.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the UNT to Georges Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

Stream Code	Stream Name	Miles Degraded
41381	UNT to Georges Creek	1.1

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

Parameter	Criterion value (mg/l)	Total Recoverable/ Dissolved
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2006.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Martin Picklo at (724) 925-5517 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at

mpicklo@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The proposed TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, January 19th. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for Laural Run Watershed in Somerset County**

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.*

The Department of Environmental Protection (Department) is holding a public meeting on January 24, 2008, beginning at 10 a.m. at the Cambria District Office in Ebensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the Laurel Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38967	Laurel Run	0.8

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2005.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact John Conrad at (814) 472-1894 between 8 a.m. and 3 p.m., Monday through Friday, at Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. E-mail will be received at [joconrad@state.pa.us](mailto:joconrad@state.pa.us). Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, January 19th. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for the UNT to the Monongahela River Watershed in Allegheny County**

*Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on January 22, 2008, beginning at 1 p.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the UNT to the Monongahela River Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
39422	UNT to the Monongahela River	0.5

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its

statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2006.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Martin Picklo at (724) 925-5517 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at mpicklo@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, January 19th. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting  
For the Proposed Total Maximum Daily Load  
(TMDL) for the Streets Run Watershed in  
Allegheny County**

*Greensburg District Mining Office: Armbrust Building,  
R. R. 2, Box 603-C, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on January 22, 2008, beginning at 1 p.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the Streets Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments in the watershed were added in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
37189	Streets Run	0.7

The proposed plan provides calculations of the streams total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations,

which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2004 and 2005.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Bernie Robb at (724) 925-5524 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, Armbrust Building, R. R. 2, Box 603-C, Greensburg, PA 15601. E-mail will be received at brobb@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, January 19th. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting  
For the Proposed Total Maximum Daily Load  
(TMDL) for Wilson Creek Watershed in  
Somerset County**

*Cambria District Mining Office: 286 Industrial Park  
Road, Ebensburg, PA 15931.*

The Department of Environmental Protection (Department) is holding a public meeting on January 24, 2008, beginning at 10 a.m. at the Cambria District Office in Ebensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the Wilson Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38947	Wilson Creek	1.0

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2005.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Thomas Pongrac at (814) 472-1892 between 8 a.m. and 3 p.m., Monday through Friday, at Cambria District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. E-mail will be received at tpong rac@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, January 19th. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

**Request for Comment and Notice of Public Meeting For the Proposed Total Maximum Daily Load (TMDL) for York Run Watershed in Fayette County**

*Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.*

The Department of Environmental Protection (Department) is holding a public meeting on January 23, 2008 beginning at 1 p.m. at the Greensburg District Mining Office in Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. One stream segment in the York Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
41360	York Run	1.3

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and

manganese), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment, and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2003 and 2004.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Paul Cestoni at (724) 925-5518 between 8 a.m. and 3 p.m., Monday through Friday, at Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601. E-mail will be received at pcestoni@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's website at [www.dep.state.pa.us](http://www.dep.state.pa.us) (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by March 19, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m. Friday, January 19th. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 08-51. Filed for public inspection January 11, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Best Impression Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Best Impression Surgical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construc-*

*tion of Hospital and Healthcare Facilities.* The facility specifically requests exemption from the following standard contained in this publication: Chapter 9.5 Table 9.2 (relating to station outlets for O<sub>2</sub> vaccum and medical air).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 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. 08-52. Filed for public inspection January 11, 2008, 9:00 a.m.]

### **Application of The Chambersburg Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 51.6(c) (relating to identification of personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-53. Filed for public inspection January 11, 2008, 9:00 a.m.]

### **Application of Evangelical Community Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Evangelical Community Hospital has requested an exception to the requirements of 28 Pa. Code § 138.13 (relating to nursing staff; other health care personnel).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-54. Filed for public inspection January 11, 2008, 9:00 a.m.]

### **Application for Exception to 28 Pa. Code § 551.3**

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 § 551.3 (relating to definitions):

Brandywine Valley Endoscopy Center  
Three Rivers Endoscopy Center

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously

listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-55. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 551.21(d)(2)

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

Leader Surgical Center  
The Reading Hospital SurgiCenter Spring Ridge

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-56. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 51.23

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 § 51.23 (relating to positron emission tomography):

Butler Memorial Hospital  
Chestnut Hill Hospital

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-57. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 569.35

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions):

Hanover Surgi Center  
Ridley Crossings Surgical Center

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. 08-58. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application of Highlands Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Highlands Hospital has requested an exception to the requirements of 28 Pa. Code § 103.4(3) (relating to functions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-59. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application of Reading Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 559.2 (relating to director of nursing).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-60. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application of Regional Gastroenterology Associates of Lancaster, LTD for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Regional Gastroenterology Associates of Lancaster, LTD has requested an exception to the requirements of 28 Pa. Code § 551.3(ii) (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-61. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application of SAM Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that SAM Surgery Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-2.4.2 (relating to phase II recovery), 3.7-2.5.7.4 (relating to stretcher storage area) and 3.7-2.4.1.1(4) (relating to pediatric recovery area).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 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. 08-62. Filed for public inspection January 11, 2008, 9:00 a.m.]



### Application of Select Specialty Hospital—Pittsburgh/UPMC, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Pittsburgh/UPMC, Inc. has requested an exception to the requirements of 28 Pa. Code § 107.26(b)(2) (relating to additional committees).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-63. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Application of Valley Square Plastic Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Square Plastic Surgery Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-2.4.2.1 (relating to phase II recovery).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, dditlow@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and require an auxiliary aid, service or other

accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT (717) 783-6154 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. 08-64. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Laboratories Approved to Determine Analyses of Blood and/or Serum for Controlled Substances

The following laboratories are licensed by the Department of Health (Department) under Clinical Laboratory Act (35 P. S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of blood and/or serum for the determination of controlled substances. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Department. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in blood and/or serum.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory analyses on blood and/or serum. Laboratories approved to perform screening analyses are designated on the approval list by an "S" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to screen both blood and serum would therefore have "SBSe" listed after their laboratory name. Laboratories approved to offer confirmatory analyses will be designated on the approval list by a "C" followed by the letters "B" for blood and/or "Se" for serum. Laboratories approved to perform confirmatory analyses on both serum and blood would therefore have "CBSe" listed after the name of their laboratory.

Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic blood and/or serum analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the medicolegal purposes. They should also determine that the director of the facility is agreeable to performing analyses for forensic purposes. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000671  
ALLEGHENY COUNTY MED EX DIV OF LAB—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
542 FORBES AVENUE  
ROOM 10 COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
(412) 350-6873

000452  
ANALYTIC BIO-CHEMISTRIES INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
(215) 322-9210

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SS<sub>e</sub>, CS<sub>e</sub>  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-6882

000977  
DRUGSCAN INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
1119 MEARNS RD, PO BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310

000654  
GUTHRIE CLINIC PATH LAB—SS<sub>e</sub>  
GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 888-5858

024655  
HEALTH NETWORK LABORATORIES—SBS<sub>e</sub>, CBS<sub>e</sub>  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150

020512  
LABCORP OCCUPATIONAL TESTING SER—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1904 ALEXANDER DRIVE  
PO BOX 12652  
RESRCH TRNGL PARK, NC 27709  
(919) 572-7465

009003  
MAYO CLINIC DEPT LAB MED & PATH—SBS<sub>e</sub>, CS<sub>e</sub>  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

005574  
MEDTOX LABORATORIES, INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 636-7466

000504  
NATIONAL MED SVCS INC/DBA NMS LABS—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

029741  
NORTHERN TIER RESEARCH—SBS<sub>e</sub>, CBS<sub>e</sub>  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SBS<sub>e</sub>,  
CBS<sub>e</sub>  
14225 NEWBROOK DRIVE  
PO BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SBS<sub>e</sub>, CBS<sub>e</sub>  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631

000151  
ST JOSEPH QUALITY MEDICAL LAB—SBS<sub>e</sub>, CBS<sub>e</sub>  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

007731  
WESTERN RESERVE CARE SYSTEM—SS<sub>e</sub>, CS<sub>e</sub>  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
(330) 884-3767

000018  
WVHCS HOSP DBA PENNANT LABORATORY—SS<sub>e</sub>  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

000141  
 YORK HOSPITAL—SSe  
 1001 SOUTH GEORGE STREET  
 YORK, PA 17405  
 (717) 851-2345

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-65. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Laboratories Approved to Determine Blood Alcohol Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (act) (35 P. S. §§ 2151—2165) and are currently approved by the Department under 28 Pa. Code §§ 5.50 and 5.103 (relating to approval to provide special analytical services; and blood tests for blood alcohol content) to perform alcohol analyses of blood and/or serum and plasma. This approval is based on demonstrated proficiency in periodic tests conducted by the Department's Bureau of Laboratories.

Since procedures for determining the alcohol content of serum and plasma are identical and results obtained from serum or plasma derived from a blood sample are the same, laboratories that demonstrate reliability in the analysis of serum proficiency testing specimens are approved to analyze both serum and plasma. These laboratories are also approved and designated under the provisions of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine the amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or fur taking under the influence of alcohol or controlled substance) as qualified to perform the types of specialized services which will reflect the presence of alcohol in blood and/or serum and plasma. Laboratories located outside this Commonwealth may not provide blood and/or serum and plasma alcohol testing services in this Commonwealth unless they are specifically licensed by the Department under the act.

Persons seeking forensic blood and/or serum and plasma analysis services from the following designated laboratories should determine that the laboratory employs techniques and procedures acceptable for forensic purposes, and that the director of the facility is agreeable to performing determinations for this purpose. The list of approved laboratories will be revised approximately semi-annually and published in the *Pennsylvania Bulletin*.

The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

The Department's blood alcohol and serum/plasma alcohol proficiency testing programs are approved by the United States Department of Health and Human Services in accordance with the requirements contained in the Clinical Laboratory Improvement Amendments of 1988 (42 CFR 493.901 and 493.937) which are administered by the Centers for Medicare and Medicaid Services. Participation in these programs may therefore be used to demonstrate acceptable performance for approval purposes under both Federal and Commonwealth statutes.

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

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The symbols S and B indicate the following:

S = approved for serum and plasma analyses

B = approved for blood analyses

SB = approved for serum, plasma and blood analyses

000212  
 ABINGTON MEMORIAL HOSPITAL—S  
 1200 OLD YORK ROAD  
 ABINGTON, PA 19001  
 (215) 576-2350

027180  
 ADVANCED TOXICOLOGY NETWORK—B  
 3560 AIR CENTER COVE  
 SUITE 101  
 MEMPHIS, TN 38118  
 (901) 794-5770

000233  
 ALBERT EINSTEIN MEDICAL CENTER—S  
 5501 OLD YORK ROAD  
 PHILADELPHIA, PA 19141  
 (215) 456-6100

000040  
 ALIQUIPPA COMMUNITY HOSPITAL LABORATORY—S  
 2500 HOSPITAL DRIVE  
 PATHOLOGY DEPT  
 ALIQUIPPA, PA 15001  
 (724) 857-1240

000671  
 ALLEGHENY COUNTY MED EX DIV OF LAB—SB  
 542 FORBES AVENUE  
 ROOM 10  
 COUNTY OFFICE BUILDING  
 PITTSBURGH, PA 15219  
 (412) 350-6873

028233  
 ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
 320 E NORTH AVENUE  
 PITTSBURGH, PA 15212  
 (412) 359-6886

000077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
(412) 359-3521

000094  
ALLEGHENY GENERAL HOSPITAL SUBURBAN  
CAMPUS—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
(412) 734-6020

000100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
(724) 224-5100

000120  
ALTOONA REGIONAL HEALTH SYSM-BON SECOURS  
CAMPUS—SB  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
(814) 949-4495

000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—SB  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
(814) 946-2340

000452  
ANALYTIC BIO-CHEMISTRIES INC—SB  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
(215) 322-9210

000041  
ARMSTRONG COUNTY MEMORIAL HOSP—S  
1 NOLTE DRIVE  
KITTANNING, PA 16201  
(724) 543-8500

000047  
ASSOCIATED CLINICAL LABORATORIES—SB  
1526 PEACH STREET  
ERIE, PA 16501  
(814) 461-2400

000320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
(570) 853-5059

000002  
BLOOMSBURG HOSPITAL—S  
549 E FAIR STREET  
BLOOMSBURG, PA 17815  
(570) 387-2124

000033  
BRADFORD REGIONAL MEDICAL CENTER—B  
116-156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
(814) 362-8247

000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD  
ATTN LABORATORY  
COATESVILLE, PA 19320  
(610) 383-8000

000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
(724) 284-4510

000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
(724) 745-3916

000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
361 ALEXANDER SPRING ROAD  
CARLISLE, PA 17015-9129  
(717) 249-1212

000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
(215) 368-2100

000132  
CHAMBERSBURG HOSPITAL DEPT OF PATH-  
OLOGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
(717) 267-7153

000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
(814) 274-9300

000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
(610) 431-5182

000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
(215) 248-8630

000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDRENS CENTER  
34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-1000

000329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
(814) 226-9500

000026  
CLEARFIELD HOSPITAL—S  
809 TURNPIKE AVENUE  
P. O. BOX 992  
CLEARFIELD, PA 16830  
(814) 768-2280

000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
(570) 969-8000

- 000125  
CONEMAUGH VALLEY MEMORIAL HOSP—SB  
LABORATORY DEPT  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905  
(814) 534-9000
- 000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
(610) 447-2000
- 000209  
CROZER-CHESTER MED CTR-SPRINGFLD—S  
190 WEST SPROUL ROAD  
SPRINGFIELD, PA 19064  
(610) 447-2000
- 000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
(610) 284-8100
- 000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SB  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-6882
- 000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
(215) 345-2250
- 000977  
DRUGSCAN INC—SB  
1119 MEARNS RD  
P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310
- 000027  
DUBOIS REG MED CTR-WEST UNIT—S  
100 HOSPITAL AVE  
DUBOIS, PA 15801  
(814) 371-2200
- 000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
(610) 250-4140
- 000332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
(724) 752-0081
- 000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
P. O. BOX 1002  
EPHRATA, PA 17522  
(717) 733-0311
- 000032  
ERHC ST MARYS LABORATORY—B  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
(814) 788-8525
- 000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
(570) 522-2510
- 000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
(215) 934-5227
- 000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
(215) 612-4000
- 000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
(215) 831-2068
- 000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
(724) 547-1500
- 000330  
FULTON COUNTY MEDICAL CENTER—S  
214 PEACH ORCHARD ROAD  
MCCONNELLSBURG, PA 17233  
(717) 485-6143
- 000173  
GEISINGER MEDICAL CENTER—SB  
N ACADEMY ROAD  
DANVILLE, PA 17822  
(570) 271-6338
- 000017  
GEISINGER SOUTH WILKES-BARRE HOSPITAL—S  
25 CHURCH STREET  
WILKES-BARRE, PA 18765  
(570) 826-3100
- 000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
(570) 826-7830
- 000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
(215) 951-8800
- 000122  
GETTYSBURG HOSPITAL—SB  
147 GETTYS STREET  
GETTYSBURG, PA 17325  
(717) 334-2121
- 000152  
GNADEN HUETTEN MEMORIAL HOSP—SB  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
(610) 377-7083

000299

GOOD SAMARITAN HOSPITAL—B  
4TH & WALNUT STS  
P. O. BOX 1281  
LEBANON, PA 17042-1218  
(717) 270-7500

000182

GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
(570) 621-4032

000196

GRAND VIEW HOSPITAL—S  
700 LAWN AVE  
SELLERSVILLE, PA 18960  
(215) 453-4528

000061

GROVE CITY MEDICAL CENTER—SB  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
(724) 450-7125

000654

GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 888-5858

000239

HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
(215) 762-1783

000046

HAMOT MEDICAL CENTER—S  
201 STATE STREET  
ERIE, PA 16550  
(814) 877-3131

000139

HANOVER HOSPITAL LABORATORY—SB  
300 HIGHLAND AVE  
HANOVER, PA 17331  
(717) 637-3711

000155

HARRISBURG HOSPITAL LABORATORY—SB  
MEDICAL SCIENCES BUILDING  
100 2ND STREET  
HARRISBURG, PA 17105  
(570) 782-2832

000010

HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
(570) 501-4152

000169

HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
(610) 402-2236

000549

HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
(610) 402-8150

000600

HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
(484) 884-2259

024655

HEALTH NETWORK LABORATORIES—SB  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150

000166

HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
(717) 625-5605

000103

HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
(724) 628-1500

000130

HOLY SPIRIT HOSPITAL—S  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
(717) 763-2206

000052

INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD  
P. O. BOX 788  
INDIANA, PA 15701-0788  
(724) 357-7167

000135

J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
(814) 643-8645

000054

JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
(724) 656-4080

000240

JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
(215) 728-2347

000038

JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
(412) 469-5723

000200

JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
(610) 869-1080

000053

JRHS BROOKVILLE—S  
100 HOSPITAL ROAD  
BROOKVILLE, PA 15825  
(814) 849-2312

000034  
KANE COMMUNITY HOSPITAL—B  
NORTH FRALEY STREET  
KANE, PA 16735  
(814) 837-4575

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
(215) 426-8100

001088  
LABCORP OF AMERICA HOLDINGS—SB  
69 FIRST AVE  
P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
P. O. BOX 3555  
LANCASTER, PA 17604  
(717) 299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
P. O. BOX 3434  
LANCASTER, PA 17604  
(717) 291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
(724) 537-1550

000138  
LEWISTOWN HOSPITAL—B  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
(717) 248-5411

000030  
LOCK HAVEN HOSPITAL—B  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
(570) 893-5000

000193  
LOWER BUCKS HOSPITAL LABORATORY—S  
501 BATH ROAD  
BRISTOL, PA 19007  
(215) 785-9300

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615

000213  
MAIN LINE HEALTH LAB-BRYN MAWR—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
(610) 526-3554

000199  
MAIN LINE HEALTH LABS-PAOLI—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
(610) 648-1000

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
(717) 281-1042

009003  
MAYO CLINIC DEPT LAB MED & PATH—SB  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(507) 284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
(814) 336-5000

005574  
MEDTOX LABORATORIES INC—SB  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 636-7466

000140  
MEMORIAL HOSPITAL CLINICAL LAB—S  
325 S BELMONT STREET  
P. O. BOX 15118  
YORK, PA 17403  
(717) 843-8623

000023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
(570) 265-2191

000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
(610) 237-4262

000247  
MERCY HEALTH LAB/MHOP—S  
501 S 54TH STREET  
PHILADELPHIA, PA 19143  
(215) 748-9181

000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
(610) 278-2090

000336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
(570) 348-7100

000082  
MERCY HOSPITAL OF PITTSBURGH—S  
1400 LOCUST STREET  
PITTSBURGH, PA 15219  
(412) 232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
(724) 527-9330

028436  
METHODIST DIV TJUH CLINICAL LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
(215) 952-9055

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S BROAD STREET  
PHILADELPHIA, PA 19145  
(215) 952-9059

000231  
MEYERSDALE COMMUNITY HOSPITAL—S  
200 HOSPITAL DR  
MEYERSDALE, PA 15552  
(814) 634-5911

000269  
MIDVALLEY HOSPITAL—S  
1400 MAIN STREET  
PECKVILLE, PA 18452  
(570) 383-5520

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
P. O. BOX 689  
HASTINGS, PA 16646  
(814) 247-3100

000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
(724) 258-1021

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
(610) 270-2173

000007  
MOSES TAYLOR HOSPITAL—S  
700 QUINCY AVENUE  
SCRANTON, PA 18510  
(570) 340-2100

000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
(215) 663-6102

000025  
MOUNT NITTANY MEDICAL CENTER—B  
1800 EAST PARK AVENUE  
STATE COLLEGE, PA 16803  
(814) 234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
(570) 546-8282

000304  
NASON HOSPITAL—S  
105 NASON DRIVE  
ROARING SPRING, PA 16673  
(814) 224-2141

000504  
NATIONAL MED SVCS INC/DBA NMS LABS—SB  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
(215) 335-6245

029741  
NORTHERN TIER RESEARCH—SB  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
(412) 777-6161

000334  
PALMERTON HOSPITAL—SB  
135 LAFAYETTE AVENUE  
PALMERTON, PA 18071  
(610) 826-3141

000258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST  
DEPT OF PATH & LAB 5TH FL RM 530  
PHILADELPHIA, PA 19104-2640  
(215) 662-3435

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
(717) 531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SB  
110 PICKERING WAY  
LIONVILLE, PA 19353  
(610) 280-3464

000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
(215) 829-3541

000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
(610) 983-1612

000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD  
P. O. BOX 3000  
HARRISBURG, PA 17109  
(717) 657-7214

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SB  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

000022  
POCONO MEDICAL CENTER LAB—SB  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
(570) 476-3544



000221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
(610) 327-7000

000183  
POTTSVILLE HOSP AND WARNE CLINIC—SB  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
(570) 621-5262

000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
(814) 938-1800

022715  
QUEST DIAGNOSTICS—SB  
10101 RENNEN BOULEVARD  
LENEXA, KS 66219-9752  
(913) 888-1770

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—SB  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
(215) 957-9300

027461  
QUEST DIAGNOSTICS INC—SB  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
(610) 631-4219

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SB  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SB  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
(610) 988-8080

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
(610) 566-9400

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
(215) 487-4394

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
(610) 776-4727

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
(412) 561-4900

000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM STREET  
BETHLEHEM, PA 18015  
(610) 954-4558

000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE—NEWTOWN RD  
LANGHORNE, PA 19047  
(215) 710-2162

000048  
SAINT VINCENT HEALTH CENTER—S  
232 WEST 25TH STREET  
ERIE, PA 16544  
(814) 452-5383

000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
(412) 741-6600

000064  
SHARON REGIONAL HEALTH SYSTEM—SB  
740 EAST STATE STREET  
SHARON, PA 16146  
(724) 983-3911

000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVENUE  
WELLSBORO, PA 16901  
(570) 723-0133

000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—B  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
(814) 443-5000

000105  
SOUTHWEST REGIONAL MEDICAL CENTER—S  
350 BONAR AVENUE  
WAYNESBURG, PA 15370  
(724) 627-2608

022376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
(661) 799-6543

000361  
ST CATHERINE MED CTR-FOUNTAIN SPRINGS—S  
101 BROAD STREET  
ASHLAND, PA 17921  
(570) 875-5988

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
ERIE AVENUE AT FRONT STREET  
PHILADELPHIA, PA 19134  
(215) 427-5337

- 000151  
ST JOSEPH QUALITY MEDICAL LAB—SB  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200
- 000261  
ST JOSEPH'S HOSPITAL-DIV NPHS—S  
16TH ST & GIRARD AVENUE  
PHILADELPHIA, PA 19130  
(215) 787-9000
- 000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
(610) 770-8300
- 000180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
P. O. BOX 67  
COALDALE, PA 18218  
(570) 645-2131
- 000195  
ST LUKES QUAKERTOWN HOSPITAL—S  
1021 PARK AVENUE  
QUAKERTOWN, PA 18951  
(215) 538-4681
- 000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 EAST CHESTER PIKE  
RIDLEY PARK, PA 19078  
(610) 595-6450
- 000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
(215) 291-3000
- 000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
(215) 707-0977
- 000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
(215) 707-4353
- 000205  
THE MEDICAL CENTER BEAVER PA—SB  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
(724) 728-7000
- 000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
(724) 430-5143
- 000085  
THE WESTERN PA HOSP-FORBES REGIONAL  
CAMPUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
(412) 858-2560
- 000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH STREET  
204 PAVILION  
PHILADELPHIA, PA 19107  
(215) 955-6370
- 000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
(814) 827-1851
- 000313  
TYLER MEMORIAL HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
(570) 836-4705
- 000124  
TYRONE HOSPITAL—S  
CLAY AVENUE EXTENSION  
TYRONE, PA 16686  
(814) 684-0484
- 000121  
UPMC BEDFORD MEMORIAL—SB  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
(814) 623-3506
- 000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
(412) 636-5291
- 000059  
UPMC HORIZON GREENVILLE—SB  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
(724) 588-2100
- 000057  
UPMC HORIZON SHENANGO—SB  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
(724) 981-3500
- 000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-2233
- 000084  
UPMC PASSAVANT—S  
9100 BABCOCK BLVD  
PITTSBURGH, PA 15237  
(412) 367-6700
- 005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
(724) 772-5370
- 000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—S  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
(412) 648-6000

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
(412) 784-4000

000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
(412) 623-5950

000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
(412) 488-5731

000066  
WARREN GENERAL HOSPITAL—B  
2 CRESCENT PARK  
WARREN, PA 16365  
(814) 723-3300

000111  
WASHINGTON HOSPITAL—S  
155 WILSON AVE  
WASHINGTON, PA 15301  
(724) 223-3136

000298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
(570) 253-1300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
(717) 765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
(412) 578-5779

007731  
WESTERN RESERVE CARE SYSTEM—S  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
(330) 884-3767

030245  
WESTFIELD HOSPITAL LABORATORY—S  
4815 W TILGHMAN STREET  
ALLENTOWN, PA 18104  
(610) 776-1603

000112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH STREET  
GREENSBURG, PA 15601  
(724) 832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—SB  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
(570) 321-2300

000106  
WINDBER HOSPITAL—B  
600 SOMERSET AVE  
WINDBER, PA 15963  
(814) 467-6611

000018  
VWHCS HOSP DBA PENNANT LABORATORY—SB  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

025064  
WVU HOSPITAL CLINICAL LABS—S  
1 MEDICAL CENTER DR  
P. O. BOX 8009  
MORGANTOWN, WV 26506-8009  
(304) 598-4241

000141  
YORK HOSPITAL—SB  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-66. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Laboratories Approved to Determine Urine Controlled Substance Content

The following laboratories are licensed by the Department of Health (Department) under the Clinical Laboratory Act (35 P.S. §§ 2151—2165) and/or the Federal Clinical Laboratory Improvement Act of 1967 (42 U.S.C.A. § 263a) and are currently approved by the Department under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to perform analyses of urine for the determination of controlled substances or their biotransformation products. This approval is based on demonstrated proficiency in tests conducted by the Bureau of Laboratories of the Pennsylvania Department of Health. These laboratories are also approved and designated for purposes of the Vehicle Code, 75 Pa.C.S. §§ 1547 and 3755 (relating to chemical testing to determine amount of alcohol or controlled substance; and reports by emergency room personnel), the Fish and Boat Code, 30 Pa.C.S. § 5125 (relating to chemical testing to determine amount of alcohol or controlled substance) and the Game and Wildlife Code, 34 Pa.C.S. § 2501 (relating to hunting or furtaking under the influence of alcohol or controlled substance), as qualified to perform the types of services which will reflect the presence of controlled substances or their biotransformation products in urine.

Depending upon their capability and performance in proficiency surveys, laboratories are approved to perform screening and/or confirmatory urine drug analyses. Laboratories approved to perform screening tests only are designated on the approval list by an "S" after the laboratory's name. Laboratories approved to perform confirmatory testing only are designated by a "C" following the laboratory's name. Those approved to perform both screening and confirmatory analyses are designated by the letters "SC." Screening analyses provide a presumptive indication that a controlled substance is present. Confirmatory testing is used to substantiate screening results.

Persons seeking forensic urine drug analysis services from any of the listed laboratories should determine that the laboratory employs techniques and procedures acceptable for the purpose. They should also determine that the director of the facility is agreeable to performing analyses

for that purpose. Persons seeking the analyses are responsible for specifying the extent to which the presence of a controlled substance is to be verified. That specification should be predicated upon the purpose for which the analysis is being sought.

The list of approved laboratories will be revised approximately semiannually and published in the *Pennsylvania Bulletin*. The name of a laboratory is sometimes changed but the location, personnel and testing procedures of the facility remain unchanged. When changes of this type occur, the Clinical Laboratory Permit number does not change. If questions arise about the identity of a laboratory due to a name change, the Clinical Laboratory Permit number should be used as the primary identifier. To assist in identifying a laboratory that performed a test if the name of the facility changed, the Clinical Laboratory Permit numbers of the facilities are included in the lists of approved laboratories above the name of the laboratory at the time the list was prepared.

Questions regarding this list should be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Dr. Shoemaker at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

000212  
ABINGTON MEMORIAL HOSPITAL—S  
1200 OLD YORK ROAD  
ABINGTON, PA 19001  
(215) 576-2350

027908  
ACM MEDICAL LABORATORY—SC  
160 ELMGROVE PARK  
ROCHESTER, NY 14624  
(716) 429-2264

027180  
ADVANCED TOXICOLOGY NETWORK—SC  
3560 AIR CENTER COVE  
SUITE 101  
MEMPHIS, TN 38118  
(901) 794-5770

000233  
ALBERT EINSTEIN MEDICAL CENTER—S  
5501 OLD YORK ROAD  
PHILADELPHIA, PA 19141  
(215) 456-6100

000040  
ALIQUPPA COMMUNITY HOSPITAL LABORATORY—S  
2500 HOSPITAL DRIVE  
PATHOLOGY DEPT  
ALIQUPPA, PA 15001  
(724) 857-1240

000116  
ALLE KISKI MED CNTR NEW KENSINGTON—S  
651 FOURTH AVENUE  
NEW KENSINGTON, PA 15068  
(724) 337-5031

000671  
ALLEGHENY COUNTY MED EX DIV OF LAB—SC  
542 FORBES AVENUE  
ROOM 10  
COUNTY OFFICE BUILDING  
PITTSBURGH, PA 15219  
(412) 350-6873

028233  
ALLEGHENY GENERAL HOSP DEPT OF LAB MED—S  
320 E NORTH AVENUE  
PITTSBURGH, PA 15212  
(412) 359-6886

000077  
ALLEGHENY GENERAL HOSPITAL—S  
1307 FEDERAL STREET  
PITTSBURGH, PA 15212  
(412) 359-3521

000094  
ALLEGHENY GENERAL HOSPITAL SUBURBAN CAMPUS—S  
100 SOUTH JACKSON AVENUE  
BELLEVUE, PA 15202  
(412) 734-6020

000100  
ALLEGHENY VALLEY HOSPITAL LAB—S  
1300 CARLISLE ST  
NATRONA HEIGHTS, PA 15065  
(724) 224-5100

000120  
ALTOONA REGIONAL HEALTH SYSM-BON SECOURS CAMPUS—S  
2500 SEVENTH AVENUE  
ALTOONA, PA 16602-2099  
(814) 949-4495

000119  
ALTOONA REGIONAL HEALTH SYSTEM LAB—S  
620 HOWARD AVENUE  
ALTOONA, PA 16601-4899  
(814) 946-2340

030223  
AMERITOX LTD—SC  
9930 WEST HWY 80  
MIDLAND, TX 79706  
(432) 561-5091

026620  
AMMON ANALYTICAL LABORATORY—SC  
1622 SOUTH WOOD AVENUE  
LINDEN, NJ 07036  
(908) 862-4404

000452  
ANALYTIC BIO-CHEMISTRIES INC—SC  
1680-D LORETTA AVENUE  
FEASTERVILLE, PA 19053  
(215) 322-9210

000047  
ASSOCIATED CLINICAL LABORATORIES—SC  
1526 PEACH STREET  
ERIE, PA 16501  
(814) 461-2400

000320  
BARNES KASSON HOSPITAL LAB—S  
400 TURNPIKE STREET  
SUSQUEHANNA, PA 18847  
(570) 853-5059

021553  
BENDINER & SCHLESINGER INC—SC  
140 58TH STREET  
SUITE 8D  
BROOKLYN, NY 11220  
(212) 254-2300

027615  
BIOLOGICAL SPECIALTY CORPORATION—S  
2165 NORTH LINE STREET  
COLMAR, PA 18915  
(215) 997-8771

027616  
BIOLOGICAL SPECIALTY CORPORATION—S  
1236 NEW RODGERS RD #851  
BRISTOL, PA 19007  
(215) 826-9282

027617  
BIOLOGICAL SPECIALTY CORPORATION—S  
22 SOUTH 4TH STREET  
READING, PA 19602  
(610) 375-9862

022757  
BIOREFERENCE LABORATORIES INC—SC  
481B EDWARD H ROSS DRIVE  
ELMWOOD PARK, NJ 07407  
(201) 791-3600

000002  
BLOOMSBURG HOSPITAL—S  
549 E FAIR STREET  
BLOOMSBURG, PA 17815  
(570) 387-2124

000033  
BRADFORD REGIONAL MEDICAL CENTER—S  
116—156 INTERSTATE PKWY  
BRADFORD, PA 16701-0218  
(814) 362-8247

000296  
BRANDYWINE HOSPITAL—S  
201 REECEVILLE ROAD  
ATTN LABORATORY  
COATESVILLE, PA 19320  
(610) 383-8000

000472  
BROOKSIDE CLINICAL LAB INC—S  
4000 EDGMONT AVENUE  
BROOKHAVEN, PA 19015  
(610) 872-6466

000301  
BUTLER MEMORIAL HOSPITAL—S  
911 EAST BRADY STREET  
BUTLER, PA 16001  
(724) 284-4510

029116  
CALLOWAY LABORATORIES INC—SC  
34 COMMERCE WAY  
WOBURN, MA 01801  
(781) 224-9899

000107  
CANONSBURG GENERAL HOSPITAL—S  
100 MEDICAL BOULEVARD  
CANONSBURG, PA 15317  
(724) 745-3916

000131  
CARLISLE REGIONAL MEDICAL CENTER—S  
361 ALEXANDER SPRING ROAD  
CARLISLE, PA 17015-9129  
(717) 249-1212

000751  
CEDAR CREST EMERGICENTER—S  
1101 SOUTH CEDAR CREST BOULEVARD  
ALLENTOWN, PA 18103  
(610) 433-4260

022388  
CENTER FOR DISEASE DETECTION—SC  
3370 NACOGDOCHES ROAD  
SUITE 100  
SAN ANTONIO, TX 78217  
(210) 590-3033

000215  
CENTRAL MONTGOMERY MEDICAL CENTER—S  
100 MEDICAL CAMPUS DRIVE  
LANSDALE, PA 19446  
(215) 368-2100

000132  
CHAMBERSBURG HOSPITAL DEPT OF PATHOL-  
OGY—S  
112 NORTH SEVENTH STREET  
CHAMBERSBURG, PA 17201  
(717) 267-7153

000310  
CHARLES COLE MEMORIAL HOSPITAL—S  
1001 EAST SECOND STREET  
COUDERSPORT, PA 16915  
(814) 274-9300

000198  
CHESTER COUNTY HOSPITAL—S  
701 E MARSHALL ST  
WEST CHESTER, PA 19380  
(610) 431-5182

000227  
CHESTNUT HILL HOSPITAL—S  
8835 GERMANTOWN AVENUE  
DEPT OF PATHOLOGY  
PHILADELPHIA, PA 19118  
(215) 248-8630

000228  
CHILDRENS HOSP OF PHILADELPHIA—S  
ONE CHILDRENS CENTER  
34TH & CIVIC  
PHILADELPHIA, PA 19104  
(215) 590-1000

000329  
CLARION HOSPITAL—S  
1 HOSPITAL DRIVE  
CLARION, PA 16214  
(814) 226-9500

024916  
CLINICAL SCIENCE LABORATORY INC—SC  
51 FRANCIS AVENUE  
MANSFIELD, MA 02048  
(508) 339-6106

000005  
COMMUNITY MEDICAL CENTER—S  
1800 MULBERRY STREET  
SCRANTON, PA 18510  
(570) 969-8000

000125  
CONEMAUGH VALLEY MEMORIAL HOSP—S  
LABORATORY DEPT  
1086 FRANKLIN STREET  
JOHNSTOWN, PA 15905  
(814) 534-9000

000326  
CORRY MEMORIAL HOSPITAL—S  
612 WEST SMITH STREET  
CORRY, PA 16407  
(814) 664-4641

000201  
CROZER CHESTER MED CENTER—S  
1 MEDICAL CENTER BOULEVARD  
UPLAND, PA 19013  
(610) 447-2000

000363  
DE JOHN MED LABORATORY INC—S  
1570 GARRETT ROAD  
UPPER DARBY, PA 19082  
(610) 626-2112

000204  
DELAWARE COUNTY MEMORIAL HOSP—S  
501 NORTH LANSDOWNE AVENUE  
DREXEL HILL, PA 19026-1186  
(610) 284-8100

000266  
DEPT OF PATHOLOGY & LAB MED-HUP—SC  
3400 SPRUCE STREET  
PHILADELPHIA, PA 19104  
(215) 662-6882

028893  
DOMINION DIAGNOSTICS LLC—SC  
211 CIRCUIT DRIVE  
NORTH KINGSTOWN, RI 02852  
(401) 667-0800

000194  
DOYLESTOWN HOSPITAL—S  
595 WEST STATE STREET  
DOYLESTOWN, PA 18901  
(215) 345-2250

000977  
DRUGSCAN INC—SC  
1119 MEARNES RD  
P. O. BOX 2969  
WARMINSTER, PA 18974  
(215) 674-9310

000175  
EASTON HOSPITAL—S  
250 SOUTH 21ST ST  
EASTON, PA 18042-3892  
(610) 250-4140

000332  
ELLWOOD CITY HOSPITAL—S  
724 PERSHING ST  
ELLWOOD CITY, PA 16117  
(724) 752-0081

000164  
EPHRATA COMMUNITY HOSPITAL—S  
169 MARTIN AVE  
P. O. BOX 1002  
EPHRATA, PA 17522  
(717) 733-0311

000031  
ERHC RIDGWAY LABORATORY—S  
94 HOSPITAL STREET  
RIDGWAY, PA 15853  
(814) 788-8525

000032  
ERHC ST MARYS LABORATORY—S  
763 JOHNSONBURG RD  
SAINT MARYS, PA 15857  
(814) 788-8525

000181  
EVANGELICAL COMMUNITY HOSPITAL—S  
1 HOSPITAL DRIVE  
LEWISBURG, PA 17837  
(570) 522-2510

021431  
FITNESS FOR DUTY CENTER—S  
PPL SUSQUEHANNA LLC  
769 SALEM BLVD  
BERWICK, PA 18603  
(570) 542-3336

000192  
FRANKFORD HOSP BUCKS CO CAMPUS—S  
380 NORTH OXFORD VALLEY ROAD  
LANGHORNE, PA 19047-8304  
(215) 934-5227

000341  
FRANKFORD HOSP TC LAB—S  
RED LION & KNIGHTS ROADS  
ATTN P FARANO MD  
PHILADELPHIA, PA 19114  
(215) 612-4000

000236  
FRANKFORD HOSPITAL FRANK DIV—S  
FRANKFORD AVE & WAKELING ST  
PHILADELPHIA, PA 19124  
(215) 831-2068

000115  
FRICK HOSPITAL—S  
508 SOUTH CHURCH STREET  
MOUNT PLEASANT, PA 15666  
(724) 547-1500

020644  
FRIENDS HOSPITAL—S  
4641 ROOSEVELT BOULEVARD  
PHILADELPHIA, PA 19124-2399  
(215) 831-4600

009163  
FRIENDS MEDICAL LAB INC—SC  
5820 SOUTHWESTERN BLVD  
BALTIMORE, MD 21227  
(412) 247-4417

000330  
FULTON COUNTY MEDICAL CENTER—S  
214 PEACH ORCHARD ROAD  
MCCONNELLSBURG, PA 17233  
(717) 485-6143

030188  
GARCIA CLINICAL LABORATORY INC—S  
2195 SPRING ARBOR ROAD  
JACKSON, MI 49201  
(517) 787-9200

- 000173  
GEISINGER MEDICAL CENTER—SC  
N ACADEMY ROAD  
DANVILLE, PA 17822  
(570) 271-6338
- 000017  
GEISINGER SOUTH WILKES-BARRE HOSPITAL—S  
25 CHURCH STREET  
WILKES-BARRE, PA 18765  
(570) 826-3100
- 000019  
GEISINGER WYOMING VALLEY MED CTR—S  
1000 E MOUNTAIN DRIVE  
WILKES-BARRE, PA 18711  
(570) 826-7830
- 000237  
GERMANTOWN COMM HLTH WILLOW TERR—S  
ONE PENN BOULEVARD  
PHILADELPHIA, PA 19144  
(215) 951-8800
- 026799  
GHHA OCCUPATIONAL HEALTH CENTER LAB—S  
50 MOISEY DRIVE  
HAZLETON, PA 18202  
(570) 459-1028
- 000152  
GNADEN HUETTEN MEMORIAL HOSP—S  
211 NORTH 12TH STREET  
LEHIGHTON, PA 18235  
(610) 377-7083
- 000299  
GOOD SAMARITAN HOSPITAL—S  
4TH & WALNUT STS  
P. O. BOX 1281  
LEBANON, PA 17042-1218  
(717) 270-7500
- 000182  
GOOD SAMARITAN REGIONAL MED CTR—S  
700 EAST NORWEGIAN STREET  
POTTSVILLE, PA 17901  
(570) 621-4032
- 025957  
GRAHAM-MASSEY ANALYTICAL LABS—SC  
60 TODD ROAD  
SHELTON, CT 06484  
(203) 926-1100
- 000061  
GROVE CITY MEDICAL CENTER—S  
631 NORTH BROAD STREET EXT  
GROVE CITY, PA 16127  
(724) 450-7125
- 000654  
GUTHRIE CLINIC PATH LAB—S  
GUTHRIE SQUARE  
SAYRE, PA 18840  
(570) 888-5858
- 000239  
HAHNEMANN UNIVERSITY HOSPITAL—S  
BROAD & VINE STS MS 113  
PHILADELPHIA, PA 19102  
(215) 762-1783
- 000139  
HANOVER HOSPITAL LABORATORY—S  
300 HIGHLAND AVE  
HANOVER, PA 17331  
(717) 637-3711
- 000155  
HARRISBURG HOSPITAL LABORATORY—S  
MEDICAL SCIENCES BUILDING  
100 2ND STREET  
HARRISBURG, PA 17105  
(570) 782-2832
- 000010  
HAZLETON GENERAL HOSPITAL—S  
700 EAST BROAD  
HAZLETON, PA 18201  
(570) 501-4152
- 000169  
HEALTH NETWORK LABORATORIES—S  
1627 WEST CHEW STREET  
ALLENTOWN, PA 18102  
(610) 402-2236
- 000549  
HEALTH NETWORK LABORATORIES—S  
1200 SOUTH CEDAR CREST BLVD  
ALLENTOWN, PA 18103  
(610) 402-8150
- 000600  
HEALTH NETWORK LABORATORIES—S  
2545 SCHOENERSVILLE ROAD  
BETHLEHEM, PA 18017-7384  
(484) 884-2259
- 024655  
HEALTH NETWORK LABORATORIES—SC  
2024 LEHIGH STREET  
ALLENTOWN, PA 18103-4798  
(610) 402-8150
- 000166  
HEART OF LANCASTER REGIONAL MEDICAL  
CENTER—S  
1500 HIGHLANDS DRIVE  
LITITZ, PA 17543  
(717) 625-5605
- 000103  
HIGHLANDS HOSPITAL—S  
401 EAST MURPHY AVENUE  
CONNELLSVILLE, PA 15425  
(724) 628-1500
- 000216  
HOLY REDEEMER HOSPITAL—S  
1648 HUNTINGDON PIKE  
MEADOWBROOK, PA 19046  
(215) 947-3000
- 000130  
HOLY SPIRIT HOSPITAL—SC  
503 N 21ST STREET  
CAMP HILL, PA 17011-2288  
(717) 763-2206
- 000052  
INDIANA REGIONAL MEDICAL CENTER—S  
HOSPITAL ROAD  
P. O. BOX 788  
INDIANA, PA 15701-0788  
(724) 357-7167
- 022201  
INTERNATIONAL MEDICAL SYSTEMS—S  
1430 DEKALB STREET  
MONT CO DEPT OF HEALTH LABS  
NORRISTOWN, PA 19404  
(610) 292-0613

000135  
J C BLAIR MEMORIAL HOSPITAL—S  
1225 WARM SPRINGS AVENUE  
HUNTINGDON, PA 16652  
(814) 643-8645

000054  
JAMESON MEMORIAL HOSPITAL—S  
1211 WILMINGTON AVENUE  
NEW CASTLE, PA 16105  
(724) 656-4080

000240  
JEANES HOSPITAL—S  
7600 CENTRAL AVE  
PHILADELPHIA, PA 19111  
(215) 728-2347

000038  
JEFFERSON REGIONAL MED CTR—S  
565 COAL VALLEY ROAD  
BIBRO BLDG 4TH FLOOR  
PITTSBURGH, PA 15236  
(412) 469-5723

000200  
JENNERSVILLE REGIONAL HOSPITAL—S  
1015 WEST BALTIMORE PIKE  
WEST GROVE, PA 19390  
(610) 869-1080

000312  
JERSEY SHORE HOSPITAL—S  
1020 THOMPSON STREET  
JERSEY SHORE, PA 17740  
(570) 398-0100

000532  
KENSINGTON HOSPITAL—S  
136 WEST DIAMOND STREET  
PHILADELPHIA, PA 19122  
(215) 426-8100

026008  
KROLL LABORATORY SPECIALISTS—SC  
1111 NEWTON STREET  
GRETNA, LA 70053  
(504) 361-8989

024496  
KROLL LABORATORY SPECIALISTS INC—SC  
450 SOUTHLAKE BOULEVARD  
RICHMOND, VA 23236  
(804) 378-9130

021306  
LAB CORP OCCUPATIONAL TEST SRVCS—SC  
1120 STATELINE ROAD WEST  
SOUTHAVEN, MS 38671  
(886) 827-8042

020512  
LABCORP OCCUPATIONAL TESTING SER—SC  
1904 ALEXANDER DRIVE  
P. O. BOX 12652  
RESRCH TRNGL PARK, NC 27709  
(919) 572-7465

001088  
LABCORP OF AMERICA HOLDINGS—SC  
69 FIRST AVE  
P. O. BOX 500  
RARITAN, NJ 08869  
(908) 526-2400

000165  
LANCASTER GENERAL HOSPITAL—S  
555 N DUKE STREET  
P. O. BOX 3555  
LANCASTER, PA 17604  
(717) 299-5511

000167  
LANCASTER REGIONAL MED CENTER—S  
250 COLLEGE AVENUE  
P. O. BOX 3434  
LANCASTER, PA 17604  
(717) 291-8022

000114  
LATROBE AREA HOSPITAL—S  
121 W SECOND AVENUE  
LATROBE, PA 15650  
(724) 537-1550

000138  
LEWISTOWN HOSPITAL—S  
400 HIGHLAND AVENUE  
LEWISTOWN, PA 17044  
(717) 248-5411

000030  
LOCK HAVEN HOSPITAL—S  
24 CREE DRIVE  
LOCK HAVEN, PA 17745  
(570) 893-5000

000193  
LOWER BUCKS HOSPITAL LABORATORY—S  
501 BATH ROAD  
BRISTOL, PA 19007  
(215) 785-9300

000639  
MAGEE-WOMENS HOSPITAL OF UPMC HEALTH  
SYSTEM—S  
300 HALKET STREET  
PITTSBURGH, PA 15213  
(412) 647-4651

000242  
MAIN LINE CLIN LABS LANKENAU CP—S  
100 EAST LANCASTER AVENUE  
WYNNEWOOD, PA 19096  
(610) 645-2615

000213  
MAIN LINE HEALTH LAB-BRYN MAWR—S  
130 BRYN MAWR AVENUE  
BRYN MAWR, PA 19010  
(610) 526-3554

000199  
MAIN LINE HEALTH LABS-PAOLI—S  
255 WEST LANCASTER AVENUE  
PAOLI, PA 19301  
(610) 648-1000

000004  
MARIAN COMMUNITY HOSPITAL—S  
100 LINCOLN AVENUE  
CARBONDALE, PA 18407  
(717) 281-1042

027684  
MARWORTH—S  
BOX 36 LILLY LAKE ROAD  
WAVERLY, PA 18471  
(570) 563-1112



009003  
MAYO CLINIC DEPT LAB MED & PATH—SC  
200 FIRST STREET  
SW HILTON 530  
ROCHESTER, MN 55905  
(570) 284-3018

000049  
MEADVILLE MED CTR-LIBERTY ST—S  
751 LIBERTY STREET  
MEADVILLE, PA 16335  
(814) 336-5000

005574  
MEDTOX LABORATORIES INC—SC  
402 WEST COUNTY ROAD D  
ST PAUL, MN 55112  
(651) 636-7466

000023  
MEMORIAL HOSPITAL LAB—S  
1 HOSPITAL DRIVE  
TOWANDA, PA 18848  
(570) 265-2191

000203  
MERCY FITZGERALD HOSPITAL—S  
1500 LANSDOWNE AVENUE  
DARBY, PA 19023  
(610) 237-4262

000247  
MERCY HEALTH LAB/MHOP—S  
501 S 54TH STREET  
PHILADELPHIA, PA 19143  
(215) 748-9181

000219  
MERCY HEALTH LAB/MSH—S  
2701 DEKALB PIKE  
NORRISTOWN, PA 19401  
(610) 278-2090

000336  
MERCY HEALTH PARTNERS—S  
746 JEFFERSON AVENUE  
SCRANTON, PA 18510  
(570) 348-7100

000082  
MERCY HOSPITAL OF PITTSBURGH—S  
1400 LOCUST STREET  
PITTSBURGH, PA 15219  
(412) 232-7831

000113  
MERCY JEANNETTE HOSPITAL—S  
600 JEFFERSON AVENUE  
JEANNETTE, PA 15644  
(724) 527-9330

028436  
METHODIST DIV TJUH CLINICAL LAB—S  
2301 SOUTH BROAD STREET  
PHILADELPHIA, PA 19148  
(215) 952-9055

000245  
METHODIST HOSP DIVISION/TJUH INC—S  
1900 S BROAD STREET  
PHILADELPHIA, PA 19145  
(215) 952-9059

000128  
MINERS MEDICAL CENTER—S  
290 HAIDA AVENUE  
P. O. BOX 689  
HASTINGS, PA 16646  
(814) 247-3100

028907  
MIRMONT TREATMENT CENTER—S  
100 YEARSLEY MILL ROAD  
LIMA, PA 19063  
(610) 744-1400

000108  
MONONGAHELA VALLEY HOSPITAL INC—S  
1163 COUNTRY CLUB ROAD  
MONONGAHELA, PA 15063  
(724) 258-1021

000217  
MONTGOMERY HOSPITAL LAB—S  
POWELL & FORNANCE STS  
NORRISTOWN, PA 19401  
(610) 270-2173

000214  
MOSS REHAB EINSTEIN AT ELKINS PARK—S  
60 EAST TOWNSHIP LINE ROAD  
ELKINS PARK, PA 19027  
(215) 663-6102

000025  
MOUNT NITTANY MEDICAL CENTER—S  
1800 EAST PARK AVENUE  
STATE COLLEGE, PA 16803  
(814) 234-6117

000035  
MUNCY VALLEY HOSPITAL—S  
215 EAST WATER ST  
MUNCY, PA 17756  
(570) 546-8282

000304  
NASON HOSPITAL—S  
105 NASON DRIVE  
ROARING SPRING, PA 16673  
(814) 224-2141

000504  
NATIONAL MED SVCS INC/DBA NMS LABS—SC  
3701 WELSH ROAD  
WILLOW GROVE, PA 19090  
(215) 657-4900

000248  
NAZARETH HOSPITAL—S  
2601 HOLME AVE  
PHILADELPHIA, PA 19152  
(215) 335-6245

027246  
NORCHEM DRUG TESTING LABORATORY—SC  
1760 EAST ROUTE 66  
SUITE 1  
FLAGSTAFF, AZ 86004  
(928) 526-1011

029741  
NORTHERN TIER RESEARCH—SC  
1300 OLD PLANK ROAD  
MAYFIELD, PA 18433  
(570) 351-6153

000099  
OHIO VALLEY GENERAL HOSPITAL—S  
25 HECKEL RD  
MCKEES ROCKS, PA 15136  
(412) 777-6161

000250  
PARKWAY CLINICAL LABORATORIES—S  
3494 D PROGRESS DRIVE  
BENSALEM, PA 19020  
(215) 245-5112

000258  
PENN PRESBYTERIAN MEDICAL CENTER—S  
51 NORTH 39TH ST  
DEPT OF PATH & LAB 5TH FL RM 530  
PHILADELPHIA, PA 19104-2640  
(215) 662-3435

000316  
PENN STATE MILTON S HERSHEY MED CTR—S  
500 UNIVERSITY DRIVE  
DEPT OF PATHOLOGY & LAB MEDICINE  
HERSHEY, PA 17033  
(717) 531-8353

022533  
PENNSYLVANIA DEPT OF HEALTH—SC  
110 PICKERING WAY  
LIONVILLE, PA 19353  
(610) 280-3464

000251  
PENNSYLVANIA HOSP OF THE UNIV OF PA HLTH—S  
800 SPRUCE STREETS  
PHILADELPHIA, PA 19107  
(215) 829-3541

000197  
PHOENIXVILLE HOSPITAL LABORATORY—S  
140 NUTT ROAD  
DEPT OF PATHOLOGY  
PHOENIXVILLE, PA 19460-0809  
(610) 983-1612

000157  
PINNACLEHLTH/COMM GEN OSTEO HOSP—S  
4300 LONDONDERRY RD  
P. O. BOX 3000  
HARRISBURG, PA 17109  
(717) 657-7214

000520  
PITTSBURGH CRIMINALISTICS LABORATORY—SC  
1320 FIFTH AVENUE  
PITTSBURGH, PA 15219  
(412) 391-6118

000022  
POCONO MEDICAL CENTER LAB—S  
206 EAST BROWN STREET  
EAST STROUDSBURG, PA 18301  
(570) 476-3544

000221  
POTTSTOWN HOSPITAL COMPANY, LLC—S  
1600 EAST HIGH STREET  
POTTSTOWN, PA 19464  
(610) 327-7000

000183  
POTTSVILLE HOSP AND WARNE CLINIC—S  
420 SOUTH JACKSON STREET  
POTTSVILLE, PA 17901  
(570) 621-5262

000516  
PRINCETON BIOMEDICAL LABS INC—S  
2921 NEW RODGERS ROAD  
BRISTOL, PA 19007  
(215) 785-5200

021648  
PSYCHEMEDICS CORPORATION—SC  
5832 UPLANDER WAY  
CULVER CITY, CA 90230  
(800) 522-7424

000300  
PUNXSUTAWNEY AREA HOSPITAL—S  
81 HILLCREST DRIVE  
PUNXSUTAWNEY, PA 15767  
(814) 938-1800

022715  
QUEST DIAGNOSTICS—SC  
10101 RENNER BOULEVARD  
LENEXA, KS 66219-9752  
(913) 888-1770

009620  
QUEST DIAGNOSTICS CLIN LABS INC—SC  
8401 FALLBROOK AVENUE  
WEST HILLS, CA 91304  
(800) 877-2520

000315  
QUEST DIAGNOSTICS CLINICAL LABS INC—S  
900 BUSINESS CENTER DRIVE  
HORSHAM, PA 19044  
(215) 957-9300

027461  
QUEST DIAGNOSTICS INC—SC  
400 EGYPT ROAD  
NORRISTOWN, PA 19403  
(610) 631-4219

001136  
QUEST DIAGNOSTICS NICHOLS INSTITUTE—SC  
14225 NEWBROOK DRIVE  
P. O. BOX 10841  
CHANTILLY, VA 20153-0841  
(703) 802-6900

000482  
QUEST DIAGNOSTICS OF PA INC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7600

025461  
QUEST DIAGNOSTICS VENTURE LLC—SC  
875 GREENTREE ROAD  
4 PARKWAY CENTER  
PITTSBURGH, PA 15220-3610  
(412) 920-7631

024249  
QUINTILES LABORATORIES LTD—SC  
5500 HIGHLANDS PARKWAY  
SUITE 600  
SMYRNA, GA 30082  
(770) 373-3500

000150  
READING HOSPITAL & MED CTR—S  
6TH AND SPRUCE STREETS  
WEST READING, PA 19611  
(610) 988-8080

025348  
REDWOOD TOXICOLOGY LABORATORY—SC  
3650 WESTWIND BOULEVARD  
SANTA ROSA, CA 95403  
(707) 577-7958

000206  
RIDDLE MEMORIAL HOSPITAL—S  
BALTIMORE PIKE HIGHWAY 1  
MEDIA, PA 19063  
(610) 566-9400

000243  
ROXBOROUGH MEMORIAL HOSPITAL—S  
5800 RIDGE AVE  
PHILADELPHIA, PA 19128  
(215) 487-4394

000171  
SACRED HEART HOSPITAL—S  
4TH & CHEW STS  
ALLENTOWN, PA 18102  
(610) 776-4727

000087  
SAINT CLAIR MEMORIAL HOSPITAL—S  
1000 BOWER HILL RD  
PITTSBURGH, PA 15243  
(412) 561-4900

000174  
SAINT LUKES HOSPITAL—S  
801 OSTRUM STREET  
BETHLEHEM, PA 18015  
(610) 954-4558

000328  
SAINT MARY MEDICAL CENTER—S  
LANGHORNE—NEWTOWN RD  
LANGHORNE, PA 19047  
(215) 710-2162

029838  
SAN DIEGO REFERENCE LABORATORY—SC  
6122 NANCY RIDGE DRIVE  
SAN DIEGO, CA 92121  
(800) 677-7995

028471  
SECON A DIVISION OF CIVIGENICS—S  
260 LA RUE FRANCE  
LAFAYETTE, LA 70508  
(337) 291-9501

029038  
SECON OF NEW ENGLAND—SC  
415 MAIN STREET  
4TH FLOOR  
WORCESTER, MA 01608  
(508) 831-0703

000101  
SEWICKLEY VALLEY HOSPITAL LAB—S  
BLACKBURN RD & FITCH DRIVE  
SEWICKLEY, PA 15143  
(412) 741-6600

000185  
SHAMOKIN AREA COMMUNITY HOSPITAL—S  
4200 HOSPITAL ROAD  
COAL TOWNSHIP, PA 17866-9697  
(570) 644-4200

000064  
SHARON REGIONAL HEALTH SYSTEM—S  
740 EAST STATE STREET  
SHARON, PA 16146  
(724) 983-3911

027649  
SMA MEDICAL LABORATORIES—S  
940 PENNSYLVANIA BOULEVARD  
UNIT E  
FEASTERVILLE, PA 19053  
(215) 322-6590

000039  
SOLDIERS & SAILORS MEM HOSP—S  
CENTRAL AVENUE  
WELLSBORO, PA 16901  
(570) 723-0133

000297  
SOMERSET HOSPITAL CENTER FOR HEALTH—S  
225 S CENTER AVENUE  
SOMERSET, PA 15501  
(814) 443-5000

022376  
SPECIALTY LABORATORIES INC—S  
27027 TOURNEY ROAD  
VALENCIA, CA 91355  
(661) 799-6543

000361  
ST CATHERINE MED CTR—FOUNTAIN SPRINGS—S  
101 BROAD STREET  
ASHLAND, PA 17921  
(570) 875-5988

000260  
ST CHRISTOPHERS HOSP FOR CHILDREN—S  
ERIE AVENUE AT FRONT STREET  
PHILADELPHIA, PA 19134  
(215) 427-5337

000151  
ST JOSEPH QUALITY MEDICAL LAB—SC  
2500 BERNVILLE ROAD  
READING, PA 19605-9453  
(610) 378-2200

000261  
ST JOSEPH'S HOSPITAL—DIV NPHS—S  
16TH ST & GIRARD AVENUE  
PHILADELPHIA, PA 19130  
(215) 787-9000

000318  
ST LUKES HOSP ALLENTOWN CAMPUS—S  
1736 HAMILTON STREET  
ALLENTOWN, PA 18104  
(610) 770-8300

000180  
ST LUKES MINERS MEMORIAL HOSPITAL—S  
360 WEST RUDDLE STREET  
P. O. BOX 67  
COALDALE, PA 18218  
(570) 645-2131

029015  
STERLING REFERENCE LABORATORIES—SC  
2617 EAST L STREET  
TACOMA, WA 98405  
(253) 552-1551

000187  
SUNBURY COMMUNITY HOSPITAL—S  
350 NORTH 11TH STREET  
SUNBURY, PA 17801  
(570) 286-3333

000207  
TAYLOR HOSPITAL DIV OF CCMC—S  
175 EAST CHESTER PIKE  
RIDLEY PARK, PA 19078  
(610) 595-6450

024997  
TECHNOW INC—SC  
31 INDUSTRIAL HIGHWAY  
ESSINGTON, PA 19029  
(610) 362-0610

000249  
TEMPLE EAST INC NE—S  
2301 EAST ALLEGHENY AVENUE  
PHILADELPHIA, PA 19134  
(215) 291-3000

000235  
TEMPLE UNIV HOSPITAL EPISCOPAL CAMPUS—S  
100 EAST LEHIGH AVENUE  
PHILADELPHIA, PA 19125-1098  
(215) 707-0977

000265  
TEMPLE UNIVERSITY HOSPITAL—S  
3401 N BROAD ST  
PHILADELPHIA, PA 19140  
(215) 707-4353

000205  
THE MEDICAL CENTER BEAVER PA—S  
1000 DUTCH RIDGE ROAD  
BEAVER, PA 15009-9700  
(724) 728-7000

000104  
THE UNIONTOWN HOSPITAL LABORATORY—S  
500 WEST BERKELEY STREET  
UNIONTOWN, PA 15401  
(724) 430-5143

000085  
THE WESTERN PA HOSP—FORBES REGIONAL  
CAMPUS—S  
2570 HAYMAKER ROAD  
MONROEVILLE, PA 15146  
(412) 858-2560

000241  
THOMAS JEFFERSON UNIVERSITY HOSP—S  
125 SOUTH 11TH STREET  
204 PAVILION  
PHILADELPHIA, PA 19107  
(215) 955-6370

000051  
TITUSVILLE AREA HOSPITAL—S  
406 WEST OAK STREET  
TITUSVILLE, PA 16354  
(814) 827-1851

000313  
TYLER MEMORIAL HOSPITAL—S  
880 SR 6 W  
TUNKHANNOCK, PA 18657-6149  
(570) 836-4705

000121  
UPMC BEDFORD MEMORIAL—S  
10455 LINCOLN HIGHWAY  
EVERETT, PA 15537  
(814) 623-3506

000096  
UPMC BRADDOCK—S  
400 HOLLAND AVENUE  
BRADDOCK, PA 15104  
(412) 636-5291

000059  
UPMC HORIZON GREENVILLE—S  
110 NORTH MAIN STREET  
GREENVILLE, PA 16125  
(724) 588-2100

000057  
UPMC HORIZON SHENANGO—S  
2200 MEMORIAL DRIVE  
FARRELL, PA 16121  
(724) 981-3500

000098  
UPMC MCKEESPORT LABORATORY—S  
1500 FIFTH AVENUE  
MCKEESPORT, PA 15132  
(412) 664-2233

000058  
UPMC NORTHWEST—S  
100 FAIRFIELD DRIVE  
SENECA, PA 16346  
(814) 676-7120

005784  
UPMC PASSAVANT LABORATORY CRANBERRY—S  
ONE ST FRANCIS WAY  
CRANBERRY TOWNSHIP, PA 16066  
(724) 772-5370

000083  
UPMC PRESBYTERIAN SHADYSIDE CP PUH—SC  
ROOM 5929 MAIN TOWER CHP  
200 LOTHROP STREET  
PITTSBURGH, PA 15213-2582  
(412) 648-6000

000091  
UPMC SAINT MARGARET HOSPITAL—S  
815 FREEPORT ROAD  
PITTSBURGH, PA 15215  
(412) 784-4000

000092  
UPMC SHADYSIDE—S  
5230 CENTRE AVENUE  
GROUND FLOOR WEST WING  
PITTSBURGH, PA 15232  
(412) 623-5950

000093  
UPMC SOUTH SIDE—S  
2000 MARY STREET  
PITTSBURGH, PA 15203  
(412) 488-5731

027225  
US DRUG TESTING LABORATORIES INC—SC  
1700 SOUTH MOUNT PROSPECT ROAD  
DES PLAINES, IL 60018  
(847) 375-0770

000335  
VALLEY FORGE MED CTR & HOSP—S  
1033 W GERMANTOWN PIKE  
NORRISTOWN, PA 19403  
(610) 539-8500

000066  
WARREN GENERAL HOSPITAL—S  
2 CRESCENT PARK  
WARREN, PA 16365  
(814) 723-3300

000298  
WAYNE MEMORIAL HOSPITAL—S  
601 PARK STREET  
HONESDALE, PA 18431  
(570) 253-1300

000133  
WAYNESBORO HOSPITAL—S  
501 E MAIN STREET  
WAYNESBORO, PA 17268  
(717) 765-3403

000095  
WESTERN PENNSYLVANIA HOSPITAL—S  
4800 FRIENDSHIP AVE  
PITTSBURGH, PA 15224  
(412) 578-5779

007731  
WESTERN RESERVE CARE SYSTEM—SC  
500 GYPSY LANE  
YOUNGSTOWN, OH 44501  
(330) 884-3767

030245  
WESTFIELD HOSPITAL LABORATORY—S  
4815 W TILGHMAN STREET  
ALLENTOWN, PA 18104  
(610) 776-1603

000112  
WESTMORELAND REGIONAL HOSPITAL—S  
532 W PITTSBURGH STREET  
GREENSBURG, PA 15601  
(724) 832-4365

000037  
WILLIAMSPORT HOSP & MED CENTER—S  
777 RURAL AVENUE  
WILLIAMSPORT, PA 17701-3198  
(570) 321-2300

000018  
WVHCS HOSP DBA PENNANT LABORATORY—SC  
575 NORTH RIVER STREET  
WILKES-BARRE, PA 18764  
(570) 829-8111

000141  
YORK HOSPITAL—S  
1001 SOUTH GEORGE STREET  
YORK, PA 17405  
(717) 851-2345

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-67. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Harston Hall  
350 Haws Lane  
Flourtown, PA 19031

Lakeside at Willow Valley  
300 Willow Valley Lakes Drive  
Willow Street, PA 17584  
FAC ID 233602

Kinkora Pythian Home  
25 Cove Road  
Duncannon, PA 17020  
FAC ID 110902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.33(a) (relating to utility room).

Evangelical Manor  
8401 Roosevelt Boulevard  
Philadelphia, PA 19152  
FAC ID 311202

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electrical requirements for existing and new construction).

The Mennonite Home  
1520 Harrisburg Pike  
Lancaster, PA 17601  
FAC ID 132102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-68. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Prearrest Breath Testing Devices

The Department of Health (Department) is approving the following prearrest breath testing devices for determining the alcohol content of the blood by analysis of a person's breath as required by 28 Pa. Code §§ 5.101—5.104 (relating to equipment to determine blood alcohol content under the Vehicle Code and the Fish and Boat Code). This list of approved prearrest breath testing devices is adopted under the authority contained in the Motor Vehicle Code, 75 Pa.C.S. § 1547(k) (relating to chemical testing to determine amount of alcohol or controlled substance); the Fish and Boat Code, 30 Pa.C.S. § 5125(k) (relating to chemical testing to determine

amount of alcohol or controlled substance); and the Game and Wildlife Code, 34 Pa.C.S. § 2502(j) (relating to chemical test to determine amount of alcohol).

Devices approved under this notice may be used by police officers, waterways patrolmen and officers enforcing the Game and Wildlife Code in conducting preliminary alcohol content in blood determinations on persons suspected of driving, boating, hunting or furtaking, while under the influence of alcohol. The sole purpose of these testing devices is to assist the officer or patrolman in determining whether or not the person should be placed under arrest for violation of 75 Pa.C.S. § 3802 (relating to driving under influence of alcohol or controlled substance), for violation of 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), for violation of 34 Pa.C.S. § 2501 (relating to hunting or furtaking prohibited while under influence of alcohol or controlled substance) or for any other criminal offense under the Vehicle Code, the Game and Wildlife Code or the Fish and Boat Code which involves operating a vehicle, hunting or furtaking while under the influence of alcohol.

This notice contains devices that were included in the previous publication of this list, which appeared at 35 Pa.B. 2694 (April 30, 2005), and adds additional devices to that list.

The National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation published model specifications for Screening Devices to Measure Alcohol in Bodily Fluids in the 59 FR 393820 (August 2, 1994). These specifications established performance criteria and methods for testing alcohol screening devices using either breath or other bodily fluids to measure blood alcohol content. NHTSA established these specifications to support State laws and the Federal Department of Transportation's workplace alcohol testing program. The Department has elected to use the NHTSA criteria for approving devices for the prearrest testing of a person's breath to determine the alcohol content of the person's blood.

NHTSA published a conforming products list of alcohol screening devices at 72 FR 4559 (January 31, 2007). The breath testing devices included in this Federal approval list have been incorporated into the list in this notice. Since this list contains only these devices which test breath, items on the NHTSA list that test saliva or other bodily fluids are, therefore, not included in this notice.

Some of the devices are listed under the name of more than one manufacturer. This is due to the fact that the name of the manufacturer has changed or the right to produce a device has been transferred to a different company. In those instances, the device is listed under the name of each company that was ever associated with the device to allow law enforcement agencies to continue using devices bearing the name of a previous manufacturer.

Additionally, there are a number of handheld breath testing devices on the Department's list of approved evidentiary breath testing equipment that frequently are used as prearrest screening devices. Any device on this list of evidentiary breath testing equipment that was evaluated using the 1993 Model Specifications for Evidentiary Breath Testers (see 58 FR 48705) also fully meets the requirements of the Model Specifications for prearrest screening devices. Both procedures evaluate the performance of instruments at the 0.020 alcohol level. The most recent list of approved evidentiary breath alcohol testing devices was published at 37 Pa.B. 5435 (October 6, 2007).

Questions regarding this list should be directed to Dr. M. Jeffery Shoemaker, Director, Division of Chemistry and Toxicology, Department of Health, Bureau of Laboratories, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

*AK Solutions, Inc., Palisades Park, NJ*<sup>1</sup>  
Alcoscan AL-2500  
AlcoChecker  
AlcoKey  
AlcoMate  
AlcoMate Pro  
Alcoscan AL-5000  
Alcoscan AL-6000

*Alco Check International, Hudsonville, MI*  
Alco Check 3000 D.O.T.  
Alco Check 9000

*Akers Biosciences, Inc., Thorofare, NJ*  
Breath Alcohol √.02 Detection System<sup>2</sup>

*Guth Laboratories, Inc., Harrisburg, PA*  
Alco-Tector Mark X  
Mark X Alcohol Checker  
Alcotector WAT89EC-1

*Han International Co., Ltd., Seoul, Korea*  
A.B.I. (Alcohol Breath Indicator)<sup>3</sup>

*PAS Systems International, Inc., Fredericksburg, VA*  
PAS Vr

*Q3 Innovations, Inc., Independence, IA*<sup>4</sup>  
AlcoHAWK Precision  
AlcoHAWK Slim  
AlcoHAWK Elite  
AlcoHAWK ABI  
AlcoHAWK Micro  
AlcoHAWK PRO

*RepCo Marketing, Raleigh, NC*  
Alco Tec III

*Seju Co. of Taejeon, Korea*  
Safe-Slim

*SoundOff, Inc., Hudsonville, MI*  
Digitox D.O.T.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-69. Filed for public inspection January 11, 2008, 9:00 a.m.]

<sup>1</sup>The AlcoMate was manufactured by Han International of Seoul, Korea, but marketed and sold in the US by AK Solutions.

<sup>2</sup>The Breath Alcohol √.02 Detection System consists of a single-use disposable breath tube used in conjunction with an electronic analyzer that determines the test result. The electronic analyzer and the disposable breath tubes are lot specific and manufactured to remain calibrated throughout the shelf-life of the device. This screening device cannot be used after the expiration date.

<sup>3</sup>Han International does not market or sell devices directly in the US market. Other devices manufactured by Han International are listed under AK Solutions, Inc. and Q3 Innovations, Inc.

<sup>4</sup>The AlcoHAWK ABI is the same device as that listed under Han International as the "ABI" and is manufactured for Q3 Innovations by Han International. The AlcoHAWK PRO is the same device as the AlcoMate marketed and sold by AK Solutions, and also manufactured by Han International.

### WIC Program Public Meetings

The Department of Health (Department) announces three public meetings on the following dates at the location indicated to receive comments and suggestions about the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

Harrisburg  
10 a.m.—3 p.m.  
Tuesday, March 18, 2008  
PA WIC State Agency Office  
2150 Herr Street  
1st Floor, Suite B  
Harrisburg, PA 17103-1625

Philadelphia  
10 a.m.—3 p.m.  
Friday, March 28, 2008  
NORTH, Inc.  
642 North Broad Street, Suite 101  
Philadelphia, PA 19130-3409

Natrona Heights  
Wednesday, April 2, 2008  
10 a.m.—3 p.m.  
Natrona Heights WIC Office  
2418 Freeport Road  
Natrona Heights, PA 15065

The Department invites comments on all aspects of the WIC Program's operations, including the interim final rule revising the WIC food packages published in the *Federal Register* on December 6, 2007. The revisions align the WIC food packages with the 2005 Dietary Guidelines for Americans and the current infant feeding practice guidelines of the American Academy of Pediatrics. The revised food packages retain the same food categories, but add new food categories and optional substitutions for some current food categories to better meet the needs of WIC's diverse population. Persons wishing to provide comments at the public meetings are requested to preregister with the Pennsylvania WIC Program Office by calling Bonnie Mellott, WIC Education/Outreach Coordinator at (717) 783-1289. Those unable to attend are encouraged to submit comments to the Division of Women, Infants and Children (WIC), Department of Health, 2150 Herr Street, 1st Floor, Suite B, Harrisburg, PA 17103-1625. Written comments will be accepted until May 31, 2008.

Written comments and those presented at the meetings will be used in developing the State Plan of Program Operation and Administration for the WIC Program for the 2009 Federal Fiscal Year, which runs October 1, 2008, to September 30, 2009. Additional information about the meetings or the State Plan may be obtained by calling the State Office at (717) 783-1289.

Persons with a disability who require an alternative format of this Notice (for example, large print, audiotope, Braille) or wish to attend the meetings, preregister or provide comments should contact Bonnie Mellott at (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

These meetings are subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-70. Filed for public inspection January 11, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Butler Township v. DEP; EHB Doc. No. 2007-285-C

Butler Township has appealed the renewal by the Department of Environmental Protection of an NPDES permit to Butler Township for a facility in Butler Township, Luzerne County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-71. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Kennametal, Inc. v. DEP; EHB Doc. No. 2007-282-R

Kennametal, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Kennametal, Inc. for a facility in Derry Township, Westmoreland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-72. Filed for public inspection January 11, 2008, 9:00 a.m.]

# ENVIRONMENTAL QUALITY BOARD

## Meeting Cancellation

The January 15, 2008, meeting of the Environmental Quality Board (Board) is cancelled. The next meeting of the Board is scheduled for February 19, 2008, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the February 19, 2008, meeting will be

available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: EQB).

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@state.pa.us](mailto:mtate@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-73. Filed for public inspection January 11, 2008, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-72	Pennsylvania Gaming Control Board General Provisions; and Applications 37 Pa.B. 5804 (October 27, 2007)	11/26/07	12/26/07
2-155	Department of Agriculture Odor Management Certification Program 37 Pa.B. 5793 (October 27, 2007)	11/26/07	12/26/07

### Pennsylvania Gaming Control Board Regulation #125-72 (IRRC #2646) General Provisions; and Applications December 26, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the October 27, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

#### Section 421a.6. Advertising.—Implementation procedures; Clarity.

##### Subsection (a)

This subsection will require certain licensees of the Board to discontinue particular advertisements or promotions "as expeditiously as possible" if the Board determines that the advertisements or promotions are not "within the spirit or intent of the act." Both of the quoted phrases lack clarity and do not provide licensees with a definitive standard to follow. We recommend that the phrase "expeditiously as possible" be replaced with a specific time period. We also recommend that the Board list the criteria that specify what it considers to be outside of the "spirit or intent of the act."

##### Subsection (b)

The term "advertisement" is defined in this section. We have two questions. First, would an email from a licensee

to a customer or a potential customer be considered advertising? Second, is a "promotion" different than an "advertisement"? If so, we recommend that a definition of "promotion" be added to the final-form rulemaking.

##### Subsection (d)

This subsection pertains to mandatory language regarding problem gambling that must appear in advertisements. It requires Board approval of the text and type size to be used in the advertisements. We have a suggestion and a question.

First, a commentator has suggested that the regulation be amended to include the specific requirements for the mandatory language. They note that this would eliminate the need for review and approval by the Board which, in turn, would facilitate marketing initiatives and help avoid time delays. We agree with this suggestion and recommend the Board include more specific requirements pertaining to text and type size in the final-form regulation and eliminate the requirement for Board approval of advertisements.

Second, do the requirements of this subsection apply to promotions?

##### Subsection (e)

Under this subsection, slot machine licensees are prohibited from using an individual or "a virtual facsimile thereof" at a licensed facility to induce a person to gamble. A commentator has questioned what is meant by the term "virtual facsimile." We agree that this term is unclear and ask the Board to define it in the final-form regulation.



**Department of Agriculture**  
**Regulation #2-155 (IRRC #2647)**  
**Odor Management Certification Program**  
**December 26, 2007**

We submit for your consideration the following comments on the proposed rulemaking published in the October 27, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

**1. Section 130f.2. Definitions.—Clarity.**

*Impacts*

This term is defined as:

(i) Conflicts arising from the offsite migration of the odors from agricultural facilities.

(ii) The term does not include mental or physical health affects (sic), or changes in property values.

It is not clear what is intended by the exclusion of health effects and property values in Paragraph (ii). In the statutory criteria for eligibility for financial assistance, the State Conservation Commission (SCC) must consider whether a project will “improve the health, safety or environment of the people . . .” (3 Pa.C.S.A. § 511(b)(1)). Public health is also mentioned in civil penalties and remedies (3 Pa.C.S.A. § 514(d)). Moreover, what “conflicts” remain after the exclusion of health effects or changes in property value? Why would an odor that caused the health effect of loss of appetite be excluded from impacts? The Department needs to explain why Paragraph (ii) is appropriate in the definition of “impacts.”

*Odor management regulations*

This definition is dependent upon the SCC regulation which is not yet final as of the date of these comments. If possible, this final regulation should reference the final regulation by the SCC.

**2. 130f.3. Fees.—Reasonableness; Clarity.**

*Fees for dual certification*

We note that the nutrient management specialist regulations (7 Pa. Code § 130b.3(a)(3)(ii)) impose a fee for dual certification. Subsections 130f.11(i), (j) and (k) provide for dual certification as an odor management specialist. Why didn't the Department include a fee for dual certification as an odor management specialist in Section 130f.3?

*Fees required*

Subsection (a) does not state whether fees are required annually or whether they cover the entire three-year certification periods specified in sections 130f.22(c) and 130f.31(a). The regulation should clearly state how often fees are required to be paid to maintain certification.

**3. 130f.11. Determination of competence.—Reasonableness.**

*Other areas and course work*

Paragraph (d)(11) requires training to include “[ O ]ther areas and course work related to requirements set forth in the odor management regulations, as determined appropriate by the Department.” How will the person or organization running the training course have adequate

notice of an area determined to be appropriate by the Department and where could they find this determination by the Department?

**4. 130f.21. Determination of competence.—Reasonableness; Clarity**

*Other applicable laws and regulations*

Paragraph (c)(9) is overly broad by requiring knowledge in “[ O ]ther applicable laws and regulations.” The regulation should clearly state what knowledge is required.

**5. 130f.31. Recertification.—Reasonableness; Clarity.**

*Fees*

Related to our concern with Section 130f.3 regarding *Fees*, this section does not require payment of a fee. Assuming a fee is required for recertification, Subsection (a) should require payment of the fee along with the written documentation of continuing education and training.

**6. Miscellaneous Clarity.**

- In Section 130f.2, the definition of “BMP” should include a reference to the Act.

- Subsection 130f.31(c) excludes “coffee breaks” from the calculation of credit hours. We recommend deleting the word “coffee” so that all breaks would be excluded from credit hours.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-74. Filed for public inspection January 11, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application and Request for a Certificate of Authority

Ellen Memorial Health Care Center Honesdale, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Ellen Memorial Health Care Center Honesdale, Inc. in Honesdale, PA. The initial filing was received on December 21, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-75. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Geisinger Health Plan—Individual, Grange and Association Rate Filing; Rate Filing

Geisinger Health Plan submitted form and rate filings for the Individual, Grange and Association to make benefit changes. The rates will remain at the current approved level. The following benefit limitations and exclusions will be implemented:

- PT/OT/ST—Change 20 visits per year for each therapy to 45 combined dates per year.
- Ostomy Supplies—will be covered for Ostomy patients only.
- Xolair—will be covered under medical benefit only and not through Rx benefit.
- Contraceptives—will not be covered.
- Organ Transplant—will cover patients up to \$5,000 per transplant for travel/lodging/meals.
- Subutex and Suboxone Drugs—will be removed from the Rx formulary and excluded from the Rx rider.
- Select “specialty” Drugs—a copay of \$50 per injection or infusion will be applied up to \$1,200 out-of-pocket maximum. A list of the specialty drugs are available with the filing on the website.

An effective date of April 1, 2008, is requested.

Unless formal administrative action is taken prior to March 27, 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) website at [www.ins.state.pa.us](http://www.ins.state.pa.us) Under the Quick Links section, click on the link “Rate Filings Published in the PA Bulletin.”

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Department’s Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-76. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Increase in the Accident Surcharge Dollar Threshold (Cap) to \$1,350; Notice 2008-01

Insurers writing private passenger automobile insurance in this Commonwealth may not, by law, penalize their policyholders (such as, apply rate surcharges or otherwise increase premiums) whose aggregate claim cost over a 3-year period does not exceed a certain threshold (cap). This threshold (cap) applies to any person injured or property damaged, and is measured in excess of any deductible or self-insured retention. Effective July 1, 2008, the Insurance Department (Department) has increased the threshold (cap) to \$1,350.

Section 19(a) of Act 6 of 1990 (75 Pa.C.S. § 1799.3) (relating to limit on cancellations, refusals to renew, refusals to write, surcharges, rate penalties and point

assignments) does not allow an insurer to, “cancel or refuse to renew a policy or apply any surcharge, rate penalty or driver record point assignment” when the threshold (cap) is not exceeded.

By law, the Department is required to adjust the amount of the threshold (cap) at least once every 3 years. Section 19(e) of Act 6 of 1990 stipulates the adjustment be made relative to changes in the Consumer Price Index for medical care and automobile maintenance and repair costs. The previous adjustment to the threshold (cap) was effective July 1, 2005, when the threshold (cap) increased to \$1,150.

Each individual insurer, ISO, AIPSO and MSO should file the previously mentioned change for prior approval by April 1, 2008, and specify an effective date of no later than July 1, 2008. Questions regarding this notice may be directed to Michael McKenney, Actuarial Review Division, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 705-0166 or [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us).

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-77. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Notice of and Amount of Assessment Action; Notice 2008-02

The Acting Insurance Commissioner has directed that insurers move forward with billing assessments without abatements, with the proviso that the due date be extended to March 31, 2008, for bills that normally would be due earlier.

Accordingly, any unbilled MCARE assessments associated with primary policies with January 2008 effective or renewal dates should be billed within 30 days of this notice with a March 31, 2008, due date to the billing party. To assure the availability of funds to pay claims and operating expenses, all assessment payments must be remitted to the MCARE Fund within 30 days of receipt by the billing party.

Any unbilled MCARE assessments associated with primary policies with February or March 2008 effective or renewal dates should be billed so that payment of the assessment is due to the billing party by the later of March 31, 2008, or 60 days after the effective or renewal dates of the primary policies. In order to assure the availability of funds to pay claims and operating expenses, all assessment payments must be remitted to the MCARE Fund within 30 days of receipt by the billing party.

Any MCARE assessments associated with primary policies with April 2008 or later effective or renewal dates should be billed and remitted to the MCARE Fund under standard procedures.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-78. Filed for public inspection January 11, 2008, 9:00 a.m.]

**Qualified Unlicensed Reinsurers List**

Under section 319.1 of The Insurance Company Law of 1921 (40 P.S. § 442.1), the Insurance Commissioner (Commissioner) hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from such listing are made by the Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 46 Pa.B. 5665 (November 16, 1996); 21 Pa.B. 2593 (May 24, 1997); 46 Pa.B. 6019 (November 15, 1997); 46 Pa.B. 5733 (November 14, 1998); 28 Pa.B. 5922 (December 5, 1998); 29 Pa.B. 5965 (November 20, 1999); 30 Pa.B. 6033 (November 18, 2000); 31 Pa.B. 205 (January 13, 2001); 31 Pa.B. 6251 (November 10, 2001); 31 Pa.B. 7083 (December 29, 2001); 33 Pa.B. 92 (January 4, 2003); 33 Pa.B. 6474 (December 27, 2003); 34 Pa.B. 6617 (December 11, 2004); 35 Pa.B. 7073 (December 31, 2005); and 36 Pa.B. 7359 (December 2, 2006).

**Qualified Reinsurers List**

- |           |                                                                             |           |                                                                            |
|-----------|-----------------------------------------------------------------------------|-----------|----------------------------------------------------------------------------|
| 1. 10651  | AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey | 11. 19925 | Audubon Indemnity Company, Ridgeland, Mississippi                          |
| 2. 10932  | AIG Excess Liability Insurance Company Limited, Wilmington, Delaware        | 12. 36552 | AXA Corporate Solutions Reinsurance Company, Wilmington, Delaware          |
| 3. 30511  | Allstate Floridian Insurance Company, Northbrook, Illinois                  | 13. 98167 | Blue Cross Blue Shield of Florida, Jacksonville, Florida                   |
| 4. 10822  | Allstate New Jersey Insurance Company, Northbrook, Illinois                 | 14. 36951 | Century Surety Company, Columbus, Ohio                                     |
| 5. 37990  | American Empire Insurance Company, Cincinnati, Ohio                         | 15. 39993 | Colony Insurance Company, Richmond, Virginia                               |
| 6. 26883  | American International Specialty Lines Insurance Company, Anchorage, Alaska | 16. 40371 | Columbia Mutual Insurance Company, Columbia, Missouri                      |
| 7. 10316  | Appalachian Insurance Company, Johnston, Rhode Island                       | 17. 27955 | Commercial Risk Re-Insurance Company, South Burlington, Vermont            |
| 8. 11680  | Aspen Insurance UK Limited, London, England                                 | 18. 40509 | EMC Reinsurance Company, Des Moines, Iowa                                  |
| 9. 27189  | Associated International Insurance Company, Woodland Hills, California      | 19. 39020 | Essex Insurance Company, Wilmington, Delaware                              |
| 10. 50687 | Attorneys' Title Insurance Fund, Inc., Orlando, Florida                     | 20. 35378 | Evanston Insurance Company, Evanston, Illinois                             |
|           |                                                                             | 21. 97071 | Generali USA Life Reassurance Company, Lansing, Michigan                   |
|           |                                                                             | 22. 37532 | Great American E & S Insurance Company, Wilmington, Delaware               |
|           |                                                                             | 23. 41858 | Great American Fidelity Insurance Company, Wilmington, Delaware            |
|           |                                                                             | 24. 88340 | Hannover Life Reassurance Company of America, Orlando, Florida             |
|           |                                                                             | 25. 10241 | Hannover Ruckversicherungs-Aktiengesellschaft, Hannover, Germany           |
|           |                                                                             | 26. 93505 | Hartford International Life Reassurance Corporation, Hartford, Connecticut |
|           |                                                                             | 27. 78972 | Healthy Alliance Life Insurance Company, St. Louis, Missouri               |
|           |                                                                             | 28. 42374 | Houston Casualty Company, Houston, Texas                                   |
|           |                                                                             | 29. 27960 | Illinois Union Insurance Company, Chicago, Illinois                        |
|           |                                                                             | 30. 22829 | Interstate Fire & Casualty Company, Chicago, Illinois                      |
|           |                                                                             | 31. 35637 | Landmark Insurance Company, Los Angeles, California                        |
|           |                                                                             | 32. 19437 | Lexington Insurance Company, Wilmington, Delaware                          |
|           |                                                                             | 33. 41939 | Liberty Northwest Insurance Corporation, Portland, Oregon                  |
|           |                                                                             | 34.       | Lloyd's Underwriters, London, England                                      |
|           |                                                                             | 35. 12324 | Mapfre Re, Compania de Reasegueros, S.A., Madrid, Spain                    |
|           |                                                                             | 36. 10744 | Markel International Insurance Company Limited, London, England            |
|           |                                                                             | 37. 32089 | Medmarc Mutual Insurance Company, Montpelier, Vermont                      |
|           |                                                                             | 38. 14591 | Milwaukee Mutual Insurance Company, Milwaukee, Wisconsin                   |
|           |                                                                             | 39. 33189 | Monticello Insurance Company, Wilmington, Delaware                         |

40. 20079 National Fire & Marine Insurance Company, Omaha, Nebraska
41. 41629 New England Reinsurance Corporation, Hartford, Connecticut
42. 17400 Noetic Specialty Insurance Company, Chicago, Illinois
43. 31143 Old Republic Union Insurance Company, Chicago, Illinois
44. 88099 Optimum Re Insurance Company, Dallas, Texas
45. 38636 Partner Reinsurance Company of the U. S., New York, New York
46. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama
47. 29807 PXRE Reinsurance Company, Hartford, Connecticut
48. 87017 SCOR Global Life Re Insurance Company of Texas, Los Angeles, California
49. RiverStone Insurance (UK) Limited, London, England
50. 28053 Rockhill Insurance Company, Phoenix, Arizona
51. 21911 San Francisco Reinsurance Company, Novato, California
52. 90670 Scottish Re Life Corporation, Wilmington, Delaware
53. 41297 Scottsdale Insurance Company, Columbus, Ohio
54. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
55. 26557 Shelter Reinsurance Company, Columbia, Missouri
56. 39187 Suecia Insurance Company, Nanuet, New York
57. 19887 Trinity Universal Insurance Company, Dallas, Texas
58. 37982 Tudor Insurance Company, Keene, New Hampshire
59. 10292 Unionamerica Insurance Company Limited, London, England
60. 36048 Unione Italiana Reinsurance Company of America, Inc., New York, New York
61. 10172 Westchester Surplus Lines Insurance Company, Atlanta, Georgia
62. 13196 Western World Insurance Company, Keene, New Hampshire
63. 10242 Zurich Specialties London Limited, London, England

#### 2007 Changes to the Qualified Unlicensed Reinsurers List

The following company has been added since the list was published at 33 Pa.B. 7359:

- Blue Cross Blue Shield of Florida, Inc., Jacksonville, Florida

The following companies have voluntarily withdrawn from the list since it was last published at 33 Pa.B. 7359:

- Revios Reinsurance Canada, Limited, Los Angeles, California
- St. Paul Reinsurance Company, Limited, London, England
- United Fire & Casualty Company, Cedar Rapids, Iowa

The following companies have changed their name since the list was published at 33 Pa.B. 7359:

- Revios Reinsurance U. S., Inc., Los Angeles, California has changed its name to SCOR Global Life Re Insurance Company of Texas, Los Angeles, California
- Starr Excess Liability Insurance Company, Limited, Wilmington, Delaware has changed its name to AIG Excess Liability Insurance Company, Limited, Wilmington, Delaware

The following correction has been made since the list was last published at 33 Pa.B. 7359:

- Scottish Re Life Corporation, Jefferson City, Missouri was changed to correct the city and state of domicile and is now listed as Scottish Re Life Corporation, Wilmington, Delaware

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-79. Filed for public inspection January 11, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Telecommunications

**A-310923F7001. Verizon North, Inc. and TelCove Operations, LLC.** Joint petition of Verizon North, Inc. and TelCove Operations, LLC for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and TelCove Operations, LLC, by its counsel, filed on December 14, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and TelCove Operations, 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. 08-80. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Telecommunications

**A-310470F7001. Verizon North, Inc. and TelCove of Pennsylvania, LLC.** Joint petition of Verizon North, Inc. and TelCove of Pennsylvania, LLC for approval of amendment no. 2 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and TelCove of Pennsylvania, LLC, by its counsel, filed on December 14, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and TelCove of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-81. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Telecommunications

**A-310923F7000. Verizon Pennsylvania, Inc. and TelCove Operations, LLC.** Joint petition of Verizon Pennsylvania, Inc. and TelCove Operations, LLC for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and TelCove Operations, LLC, by its counsel, filed on December 14, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and TelCove Operations, 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. 08-82. Filed for public inspection January 11, 2008, 9:00 a.m.]

### Telecommunications

**A-310470F7000. Verizon Pennsylvania, Inc. and TelCove of Pennsylvania, LLC.** Joint petition of

Verizon Pennsylvania, Inc. and TelCove of Pennsylvania, LLC for approval of amendment no. 3 to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and TelCove of Pennsylvania, LLC, by its counsel, filed on December 14, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and TelCove of Pennsylvania, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-83. Filed for public inspection January 11, 2008, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bid

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 07-172.B Transport, deliver and set up of two Liebherr Cranes from Penn Terminal, Eddystone, PA to PRPA Philadelphia, PA, no later than 2 p.m. on Thursday, January 24, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available January 15, 2008. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). PRPA is an equal opportunity employer. Contractor must comply with all applicable equal opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 08-84. Filed for public inspection January 11, 2008, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and

organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on January 29, 2008, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,  
*Executive Director*

[Pa.B. Doc. No. 08-85. Filed for public inspection January 11, 2008, 9:00 a.m.]

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