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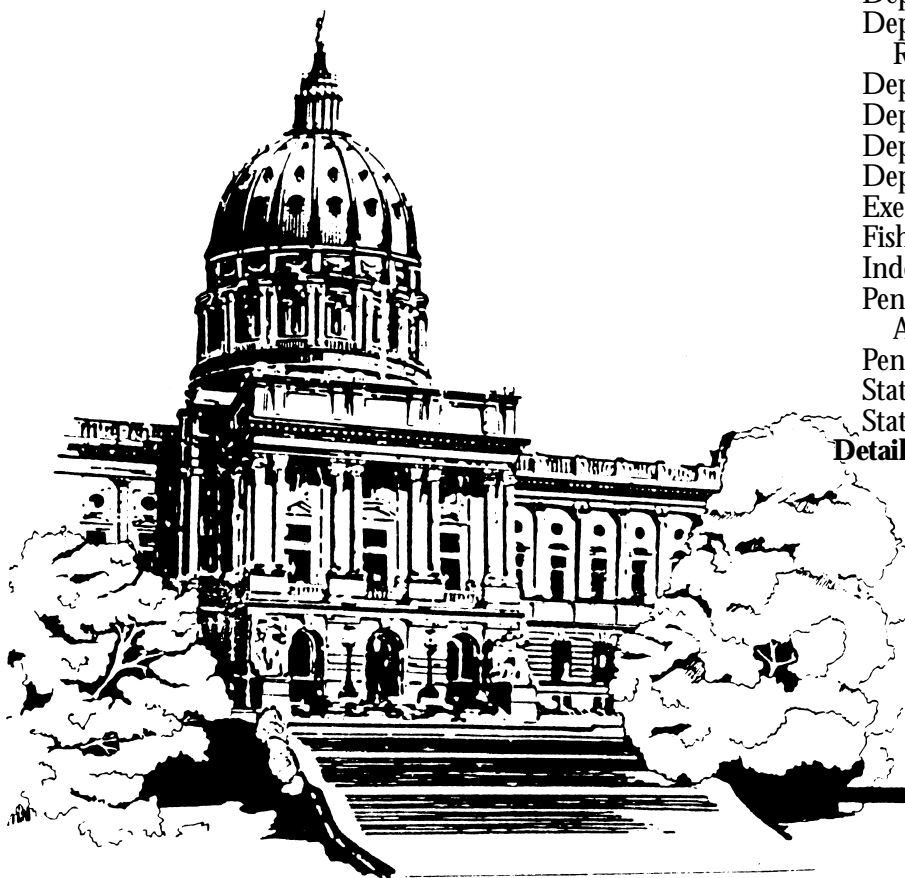
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Part I

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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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THE COURTS

Title 201—RULES OF JUDICIAL ADMINISTRATION

[201 PA. CODE CH. 5]

Amendment to Rule 509; No. 320 Judicial Administration; Governing Access to Financial Records; Doc. No. 1

Order

Per Curiam:

And Now, this 23rd day of June, 2008, pursuant to this Court's authority under Article V, Section 10 of the Pennsylvania Constitution and the provisions set forth in Section 304 of Act 3 of 2008, Pennsylvania Rule of Judicial Administration No. 509 is amended to read as follows. The amendments to Pa.R.J.A. No. 509 are promulgated in order to further facilitate public access to financial records of the Unified Judicial System. Access to financial records and publication of contract information of the Unified Judicial System shall be provided in accordance with Pa.R.J.A. No. 509.

Whereas prior distribution and publication of this rule would otherwise be required, it has been determined that immediate promulgation is required in the interest of justice and efficient administration. Pa.R.J.A. No. 103(a)(3).

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective January 1, 2009.

Annex A

TITLE 201. RULES OF JUDICIAL ADMINISTRATION

CHAPTER 5. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Rule 509. Access to Financial Records.

(a) *General Policy.* Financial records of the Unified Judicial System [**in the possession or control of the Administrative Office of Pennsylvania Courts**] are presumed to be open to any member of the public for inspection or copying during established business hours. The term "financial records" is defined as any account, contract, invoice or equivalent dealing with: 1) the receipt or disbursement of funds appropriated to the system; or 2) acquisition, use or disposal of services, supplies, materials, equipment or property secured through funds appropriated to the system.

[**Official Note: The powers and duties of the Court Administrator of Pennsylvania and Administrative Office of Pennsylvania Courts related to purchasing and financial activities are established under Rules 504 and 505.**]

(b) *Accessibility.* All financial records are accessible to the public except the following:

(c) *Procedure for requesting access.*

(1) A request to inspect or obtain copies of records accessible pursuant to this rule **and in possession or control of the Administrative Office of Pennsylvania Courts** shall be made in writing to the [**AOPC**] records manager, as designated by the Court Administrator of Pennsylvania. **A request to inspect or obtain copies of records accessible pursuant to this rule and in possession or control of a court of a judicial district shall be made in writing to the records manager, as designated by the president judge.** A written request may be submitted in person, by mail, by e-mail, by facsimile, or, to the extent provided, any other electronic means, on a form provided by the Administrative Office.

Official Note: Information related to procedures applicable to written requests **to the AOPC** may be found on the UJS web site, located at www.courts.state.pa.us. **Information related to procedures applicable to requests for courts within a judicial district should be posted on the local court's web site.**

(2) A request should identify or describe the records sought with sufficient specificity to enable the [**AOPC**] records manager to ascertain which records are being requested. A request need not include any explanation of the requester's reason for requesting or intended use of the records.

(3) The [**Administrative Office**] records manager shall not be required to create financial records which do not currently exist or to compile, maintain, format or organize such records in a manner in which the [**Administrative Office does**] records are not currently [**compile, maintain, format or organize**] compiled, maintained, formatted or organized [**the records**].

(4) Within 10 business days of receipt of a written request, the [**AOPC**] records manager shall respond in one of the following manners:

Official Note: [**This rule**] Subsection (c)(4)(iv) contemplates that bona fide reasons may impede the [**Administrative Office's**] ability of the records manager to fulfill a [**records**] request within 10 business days (e.g., extensive redaction required of personal identifiers; retrieval of a record(s) stored in a remote location may be required; timely response cannot be accomplished due to staffing limitations; or the extent or nature of the request precludes a response within the requisite time period).

(5) If the AOPC records manager denies a written request for access, the denial may be appealed in writing **within 15 business days of the mailing date of the written response by the records manager** to the Court Administrator of Pennsylvania or designee. **Within 20 business days of receipt of the appeal, [The]** the Court Administrator or designee shall make a determination and forward it in writing to the requester. This remedy need not be exhausted before other relief is sought. Any further appeal shall be subject to Chapter 15, Judicial Review of Governmental Determinations, of the Pennsylvania Rules of Appellate Procedure.

If the records manager of a judicial district denies a written request for access, the denial may be appealed in writing within 15 business days of the mailing date of the written response by the records manager to the president judge or designee. Within 20 business days of receipt of the appeal, the president judge or designee shall make a determination and forward it in writing to the requester. This remedy need not be exhausted before other relief is sought. Any further appeal shall be subject to Chapter 15, Judicial Review of Governmental Determinations, of the Pennsylvania Rules of Appellate Procedure.

(d) *Fees.*

(1) [The Administrative Office may charge reasonable] Reasonable costs incurred in providing public access to records may be charged pursuant to this rule. Such costs may include, but are not limited to, postage, photocopying, copying onto electronic media, transmission by facsimile or other electronic means, and other means of duplication.

(2) Prior to granting a request for access in accordance with this rule, the [Administrative Office] records manager may require a requester to prepay an estimate of the fees associated with the request, if the fees are expected to exceed \$100.

(e) *Publication of Contract Information.*

The Administrative Office shall make contract information available on the Unified Judicial System's web site.

Official Note: The Pennsylvania Judiciary's long-standing practice of providing open, public access to its records, both administrative and case-related, has been formalized in this rule and other policies adopted by the Supreme Court. The underlying premise for public access policies and practices in the Unified Judicial System is always the presumption of open records.

Initially promulgated by the Supreme Court on May 14, 2007, this rule furthers the Judiciary's commitment to establishing systematic processes for requesting and accessing state court system records. The rule took effect July 1, 2007.

The enactment of revisions to the Right-to-Know Law (Act 3 of 2008) occurred on February 14, 2008. Act 3 includes the judiciary only as it pertains to access of financial records, as defined by the Act, and regarding the Internet publication of judiciary contracts by the Commonwealth's Treasury Department. Section 304 of Act 3 of 2008 provides that a "judicial agency shall provide financial records in accordance with this act or any rule or order of court providing equal or greater access to the records." [Emphasis added.]

This rule, as amended, is promulgated pursuant to the Pennsylvania Supreme Court's constitutional authority regarding the administration of the courts under Article V, Section 10 and Section 304 of Act 3 of 2008. The expansion of the scope of this rule is in accordance with the continuing effort to promote the Unified Judicial System's policy of the public's right of access to records that deal with the use of public funds.

Pursuant to the Supreme Court's Order of June 23, 2008, access to financial records and publication

of contract information of the Unified Judicial System shall be provided in accordance with this rule.

[Pa.B. Doc. No. 08-1246. Filed for public inspection July 3, 2008, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Amendment to Rule 1915; Relating to Domestic Relations Matters; Proposed Recommendation No. 95

The Domestic Relations Procedural Rules Committee is proposing that Rules of Civil Procedure relating to domestic relations matters as set forth herein. These proposed amendments have not been submitted for review by the Supreme Court of Pennsylvania.

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

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Submit written comments no later than Friday, August 8, 2008, directed to:

Patricia A. Miles, Esquire
Counsel, Domestic Relations Procedural Rules Committee
5035 Ritter Road, Suite 700
Mechanicsburg, Pennsylvania 17055

FAX (717) 795-2175
E-mail: patricia.miles@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND VISITATION OF MINOR CHILDREN

Rule 1915.1 Scope. Definitions.

(a)(1) These rules govern the practice and procedure in all actions for custody, partial custody and visitation of minor children, including habeas corpus proceedings [therefor] and claims for custody, partial custody or visitation asserted in an action for divorce or support.

* * * * *

(b) As used in this chapter, unless the context of a rule indicates otherwise.

* * * * *

Official Note: The definitions of the terms legal custody, physical custody and shared custody are taken from 23 Pa.C.S. § 5302.

For additional definitions, see the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S.A. § [5343] 5402.

Explanatory Comment—1994

Whatever context in which the claim for custody, partial custody or visitation will arise, subdivision (a)(1) provides that the proposed rules will govern the practice and procedure. The custody rule is reinforced by Divorce Rule 1920.32(a).

Subdivision (b) provides the necessary definitions for the rules. The rules adopt the terms “custody,” “partial custody” and “visitation” suggested by Judge Spaeth in his concurring opinion in *Scott v. Scott*, 240 Pa. Super. 65, 368 A.2d 288, 291 (1976).

Explanatory Comment—2008

The Uniform Child Custody Jurisdiction Act, formerly at subchapter B of Chapter 53 of the Domestic Relations Code, was repealed by Act 2004-39 and replaced by the Uniform Child Custody Jurisdiction and Enforcement Act at Chapter 54 of the Domestic Relations Code. Amendments throughout the rules governing procedures in child custody matters were necessary to make the rules consistent with the Uniform Child Custody Jurisdiction and Enforcement Act and to update the citations to the statutory provisions.

Rule 1915.2. Venue.

(a) An action may be brought in any county

(1) (i) which is the home county of the child at the time of commencement of the proceeding, or

(ii) which had been the child’s home county within six months before commencement of the proceeding and the child is absent from the county [**because of the child’s removal or retention by a person claiming the child’s custody or for other reasons**] and a parent or person acting as parent continues to live in the county; or

(2) [**in which it is in the best interest of the child that the court decide the matter because**] when the court of another county does not have venue under subparagraph (1), and the child and the child’s parents, or the child and at least one [**party**] parent, or a person acting as a parent, have a significant connection with the county **other than mere physical presence** and there is available within the county substantial evidence concerning the child’s [**present or future care**], protection, training and personal relationships; or

(3) [**in which the child is physically present and the child has been abandoned or it is necessary in an emergency to protect the child because the child has been subjected to or threatened with mistreatment or abuse or is otherwise neglected or dependent**] when all counties in which venue is proper pursuant to subparagraphs (1) and (2) have found that the court before which the action is pending is the more appropriate forum to determine the custody of the child; or

(4) [**in which**] when it appears that venue would not be proper in any other county under prerequisites substantially in accordance with paragraphs (1), (2) or (3) [**, or another court has declined to decide the matter on the ground that the court before which the action is pending is the more appropriate**

forum to determine the custody of the child, and it is in the best interest of the child that the court decide the matter.]; or

(5) in which the child has been abandoned or it is necessary in an emergency to protect the child because the child or a sibling or parent of the child is subjected to or threatened with mistreatment or abuse.

[(b) Except under paragraphs (3) and (4) of subdivision (a), physical presence of the child within a county, or of the child and one of the parties, is not alone sufficient to establish venue.]

[(c)](b) Physical presence of the child or a party, while desirable, is not [**a prerequisite to venue**] necessary or sufficient to make a child custody determination.

[(d)](c) [**For the convenience of parties and witnesses**] [**the**] The court [**upon petition of any party**] at any time may transfer an action to the appropriate court of any other county where the action could originally have been brought or could be brought [**at the time of filing the petition to transfer**] if it determines that it is an inconvenient forum under the circumstances and the court of another county is the more appropriate forum. It shall be the duty of the prothonotary of the court in which the action is pending to forward to the prothonotary of the county to which the action is transferred certified copies of the docket entries, process, pleadings and other papers filed in the action. The costs and fees of the petition for transfer and the removal of the record shall be paid by the petitioner in the first instance to be taxable as costs in the case.

Official Note: Under the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S.A. § [5341] 5401 et seq., the court may decline to exercise its jurisdiction in a particular action despite the action having been brought in a county of proper venue. Section [5347] 5426 of the Domestic Relations Code, relating to simultaneous proceedings in other courts, provides for the mandatory refusal by the court to exercise its jurisdiction in an action. Section [5348] 5427 of the Code, relating to inconvenient forum, and [**Sections 5349 and 5364**] § 5428 of the Code, relating to jurisdiction declined by reason of conduct, provide for the discretionary refusal by the court to exercise its jurisdiction. [**See 23 Pa.C.S. §§ 5347, 5348, 5349 and 5364(f).**]

Explanatory Comment—[1994] 2008

Subdivision (a) of Rule 1915.2 incorporates the [**four**] categories of jurisdiction for initial custody determinations and temporary emergency proceedings in the Uniform Child Custody Jurisdiction and Enforcement Act [**of**] at 23 Pa.C.S. §§ [5344(a)(1) to (4)] 5421 and 5424 as the venue provisions for these rules, restating them in rule form without change in substance. Subdivision (a) follows the policy of [**Section 5364(a)**] § 5471 of the [**Domestic Relations Code**] Uniform Child Custody Jurisdiction and Enforcement Act, which provides that [**, except as otherwise provided by that section,**] the provisions of the [**UC-CJA**] act “allocating jurisdiction and functions between and among courts of different states shall also allocate

jurisdiction and functions between and among courts of common pleas of this Commonwealth.”

[Subdivisions] Subdivision (b) [and (c)] relating to the effect of the physical presence of the child or a party within a county, [follow] follows [Section 5344(b) and (c) of the Domestic Relations Code] § 5421(c) without substantial change.

Subdivision (c) follows the inconvenient forum provisions or 23 Pa.C.S.A. § 5427

[Subdivision (d) incorporates the forum non conveniens provision of Assumpsit Rule 1006(d), with one change. Under Rule 1006(d), an action may be transferred only to a county where the action could originally have been brought at the time of filing the petition to transfer. This permits the court to evaluate the situation of the parties at the time they are before the court on the petition to transfer.]

Rule 1915.3. Commencement of Action. Complaint. Order.

(a) Except as provided by subdivision (c), an action shall be commenced by filing a verified complaint substantially in the form provided by Rule 1915.15(a).

(b) An order shall be attached to the complaint directing the defendant to appear at a time and place specified. The order shall be substantially in the form provided by rule 1915.15(b).

Official Note: See [Section 5352(c)] § 5430(d) of the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S.A. § [5352(c)] 5430(d), relating to costs and expenses for appearance of parties and child, and [Section 5364(a),] 23 Pa.C.S.A. § [5364(a)] 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

* * * * *

Rule 1915.5. Question of Jurisdiction or Venue. No Responsive Pleading by Defendant Required. Counterclaim. Discovery.

(a) A party must raise any question of jurisdiction of the person or venue by preliminary objection filed within twenty days of service of the pleading to which objection is made or at the time of hearing, whichever first occurs. No other pleading shall be required, but if one is filed it shall not delay the hearing.

Official Note: The court may raise at any time a question of (1) jurisdiction over the subject matter of the action or (2) the exercise of its jurisdiction pursuant to [Section 5347] § 5426 of the [Domestic Relations Code] Uniform Child Custody Jurisdiction and Enforcement Act, relating to simultaneous proceedings in other courts, [Section 5348] § 5427, relating to inconvenient forum, and [Sections 5349 and 5364(f)] § 5428, relating to jurisdiction declined by reason of conduct. [See 23 Pa.C.S. §§ 5347, 5348, 5349 and 5364(f).]

The Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S.A. § [5366] 5407, provides that, upon request of a party, an action in which a question of the existence or exercise of jurisdiction is raised shall be given calendar priority and handled expeditiously.

* * * * *

Rule 1915.6. Joinder of Parties.

* * * * *

(b) If the court learns from the pleadings or any other source that any other person who claims to have custody or visitation rights with respect to the child is not a party to the action, it shall order that notice be given to that person of the pendency of the action and of the right to intervene therein. The notice shall be substantially in the form prescribed by Rule 1915.16(b).

Official Note: Subdivision (a) incorporates the provision of the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S. § [5351] 5425, requiring that a parent whose parental rights have not previously been terminated or a person not a party who has physical custody of the child [to] be joined as a party and notified of the pendency of the proceeding. [Subdivision (a) also extends the requirement of the Uniform Act, 23 Pa.C.S. § 5345, that a parent whose parental rights have not been previously terminated be given notice of the proceeding and an opportunity to be heard by requiring the joinder of such parent. Subdivision (b), in providing for intervention by persons claiming custody or visitation rights, is inconsistent with and therefore suspends the Uniform Act, 23 Pa.C.S. § 5351, insofar as the Act requires the joinder of such persons.]

Explanatory Comment—1994

The position taken by the rules is that a person in physical custody of the child and a parent whose parental rights have not been terminated are necessary parties to a custody determination. While it may be desirable to have other persons who claim custody or visitation rights as parties to the action, their joinder is not a prerequisite to a custody determination.

Rule 1915.12. Civil Contempt for Disobedience of Custody Order. Petition. Form of Petition. Service. Order.

* * * * *

(e) After hearing, an order committing a respondent to jail for contempt of a custody, partial custody or visitation order shall specify the condition which must be fulfilled to obtain release of the respondent.

Official Note: See 23 Pa.C.S.A. § 4346 relating to contempt for noncompliance with visitation or partial custody order.

See [Section 5356 of] the Uniform Child Custody Jurisdiction and Enforcement Act, 23 Pa.C.S. §§ [5356] 5443 and 5445, relating to [filing] registration and enforcement of custody decrees of another state, and [Section 5364(a),] 23 Pa.C.S.A. § [5364(a)] 5471, relating to intrastate application of the Uniform Child Custody Jurisdiction and Enforcement Act.

* * * * *

Rule 1915.15. Form of Complaint. Caption. Order. Petition to Modify a Partial Custody or Visitation Order.

* * * * *

Explanatory Comment—[1994] 2008

In an effort to promote uniformity of practice throughout the Commonwealth, several forms are included in the rules. Two aspects of these forms are worthy of mention.

First, much of the information which must be set forth in the complaint is required by the Domestic Relations Code, 23 Pa.C.S.A. § [5350] 5429. Second, the complaint is verified by use of a statement that it is subject to the penalties of the Crimes Code relating to unsworn falsification to authorities. A notary public is not needed.

*By the Domestic Relations
Procedural Rules Committee*

NANCY P. WALLITSCH, ESQUIRE,
Chair

[Pa.B. Doc. No. 08-1247. Filed for public inspection July 3, 2008, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 1910]

Amendments to Rules 1910.11, 1910.16-2, 1910.16-3, 1910.16-3.1, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.17 and 1910.27 Relating to Domestic Relations Matters; Proposed Recommendation No. 91

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

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

The Committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Submit written comments no later than Friday, October 31, 2008, directed to:

Patricia A. Miles, Esquire
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5035 Ritter Road, Suite 700
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Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *

(c) At the conference, the parties shall furnish to the officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their Income and Expense Statements in the forms required by Rule 1910.27(c), completed as set forth below.

* * * * *

(2) For cases which are decided according to [*Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984)] Rule 1910.16-3.1, the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be completed.

* * * * *

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

* * * * *

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 1. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net income of [\$1,500] \$2,000 per month. Father's net monthly income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is [\$1,216] \$1,350. As Father's income is [67%] 60% of the parties' combined monthly net income, his basic support obligation to Mother is [\$815] \$810 per month. The guidelines assume that Mother will provide [\$401] \$540 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be [\$2,185] \$2,190 for purposes of this calculation (\$3,000 net less [\$815] \$810 in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the [\$2,185] \$2,190 income level, or [\$545] \$528 per month. Mother/obligor's income will be [\$1,099] \$1,460 for purposes of this calculation ([\$1,500] \$2,000 net less [\$401] \$540 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or [\$284] \$354 per month.

Example 2. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be [\$853] \$866 per month (100% of the schedule amount for two children at the \$2,500

per month income level). Mother's income would not be diminished as she owes no other child support. She would owe [\$544] \$698 for the children in placement (100% of the schedule amount for two children at the [\$1,500] \$2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example 3. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$2,000. The basic support amount for the two children in the home is [\$1,359] \$1,483, according to the schedule at Rule 1910.16-3. As Mother's income is 67% of the parties' combined net monthly incomes, her share would be [\$911] \$994, and Father's 33% share would be [\$448] \$489. Mother's income for purposes of calculating support for the two children in placement would be [\$3,089] \$3,006 (\$4,000 less [\$911] \$994). She would pay 100% of the basic child support at that income level, or [\$1,029] \$1,033, for the children in placement. Father's income would be [\$1,552] \$1,511 (\$2,000 less [\$448] \$489) and his obligation to the children in placement would be [\$560] \$531.

* * * * *

(c) *Spousal Support and Alimony Pendente Lite.*

(1) Orders for spousal support and alimony pendente lite shall not be in effect simultaneously.

(2) **In determining the duration of an award for spousal support or alimony pendente lite, the trier of fact shall consider the period of time during which the parents lived together from the date of marriage to the date of final separation.**

* * * * *

Explanatory Comment—[2005] 2008

Introduction. Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be “established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly.” Id.

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988), 42 U.S.C. § 667(a)), statewide support guidelines must “be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support award amounts.” Federal regulations, 45 CFR 302.56, further require that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began the mandated review process in [early 2003] 2007. The committee

was assisted in its work by Jane Venohr, Ph.D., an economist with [Policy Studies, Inc.] the Center for Policy Research, under contract with the Pennsylvania Department of Public Welfare. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

A. *Income Shares Model.* Pennsylvania's child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts. The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, [33] 37 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. *Economic Measures.* The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting states with the development and revision of child support guidelines. Dr. Betson's research [was] also was used in developing the prior schedule, effective in [April 1999] January 2006. [In 2001,] Dr. Betson [updated] updates his estimates using data from the [1996-98] Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to [2003] 2008 price levels using the Consumer Price Index.

2. *Source of Data.* The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather. [However, according to the 2000 Census conducted by the U.S. Census Bureau, the median Pennsylvania family income in 1999 was \$49,184, while the national median family income was \$50,046. Thus, using national data continues to be appropriate.]

The U. S. Department of Agriculture's Center for Nutrition Policy and Promotion (“CNPP”) also develops economic estimates for the major categories of child-rearing expenditures. Although the committee reviewed these estimates, it is not aware of any state that relies upon the CNPP estimates as a basis for its child support schedule.

B. *Statutory Considerations.* The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. *Reasonable Needs and Reasonable Ability to Provide Support.* The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. *Net Income.* The guidelines use the net incomes of the parties **[and are based on the assumption that a child's reasonable needs increase as the combined net income of the child's parents increases]**. Each parent is required to contribute a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to **[fluctuating]** income and earning capacity.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. *Child Support Schedule.* The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. **[At some income levels the presumptive amount of support has increased from the previous schedule, and at some income levels it has decreased. The economic data support the revised schedule.]** The support amounts in the schedule have been expanded to apply to a combined net monthly

income of **[\$20,000] \$30,000** and remain statistically valid. **The economic data support the revised schedule.**

D. *Self-Support Reserve ("SSR").* The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from **[\$550] \$748** per month to **[\$748] \$867** per month, the **[2003] 2008** federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below **[\$748] \$867** per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony pendente lite cases to assure that the obligor retains a minimum of **[\$748] \$867** per month.

E. *Shared Custody.* **[Prior to the amendments effective in April of 1999, there was no formula or procedure for deviating from the basic support guidelines when custody was shared equally or the non-custodial parent has substantial partial custody. Prior to 1999, the guidelines provided that the obligor's support obligation should be reduced only if he or she spent "an unusual amount of time with the children."**

As part of the review process that resulted in the 1999 amendments, the committee considered the practices of several other jurisdictions and ultimately selected a method which gave some recognition to the shift in child-related expenditures that occurs when the obligor spends a substantial amount of time with the children. While recognizing that it was not a perfect solution to the problem of establishing support obligations in the context of substantial or shared custody, it was preferable to the diverse offset methods which had been developed by local courts. Its chief advantage was that it provided statewide uniformity and avoided a sharp reduction in the obligation at certain thresholds. **These amendments do not change that rule.]**

In creating the new schedule, the amounts of basic child support were first increased to reflect updated economic data, including 2008 price levels. However, the amounts of basic child support were then adjusted to build into the schedule the rebuttable presumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. That does not mean that the entire schedule was reduced by 30%. Only those variable expenditures, such as food and entertainment, that fluctuate based upon parenting time were adjusted.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The revised schedule assumes that the obligor has 30% parenting time. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even

if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

F. *Child Care Expenses.* Rule 1910.16-6(a) [has been] was amended in 2006 to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent may also incur such expenses during his or her custodial periods with the children.

G. *Spousal Support and Alimony Pendente Lite.* Subdivision (c) has been amended to require the court to consider the length of the marriage in determining the duration of a spousal support or alimony pendente lite award. The language was moved from Rule 1910.16-5(c) which deals with deviation. The primary purpose of this provision is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

H. *Other Amendments.* All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

* * * * *

(b) *Treatment of Public Assistance, SSI Benefits and Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement.*

* * * * *

Example 1. If the obligor has net income of \$1,200 per month; the obligee has net monthly income of \$800; and the child receives Social Security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is [\$568] \$551 per month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits ([\$568] \$551 minus \$300 equals [\$268] \$251). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of [\$268] \$251 between the obligor and the obligee in proportion to their respective incomes. The obligor's \$1,200 net income per month is 60% of the total of the obligor's and the obligee's combined net monthly income. Thus, the obligor's support obligation would be 60% of [\$268] \$251, or [\$161] \$151, per month.

Example 2. Two children live with Grandmother who receives \$400 per month in Social Security death benefits for the children as a result of their father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per

month. For purposes of calculating Mother's support obligation, Grandmother's income will be \$500, the amount she receives on behalf of the children from the trust. Therefore, the obligee's and the obligor's combined net monthly incomes total \$2,000. Add to that the \$400 in Social Security benefits Grandmother receives for the children to find the basic child support amount in Rule 1910.16-3. The basic support amount at the \$2,400 income level for two children is [\$820] \$831. Subtracting from that amount the \$400 in Social Security derivative benefits Grandmother receives for the children, results in a basic support amount of [\$420] \$431 [to be apportioned between the parties]. As Mother's income is 75% of the parties' combined income of \$2,000, her support obligation to Grandmother is [\$315] \$323 per month.

* * * * *

(d) *Reduced or Fluctuating Income.*

(1) *Voluntary Reduction of Income.* When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation.

(2) *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termination, job elimination or some other employment situation over which the party has no control **unless the court finds that such a reduction in income was willfully undertaken in an attempt to avoid or reduce the support obligation.**

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) *Earning Capacity.* [**Ordinarily, either**] **If the court finds, on the record, that a party to a support action [who] has willfully [fails] failed to obtain appropriate employment, [will be considered to have] the court may impute to that party an income equal to the party's earning capacity.** Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity. **Generally, the court should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours and working conditions.**

(e) *Net Income Affecting Application of the Child Support Guidelines.*

(1) *Low Income Cases.*

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Rule 1910.16-3, the basic child support obligation shall be calculated using the obligor's income only. For example, where the obligor has monthly net income of [\$850] \$950, the presumptive amount of

support for three children is [\$94] \$77 per month. This amount is determined directly from the schedule in Rule 1910.16-3.

(B) In computing a basic spousal support or alimony pendente lite obligation, the presumptive amount of support shall not reduce the obligor's net income below [\$748] the Self-Support Reserve of \$867 per month. For example, if the obligor earns [\$800] \$1,000 per month and the obligee earns \$300 per month, the formula in Part IV of Rule 1910.16-4 would result in a support obligation of [\$200] \$280 per month. Since this amount leaves the obligor with only [\$600] \$720 per month, it must be adjusted so that the obligor retains at least [\$748] \$867 per month. The presumptive minimum amount of spousal support, therefore, is [\$52] \$133 per month in this case.

(C) When the obligor's monthly net income is [\$748] \$867 or less, the court may award support only after consideration of the obligor's actual living expenses.

(2) *High Income Child Support Cases.* [**When the parties' combined net income exceeds \$20,000 per month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be the obligor's percentage share of the highest amount of support which can be derived from the schedule for the appropriate number of children and using the parties' actual combined income to determine the obligor's percentage share of this amount. The court may award an additional amount of child support based on the parties' combined income and the factors set forth in *Melzer*. The *Melzer* analysis in high income child support cases shall be applied to all of the parties' income, not just to the amount of income exceeding \$20,000 per month. In a *Melzer* analysis case, the presumptive minimum remains applicable.**

For example, where the obligor and the obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$3,018. The obligor's percentage share of the combined obligation is 81% of \$3,018, or \$2,445. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule in Rule 1910.16-3, which is limited to combined household income of \$20,000, the court may award an additional amount of support based on the factors set forth in *Melzer*.]

When the parties' combined net income exceeds \$30,000 per month, calculation of basic child support shall be pursuant to the formula at Rule 1910.16-3.1(a).

* * * * *

Explanatory Comment—[2005] 2008

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the

statutory definition at 23 Pa.C.S.A. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits and Social Security derivative benefits.

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to awards of spousal support or alimony pendente lite when there are multiple families. In these cases, a party's net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony pendente lite or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income and the imputing of earning capacity. [**Since the payment of support is a priority, subsection (1) reflects current case law which, for example, holds that a party's decision to forego current employment in order to further his or her education should be treated no differently than a decision to change jobs or occupations which results in a lower income. *Kersey v. Jefferson*, 791 A.2d 419 (Pa. Super. Ct. 2002); *Grimes v. Grimes*, 596 A.2d 240 (Pa. Super. Ct. 1991).**] Statutory provisions at 23 Pa.C.S.A. § 4322, as well as case law, are clear that a support obligation is based upon the ability of a party to pay, and that the concept of an earning capacity is intended to reflect a realistic, rather than a theoretical, ability to pay support. Amendments to subdivision (d) are intended to clarify when imposition of an earning capacity is appropriate.

Subdivision (e) has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve ("SSR"), formerly referred to as the Computed Allowance Minimum ("CAM"). The schedule now applies to all cases in which the parties' combined net monthly income is [\$20,000] \$30,000 or less. The upper income limit of the prior schedule was only [\$15,000] \$20,000. The amount of support at each income level of the schedule also has changed, so the examples in Rule 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 sets forth basic child support only, subdivision (e)(1)(B) is necessary to

reflect the operation of the SSR in spousal support and alimony pendente lite cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Rule 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the [CAM] SSR required that the obligor retain at least [\$550] \$748 per month. The SSR now requires that the obligor retain income of at least [\$748] \$867 per month, an amount equal to the [2003] 2008 federal poverty level for one person. When the obligor's monthly net income is less than [\$748] \$867, subsection (e)(1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases, therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Rule 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only [\$800] \$900 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of the SSR, however, the court should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also [reflects the limited] has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), [to cases in which the guidelines cannot be used to establish the child support obligation because the parties'

combined income exceeds \$20,000 per month] in high-income cases. [The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount provides that the parties' percentage shares should be calculated using their actual combined income rather than the theoretical combined income of only \$20,000. In considering whether to award an additional amount of child support, the court must apply the factors set forth in *Melzer* to all of the parties' combined income, not just the amount over \$20,000 per month. It would be improper to apply the formula in Rule 1910.16-4 to the amount of the parties' combined income which exceeds \$20,000 per month and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must be determined, therefore, in accordance with the factors set forth in *Melzer*. The presumptive minimum shall apply even if the *Melzer* analysis results in a lower amount.] In cases in which the parties' combined net monthly income exceeds \$30,000, child support will be calculated in accordance with the formula in new Rule 1910.16-3.1(a). As the presumptively correct amount of basic support in all cases now will be determined by guidelines schedule or formula, there is no longer any need for the calculation of a presumptive minimum amount of support.

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
[0-800	50	50	50	50	50	50
850	92	93	94	95	96	97
900	137	138	140	141	143	144
950	182	184	186	188	190	192
1000	227	229	232	234	237	239
1050	271	275	278	281	284	287
1100	284	320	324	327	331	334
1150	296	366	370	374	378	382
1200	309	411	416	420	425	429
1250	322	455	462	467	472	477
1300	335	472	508	513	519	524
1350	348	490	554	560	566	572
1400	360	508	589	606	613	619

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1450	373	526	610	653	660	667
1500	386	544	630	699	707	714
1550	397	560	648	723	754	762
1600	409	575	666	743	801	809
1650	421	591	684	763	839	857
1700	432	607	702	783	861	904
1750	444	623	720	803	883	952
1800	455	638	738	822	905	984
1850	467	654	756	842	927	1008
1900	479	670	773	862	949	1032
1950	490	685	790	881	969	1055
2000	501	700	807	900	990	1077
2050	512	715	824	918	1010	1099
2100	523	729	840	937	1031	1121
2150	534	744	857	955	1051	1143
2200	545	759	873	974	1071	1166
2250	557	774	890	992	1092	1188
2300	568	789	907	1011	1112	1210
2350	579	804	924	1030	1133	1233
2400	591	820	942	1051	1156	1257
2450	603	837	961	1071	1179	1282
2500	615	853	979	1092	1201	1307
2550	626	869	998	1113	1224	1332
2600	638	886	1017	1134	1247	1357
2650	650	902	1035	1154	1270	1381
2700	662	918	1054	1175	1292	1406
2750	674	935	1072	1196	1315	1431
2800	684	949	1088	1213	1335	1452
2850	694	962	1103	1230	1353	1472
2900	704	976	1118	1246	1371	1492
2950	714	989	1133	1263	1389	1511
3000	724	1003	1147	1279	1407	1531
3050	734	1016	1162	1296	1425	1551
3100	744	1029	1177	1312	1443	1570
3150	754	1043	1192	1329	1461	1590
3200	763	1054	1204	1342	1477	1607
3250	767	1059	1207	1346	1481	1611
3300	772	1063	1211	1350	1485	1616
3350	776	1068	1214	1354	1489	1620
3400	781	1072	1218	1358	1494	1625
3450	785	1077	1221	1362	1498	1630
3500	790	1081	1225	1365	1502	1634
3550	794	1086	1228	1369	1506	1639
3600	798	1090	1231	1373	1510	1643
3650	804	1096	1237	1380	1518	1651

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
3700	809	1103	1245	1388	1526	1661
3750	815	1110	1252	1396	1535	1670
3800	820	1117	1259	1403	1544	1680
3850	826	1123	1266	1411	1552	1689
3900	831	1130	1273	1419	1561	1699
3950	837	1137	1280	1427	1570	1708
4000	843	1144	1287	1435	1579	1717
4050	848	1151	1294	1443	1587	1727
4100	854	1158	1302	1452	1597	1738
4150	860	1165	1310	1461	1607	1748
4200	866	1173	1318	1469	1616	1759
4250	872	1180	1326	1478	1626	1769
4300	878	1187	1334	1487	1636	1780
4350	884	1194	1341	1496	1645	1790
4400	890	1202	1349	1504	1655	1800
4450	896	1209	1357	1513	1665	1811
4500	902	1216	1365	1522	1674	1821
4550	908	1224	1373	1531	1684	1832
4600	914	1231	1381	1539	1693	1842
4650	920	1238	1389	1548	1703	1853
4700	924	1243	1394	1554	1709	1860
4750	925	1245	1395	1555	1711	1861
4800	927	1246	1396	1557	1713	1863
4850	928	1248	1398	1558	1714	1865
4900	930	1249	1399	1560	1716	1867
4950	931	1251	1400	1561	1717	1869
5000	933	1253	1402	1563	1719	1870
5050	934	1254	1403	1564	1721	1872
5100	936	1256	1404	1566	1722	1874
5150	937	1257	1406	1567	1724	1876
5200	939	1259	1407	1569	1726	1877
5250	940	1261	1408	1570	1727	1879
5300	942	1262	1410	1572	1729	1881
5350	943	1264	1411	1573	1731	1883
5400	945	1265	1412	1575	1732	1885
5450	946	1267	1414	1576	1734	1886
5500	948	1268	1415	1578	1735	1888
5550	952	1273	1420	1583	1742	1895
5600	959	1283	1431	1595	1755	1909
5650	966	1292	1441	1607	1768	1923
5700	973	1302	1452	1619	1780	1937
5750	980	1312	1462	1630	1793	1951
5800	988	1321	1473	1642	1806	1965
5850	995	1331	1483	1654	1819	1979
5900	1002	1340	1494	1666	1832	1993

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
5950	1009	1350	1504	1677	1845	2007
6000	1016	1359	1515	1689	1858	2021
6050	1023	1369	1525	1701	1871	2035
6100	1030	1379	1536	1712	1884	2049
6150	1038	1388	1546	1724	1897	2063
6200	1045	1398	1557	1736	1909	2077
6250	1052	1407	1567	1748	1922	2092
6300	1059	1417	1578	1759	1935	2106
6350	1066	1426	1588	1771	1948	2120
6400	1072	1435	1597	1781	1959	2132
6450	1077	1441	1604	1788	1967	2140
6500	1082	1447	1610	1796	1975	2149
6550	1087	1454	1617	1803	1983	2158
6600	1092	1460	1624	1810	1991	2167
6650	1097	1466	1630	1818	1999	2175
6700	1102	1473	1637	1825	2008	2184
6750	1107	1479	1643	1832	2016	2193
6800	1112	1485	1650	1840	2024	2202
6850	1117	1491	1657	1847	2032	2211
6900	1122	1498	1663	1854	2040	2219
6950	1127	1504	1670	1862	2048	2228
7000	1132	1510	1676	1869	2056	2237
7050	1137	1517	1683	1876	2064	2246
7100	1142	1523	1690	1884	2072	2255
7150	1147	1529	1696	1891	2080	2263
7200	1152	1536	1703	1898	2088	2272
7250	1157	1542	1709	1906	2096	2281
7300	1162	1548	1716	1913	2104	2290
7350	1167	1555	1722	1921	2113	2298
7400	1172	1561	1729	1928	2121	2307
7450	1177	1567	1736	1935	2129	2316
7500	1182	1573	1742	1943	2137	2325
7550	1187	1580	1749	1950	2145	2334
7600	1192	1586	1755	1957	2153	2342
7650	1197	1592	1762	1965	2161	2351
7700	1202	1598	1768	1971	2169	2359
7750	1206	1604	1774	1978	2176	2367
7800	1210	1609	1780	1985	2183	2375
7850	1214	1615	1786	1992	2191	2384
7900	1219	1620	1792	1998	2198	2392
7950	1223	1626	1798	2005	2206	2400
8000	1227	1631	1804	2012	2213	2408
8050	1231	1637	1810	2019	2220	2416
8100	1235	1642	1816	2025	2228	2424
8150	1240	1648	1822	2032	2235	2432

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
8200	1244	1653	1828	2039	2243	2440
8250	1248	1659	1835	2045	2250	2448
8300	1252	1664	1841	2052	2257	2456
8350	1257	1670	1847	2059	2265	2464
8400	1261	1675	1853	2066	2272	2472
8450	1265	1681	1859	2072	2280	2480
8500	1269	1686	1865	2079	2287	2488
8550	1273	1692	1871	2086	2295	2496
8600	1278	1697	1877	2093	2302	2504
8650	1282	1703	1883	2099	2309	2513
8700	1286	1708	1889	2106	2317	2521
8750	1290	1714	1895	2113	2324	2529
8800	1295	1719	1901	2120	2332	2537
8850	1299	1725	1907	2126	2339	2545
8900	1303	1730	1913	2133	2346	2553
8950	1307	1736	1919	2140	2354	2561
9000	1311	1741	1925	2147	2361	2569
9050	1316	1747	1931	2153	2369	2577
9100	1320	1752	1937	2160	2376	2585
9150	1324	1758	1943	2167	2383	2593
9200	1328	1763	1949	2173	2391	2601
9250	1333	1769	1955	2180	2398	2609
9300	1337	1775	1961	2187	2406	2617
9350	1341	1780	1967	2194	2413	2625
9400	1345	1786	1973	2200	2420	2633
9450	1349	1791	1980	2207	2428	2642
9500	1354	1797	1986	2214	2435	2650
9550	1358	1802	1992	2221	2443	2658
9600	1362	1807	1996	2226	2449	2664
9650	1365	1811	2001	2231	2454	2670
9700	1369	1815	2005	2235	2459	2675
9750	1372	1819	2009	2240	2464	2681
9800	1376	1823	2013	2244	2469	2686
9850	1379	1827	2017	2249	2474	2692
9900	1383	1832	2021	2253	2479	2697
9950	1386	1836	2025	2258	2484	2702
10000	1390	1840	2029	2263	2489	2708
10050	1393	1844	2033	2267	2494	2713
10100	1397	1848	2037	2272	2499	2719
10150	1400	1852	2042	2276	2504	2724
10200	1404	1856	2046	2281	2509	2730
10250	1407	1860	2050	2285	2514	2735
10300	1411	1865	2054	2290	2519	2741
10350	1414	1869	2058	2295	2524	2746
10400	1418	1873	2062	2299	2529	2752

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
10450	1421	1877	2066	2304	2534	2757
10500	1425	1881	2070	2308	2539	2763
10550	1428	1885	2074	2313	2544	2768
10600	1432	1889	2078	2317	2549	2774
10650	1435	1894	2083	2322	2554	2779
10700	1439	1898	2087	2327	2559	2784
10750	1442	1902	2091	2331	2564	2790
10800	1446	1906	2095	2336	2569	2795
10850	1449	1910	2099	2340	2574	2801
10900	1453	1914	2103	2345	2579	2806
10950	1456	1918	2107	2349	2584	2812
11000	1460	1922	2111	2354	2589	2817
11050	1464	1927	2115	2359	2594	2823
11100	1467	1931	2119	2363	2599	2828
11150	1471	1935	2124	2368	2604	2834
11200	1474	1939	2128	2372	2610	2839
11250	1478	1943	2132	2377	2615	2845
11300	1481	1947	2136	2381	2620	2850
11350	1485	1951	2140	2386	2625	2856
11400	1488	1956	2144	2391	2630	2861
11450	1492	1960	2148	2395	2635	2866
11500	1495	1964	2152	2400	2640	2872
11550	1499	1968	2156	2404	2645	2877
11600	1502	1972	2160	2409	2650	2883
11650	1506	1976	2164	2413	2655	2888
11700	1509	1980	2169	2418	2660	2894
11750	1513	1984	2173	2423	2665	2899
11800	1516	1989	2177	2427	2670	2905
11850	1520	1993	2181	2432	2675	2910
11900	1523	1997	2185	2436	2680	2916
11950	1527	2001	2189	2441	2685	2921
12000	1530	2005	2193	2445	2690	2927
12050	1534	2009	2197	2450	2695	2932
12100	1537	2013	2201	2455	2700	2938
12150	1541	2018	2205	2459	2705	2943
12200	1544	2022	2210	2464	2710	2948
12250	1548	2026	2214	2468	2715	2954
12300	1551	2030	2218	2473	2720	2959
12350	1555	2034	2222	2477	2725	2965
12400	1558	2038	2226	2482	2730	2970
12450	1562	2042	2230	2486	2735	2976
12500	1565	2046	2234	2491	2740	2981
12550	1569	2051	2238	2496	2745	2987
12600	1572	2055	2242	2500	2750	2992
12650	1576	2059	2246	2505	2755	2998

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
12700	1579	2063	2251	2509	2760	3003
12750	1583	2067	2255	2514	2765	3009
12800	1586	2071	2259	2518	2770	3014
12850	1590	2075	2263	2523	2775	3020
12900	1593	2080	2267	2528	2780	3025
12950	1597	2084	2271	2532	2785	3030
13000	1600	2088	2275	2537	2790	3036
13050	1604	2092	2279	2541	2795	3041
13100	1607	2096	2283	2546	2800	3047
13150	1611	2100	2287	2550	2805	3052
13200	1614	2104	2291	2555	2811	3058
13250	1618	2108	2296	2560	2816	3063
13300	1622	2113	2300	2564	2821	3069
13350	1625	2117	2304	2569	2826	3074
13400	1629	2121	2308	2573	2831	3080
13450	1632	2125	2312	2578	2836	3085
13500	1636	2129	2316	2582	2841	3091
13550	1639	2133	2320	2587	2846	3096
13600	1643	2137	2324	2592	2851	3102
13650	1646	2142	2328	2596	2856	3107
13700	1650	2146	2332	2601	2861	3113
13750	1653	2150	2337	2605	2866	3118
13800	1657	2154	2341	2610	2871	3123
13850	1660	2158	2345	2614	2876	3129
13900	1664	2162	2349	2619	2881	3134
13950	1667	2166	2353	2624	2886	3140
14000	1671	2170	2357	2628	2891	3145
14050	1674	2175	2361	2633	2896	3151
14100	1678	2179	2365	2637	2901	3156
14150	1681	2183	2369	2642	2906	3162
14200	1685	2187	2373	2646	2911	3167
14250	1688	2191	2378	2651	2916	3173
14300	1692	2195	2382	2656	2921	3178
14350	1695	2199	2386	2660	2926	3184
14400	1699	2203	2390	2665	2931	3189
14450	1702	2208	2394	2669	2936	3195
14500	1706	2212	2398	2674	2941	3200
14550	1709	2216	2402	2678	2946	3205
14600	1713	2220	2406	2683	2951	3211
14650	1716	2224	2410	2687	2956	3216
14700	1720	2228	2414	2692	2961	3222
14750	1723	2232	2418	2697	2966	3227
14800	1727	2237	2423	2701	2971	3233
14850	1730	2241	2427	2706	2976	3238
14900	1734	2245	2431	2710	2981	3244

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
14950	1737	2249	2435	2715	2986	3249
15000	1741	2253	2439	2719	2991	3255
15050	1806	2319	2493	2780	3058	3327
15100	1811	2325	2498	2785	3064	3334
15150	1816	2330	2503	2791	3071	3341
15200	1821	2336	2509	2797	3077	3348
15250	1826	2342	2514	2803	3084	3355
15300	1831	2347	2519	2809	3090	3362
15350	1836	2353	2525	2815	3097	3369
15400	1841	2359	2530	2821	3103	3376
15450	1846	2364	2535	2827	3110	3383
15500	1851	2370	2541	2833	3116	3390
15550	1856	2375	2546	2839	3123	3397
15600	1861	2381	2551	2845	3129	3404
15650	1866	2387	2557	2851	3136	3411
15700	1871	2392	2562	2856	3142	3419
15750	1876	2398	2567	2862	3149	3426
15800	1881	2404	2572	2868	3155	3433
15850	1886	2409	2578	2874	3162	3440
15900	1891	2415	2583	2880	3168	3447
15950	1896	2420	2588	2886	3175	3454
16000	1901	2426	2594	2892	3181	3461
16050	1906	2432	2599	2898	3188	3468
16100	1911	2437	2604	2904	3194	3475
16150	1916	2443	2610	2910	3201	3482
16200	1921	2449	2615	2916	3207	3489
16250	1926	2454	2620	2921	3214	3496
16300	1931	2460	2625	2927	3220	3503
16350	1936	2466	2631	2933	3227	3511
16400	1941	2471	2636	2939	3233	3518
16450	1946	2477	2641	2945	3240	3525
16500	1951	2482	2647	2951	3246	3532
16550	1956	2488	2652	2957	3253	3539
16600	1961	2494	2657	2963	3259	3546
16650	1966	2499	2663	2969	3266	3553
16700	1971	2505	2668	2975	3272	3560
16750	1976	2511	2673	2981	3279	3567
16800	1981	2516	2678	2986	3285	3574
16850	1986	2522	2684	2992	3292	3581
16900	1991	2527	2689	2998	3298	3588
16950	1996	2533	2694	3004	3305	3595
17000	2001	2539	2700	3010	3311	3603
17050	2006	2544	2705	3016	3318	3610
17100	2011	2550	2710	3022	3324	3617
17150	2016	2556	2716	3028	3331	3624

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
17200	2021	2561	2721	3034	3337	3631
17250	2026	2567	2726	3040	3344	3638
17300	2031	2572	2731	3046	3350	3645
17350	2036	2578	2737	3052	3357	3652
17400	2041	2584	2742	3057	3363	3659
17450	2046	2589	2747	3063	3370	3666
17500	2051	2595	2753	3069	3376	3673
17550	2056	2601	2758	3075	3383	3680
17600	2061	2606	2763	3081	3389	3687
17650	2066	2612	2769	3087	3396	3694
17700	2071	2618	2774	3093	3402	3702
17750	2076	2623	2779	3099	3409	3709
17800	2081	2629	2784	3105	3415	3716
17850	2086	2634	2790	3111	3422	3723
17900	2091	2640	2795	3117	3428	3730
17950	2096	2646	2800	3122	3435	3737
18000	2101	2651	2806	3128	3441	3744
18050	2106	2657	2811	3134	3448	3751
18100	2111	2663	2816	3140	3454	3758
18150	2116	2668	2822	3146	3461	3765
18200	2121	2674	2827	3152	3467	3772
18250	2126	2679	2832	3158	3474	3779
18300	2131	2685	2838	3164	3480	3786
18350	2136	2691	2843	3170	3487	3794
18400	2141	2696	2848	3176	3493	3801
18450	2146	2702	2853	3182	3500	3808
18500	2151	2708	2859	3187	3506	3815
18550	2156	2713	2864	3193	3513	3822
18600	2161	2719	2869	3199	3519	3829
18650	2166	2725	2875	3205	3526	3836
18700	2171	2730	2880	3211	3532	3843
18750	2176	2736	2885	3217	3539	3850
18800	2181	2741	2891	3223	3545	3857
18850	2186	2747	2896	3229	3552	3864
18900	2191	2753	2901	3235	3558	3871
18950	2196	2758	2906	3241	3565	3878
19000	2201	2764	2912	3247	3571	3886
19050	2206	2770	2917	3253	3578	3893
19100	2211	2775	2922	3258	3584	3900
19150	2216	2781	2928	3264	3591	3907
19200	2221	2786	2933	3270	3597	3914
19250	2226	2792	2938	3276	3604	3921
19300	2231	2798	2944	3282	3610	3928
19350	2236	2803	2949	3288	3617	3935
19400	2241	2809	2954	3294	3623	3942

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
19450	2246	2815	2959	3300	3630	3949
19500	2251	2820	2965	3306	3636	3956
19550	2256	2826	2970	3312	3643	3963
19600	2261	2831	2975	3318	3649	3970
19650	2266	2837	2981	3323	3656	3977
19700	2271	2843	2986	3329	3662	3985
19750	2276	2848	2991	3335	3669	3992
19800	2281	2854	2997	3341	3675	3999
19850	2286	2860	3002	3347	3682	4006
19900	2291	2865	3007	3353	3688	4013
19950	2296	2871	3012	3359	3695	4020
20000	2301	2877	3018	3365	3701	4027]

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
0-900.00	50	55	60	65	70	75
950.00	75	76	77	78	78	79
1000.00	120	121	123	124	125	127
1050.00	165	167	169	171	172	174
1100.00	210	212	215	217	219	222
1150.00	255	258	261	264	266	269
1200.00	294	303	307	310	313	317
1250.00	306	349	353	357	360	364
1300.00	318	394	399	403	407	412
1350.00	330	440	445	450	454	459
1400.00	342	485	491	496	501	507
1450.00	354	514	537	543	548	554
1500.00	365	531	583	589	595	602
1550.00	377	548	629	636	642	649
1600.00	389	565	665	682	689	697
1650.00	401	582	684	729	736	744
1700.00	412	598	704	775	783	792
1750.00	424	615	723	808	830	839
1800.00	436	631	742	829	877	887
1850.00	447	648	762	851	924	934
1900.00	459	664	781	872	960	982
1950.00	470	681	800	894	983	1029
2000.00	482	698	820	915	1007	1077
2050.00	493	714	839	937	1031	1120
2100.00	505	731	858	959	1054	1146
2150.00	517	747	877	980	1078	1172
2200.00	528	764	897	1002	1102	1198
2250.00	540	781	916	1023	1126	1223

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2300.00	551	797	936	1045	1150	1250
2350.00	563	814	956	1068	1174	1277
2400.00	575	831	976	1090	1199	1304
2450.00	587	849	996	1113	1224	1330
2500.00	598	866	1016	1135	1249	1357
2550.00	610	883	1036	1158	1273	1384
2600.00	622	900	1057	1180	1298	1411
2650.00	634	917	1077	1203	1323	1438
2700.00	646	934	1097	1225	1348	1465
2750.00	657	951	1117	1248	1373	1492
2800.00	669	968	1137	1270	1397	1519
2850.00	681	985	1157	1293	1422	1546
2900.00	693	1002	1178	1315	1447	1573
2950.00	704	1019	1198	1338	1472	1600
3000.00	714	1033	1213	1354	1490	1619
3050.00	723	1045	1226	1370	1507	1638
3100.00	732	1057	1240	1385	1523	1656
3150.00	741	1070	1253	1400	1540	1674
3200.00	750	1082	1267	1415	1557	1692
3250.00	759	1094	1281	1431	1574	1711
3300.00	768	1107	1294	1446	1590	1729
3350.00	777	1119	1308	1461	1607	1747
3400.00	786	1131	1322	1476	1624	1765
3450.00	793	1141	1333	1489	1637	1780
3500.00	798	1149	1342	1500	1650	1793
3550.00	804	1157	1352	1511	1662	1806
3600.00	809	1165	1362	1522	1674	1819
3650.00	815	1173	1372	1533	1686	1832
3700.00	820	1182	1382	1543	1698	1846
3750.00	826	1190	1392	1554	1710	1859
3800.00	831	1198	1401	1565	1722	1872
3850.00	837	1206	1411	1576	1734	1885
3900.00	842	1214	1421	1587	1746	1898
3950.00	848	1222	1430	1597	1757	1910
4000.00	854	1231	1439	1608	1769	1922
4050.00	860	1239	1449	1618	1780	1935
4100.00	866	1247	1458	1629	1791	1947
4150.00	872	1255	1467	1639	1803	1960
4200.00	878	1264	1477	1649	1814	1972
4250.00	884	1272	1486	1660	1826	1984
4300.00	890	1280	1495	1670	1837	1997
4350.00	895	1286	1502	1677	1845	2006
4400.00	898	1291	1506	1682	1850	2011
4450.00	902	1295	1510	1686	1855	2016
4500.00	905	1299	1513	1691	1860	2021

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
4550.00	909	1303	1517	1695	1864	2027
4600.00	912	1307	1521	1699	1869	2032
4650.00	916	1312	1525	1704	1874	2037
4700.00	919	1316	1529	1708	1879	2042
4750.00	923	1320	1533	1712	1884	2047
4800.00	926	1325	1538	1718	1890	2054
4850.00	931	1331	1545	1726	1898	2064
4900.00	935	1337	1552	1734	1907	2073
4950.00	940	1343	1559	1742	1916	2082
5000.00	944	1350	1566	1749	1924	2092
5050.00	949	1356	1573	1757	1933	2101
5100.00	953	1362	1580	1765	1942	2111
5150.00	957	1368	1587	1773	1950	2120
5200.00	962	1374	1594	1781	1959	2129
5250.00	966	1380	1601	1789	1968	2139
5300.00	971	1387	1608	1797	1976	2148
5350.00	975	1393	1615	1804	1985	2157
5400.00	980	1399	1622	1812	1993	2167
5450.00	984	1405	1629	1820	2002	2176
5500.00	989	1412	1637	1829	2011	2186
5550.00	994	1419	1645	1837	2021	2197
5600.00	1000	1426	1653	1846	2031	2207
5650.00	1005	1433	1660	1855	2040	2218
5700.00	1010	1440	1668	1864	2050	2228
5750.00	1015	1447	1676	1872	2059	2239
5800.00	1020	1454	1684	1881	2069	2249
5850.00	1025	1461	1692	1890	2079	2260
5900.00	1031	1469	1700	1899	2088	2270
5950.00	1036	1476	1707	1907	2098	2281
6000.00	1041	1483	1715	1916	2108	2291
6050.00	1046	1490	1723	1925	2117	2301
6100.00	1051	1497	1731	1933	2127	2312
6150.00	1056	1504	1739	1942	2136	2322
6200.00	1061	1511	1747	1951	2147	2333
6250.00	1066	1518	1755	1961	2157	2344
6300.00	1071	1525	1763	1970	2167	2355
6350.00	1076	1532	1772	1979	2177	2366
6400.00	1081	1539	1780	1988	2187	2377
6450.00	1086	1546	1788	1997	2197	2388
6500.00	1091	1553	1796	2006	2207	2399
6550.00	1096	1560	1804	2015	2217	2410
6600.00	1101	1567	1812	2024	2227	2421
6650.00	1106	1574	1821	2034	2237	2432
6700.00	1111	1581	1829	2043	2247	2442
6750.00	1116	1588	1837	2052	2257	2453

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
6800.00	1121	1595	1845	2061	2267	2464
6850.00	1126	1602	1853	2070	2277	2475
6900.00	1131	1609	1861	2078	2286	2485
6950.00	1135	1616	1868	2087	2295	2495
7000.00	1140	1622	1876	2095	2304	2505
7050.00	1145	1629	1883	2103	2314	2515
7100.00	1150	1636	1891	2112	2323	2525
7150.00	1155	1643	1898	2120	2332	2535
7200.00	1160	1649	1906	2128	2341	2545
7250.00	1165	1656	1913	2137	2351	2555
7300.00	1170	1663	1921	2145	2360	2565
7350.00	1174	1670	1928	2154	2369	2575
7400.00	1179	1676	1936	2162	2378	2585
7450.00	1184	1683	1943	2170	2387	2595
7500.00	1189	1690	1951	2179	2397	2605
7550.00	1194	1696	1958	2187	2406	2615
7600.00	1199	1703	1966	2196	2415	2625
7650.00	1204	1710	1973	2204	2424	2635
7700.00	1209	1717	1981	2212	2434	2645
7750.00	1214	1723	1988	2221	2443	2656
7800.00	1218	1731	1997	2230	2453	2667
7850.00	1223	1738	2005	2240	2464	2678
7900.00	1228	1745	2014	2249	2474	2689
7950.00	1233	1752	2022	2259	2485	2701
8000.00	1238	1759	2031	2268	2495	2712
8050.00	1243	1766	2039	2278	2505	2723
8100.00	1248	1774	2048	2287	2516	2735
8150.00	1253	1781	2056	2297	2526	2746
8200.00	1258	1788	2064	2306	2537	2757
8250.00	1263	1795	2073	2316	2547	2769
8300.00	1268	1802	2081	2325	2557	2780
8350.00	1273	1809	2090	2334	2568	2791
8400.00	1278	1816	2098	2344	2578	2803
8450.00	1283	1824	2107	2353	2589	2814
8500.00	1288	1831	2115	2363	2599	2825
8550.00	1293	1838	2124	2372	2609	2837
8600.00	1297	1845	2132	2382	2620	2848
8650.00	1302	1852	2141	2391	2630	2859
8700.00	1305	1856	2145	2396	2635	2864
8750.00	1307	1859	2149	2400	2640	2870
8800.00	1310	1863	2153	2404	2645	2875
8850.00	1313	1866	2156	2409	2650	2880
8900.00	1315	1870	2160	2413	2654	2885
8950.00	1318	1873	2164	2417	2659	2890
9000.00	1320	1877	2168	2422	2664	2896

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
9050.00	1323	1880	2172	2426	2669	2901
9100.00	1325	1884	2176	2430	2673	2906
9150.00	1328	1887	2180	2435	2678	2911
9200.00	1330	1891	2184	2439	2683	2916
9250.00	1333	1894	2188	2443	2688	2922
9300.00	1335	1898	2191	2448	2693	2927
9350.00	1338	1901	2195	2452	2697	2932
9400.00	1340	1905	2199	2457	2702	2937
9450.00	1343	1908	2203	2461	2707	2942
9500.00	1345	1912	2207	2465	2712	2948
9550.00	1348	1915	2211	2470	2716	2953
9600.00	1351	1920	2217	2476	2723	2960
9650.00	1356	1926	2223	2483	2731	2969
9700.00	1360	1932	2229	2490	2739	2977
9750.00	1364	1937	2235	2497	2746	2985
9800.00	1368	1943	2241	2504	2754	2994
9850.00	1372	1948	2248	2511	2762	3002
9900.00	1376	1954	2254	2518	2769	3010
9950.00	1381	1960	2260	2525	2777	3019
10000.00	1385	1965	2266	2532	2785	3027
10050.00	1389	1971	2273	2538	2792	3035
10100.00	1393	1977	2279	2545	2800	3044
10150.00	1397	1982	2285	2552	2808	3052
10200.00	1402	1988	2291	2559	2815	3060
10250.00	1406	1994	2297	2566	2823	3069
10300.00	1410	1999	2304	2573	2831	3077
10350.00	1414	2005	2310	2580	2838	3085
10400.00	1418	2010	2316	2587	2846	3093
10450.00	1422	2016	2322	2594	2854	3102
10500.00	1427	2022	2329	2601	2861	3110
10550.00	1431	2027	2335	2608	2869	3118
10600.00	1435	2033	2341	2615	2876	3127
10650.00	1439	2039	2347	2622	2884	3135
10700.00	1443	2044	2354	2629	2892	3143
10750.00	1448	2051	2361	2637	2901	3153
10800.00	1452	2057	2369	2646	2910	3164
10850.00	1457	2064	2376	2654	2920	3174
10900.00	1462	2070	2384	2663	2929	3184
10950.00	1466	2077	2391	2671	2938	3194
11000.00	1471	2083	2399	2679	2947	3204
11050.00	1475	2090	2406	2688	2957	3214
11100.00	1480	2097	2414	2696	2966	3224
11150.00	1485	2103	2421	2705	2975	3234
11200.00	1489	2110	2429	2713	2985	3244
11250.00	1494	2116	2437	2722	2994	3254

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
11300.00	1499	2123	2444	2730	3003	3264
11350.00	1503	2129	2452	2739	3012	3274
11400.00	1508	2136	2459	2747	3022	3285
11450.00	1512	2142	2467	2755	3031	3295
11500.00	1517	2149	2474	2764	3040	3305
11550.00	1522	2156	2482	2772	3049	3315
11600.00	1526	2162	2489	2781	3059	3325
11650.00	1531	2169	2497	2789	3068	3335
11700.00	1535	2175	2504	2798	3077	3345
11750.00	1540	2182	2512	2806	3087	3355
11800.00	1545	2188	2520	2814	3096	3365
11850.00	1549	2195	2527	2823	3105	3375
11900.00	1554	2201	2535	2831	3114	3385
11950.00	1558	2208	2542	2840	3124	3395
12000.00	1563	2214	2550	2848	3133	3405
12050.00	1568	2221	2557	2857	3142	3416
12100.00	1572	2228	2565	2865	3151	3426
12150.00	1577	2234	2572	2873	3161	3436
12200.00	1581	2241	2580	2882	3170	3446
12250.00	1586	2247	2588	2890	3179	3456
12300.00	1591	2254	2595	2899	3189	3466
12350.00	1595	2260	2603	2907	3198	3476
12400.00	1600	2267	2610	2916	3207	3486
12450.00	1605	2273	2618	2924	3216	3496
12500.00	1609	2280	2625	2932	3226	3506
12550.00	1613	2285	2632	2939	3233	3515
12600.00	1617	2290	2637	2945	3240	3522
12650.00	1620	2295	2642	2951	3246	3529
12700.00	1623	2300	2648	2957	3253	3536
12750.00	1627	2305	2653	2963	3260	3543
12800.00	1630	2309	2658	2969	3266	3550
12850.00	1634	2314	2664	2975	3273	3557
12900.00	1637	2319	2669	2981	3279	3565
12950.00	1641	2324	2674	2987	3286	3572
13000.00	1644	2328	2680	2993	3292	3579
13050.00	1648	2333	2685	2999	3299	3586
13100.00	1651	2338	2690	3005	3305	3593
13150.00	1654	2343	2695	3011	3312	3600
13200.00	1658	2347	2701	3017	3319	3607
13250.00	1661	2352	2706	3023	3325	3614
13300.00	1665	2357	2711	3029	3332	3621
13350.00	1668	2362	2717	3035	3338	3629
13400.00	1672	2366	2722	3041	3345	3636
13450.00	1675	2371	2727	3047	3351	3643
13500.00	1679	2376	2733	3053	3358	3650

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
13550.00	1682	2381	2738	3059	3364	3657
13600.00	1686	2385	2743	3064	3371	3664
13650.00	1689	2390	2749	3070	3377	3671
13700.00	1692	2395	2754	3076	3384	3678
13750.00	1696	2400	2759	3082	3391	3686
13800.00	1699	2404	2765	3088	3397	3693
13850.00	1703	2409	2770	3094	3404	3700
13900.00	1706	2414	2775	3100	3410	3707
13950.00	1710	2419	2781	3106	3417	3714
14000.00	1713	2423	2786	3112	3423	3721
14050.00	1717	2428	2791	3118	3430	3728
14100.00	1720	2433	2797	3124	3436	3735
14150.00	1723	2438	2802	3130	3443	3742
14200.00	1727	2442	2807	3136	3449	3750
14250.00	1730	2447	2813	3142	3456	3757
14300.00	1734	2452	2818	3148	3463	3764
14350.00	1737	2457	2823	3154	3469	3771
14400.00	1741	2461	2829	3160	3476	3778
14450.00	1744	2466	2834	3166	3482	3785
14500.00	1748	2471	2839	3172	3489	3792
14550.00	1751	2476	2845	3178	3495	3799
14600.00	1754	2481	2850	3184	3502	3807
14650.00	1758	2485	2855	3189	3508	3814
14700.00	1761	2490	2861	3195	3515	3821
14750.00	1765	2495	2866	3201	3522	3828
14800.00	1768	2500	2871	3207	3528	3835
14850.00	1772	2504	2877	3213	3535	3842
14900.00	1775	2509	2882	3219	3541	3849
14950.00	1779	2514	2887	3225	3548	3856
15000.00	1782	2519	2893	3231	3554	3863
15050.00	1786	2523	2898	3237	3561	3871
15100.00	1789	2528	2903	3243	3567	3878
15150.00	1792	2533	2909	3249	3574	3885
15200.00	1796	2538	2914	3255	3580	3892
15250.00	1799	2542	2919	3261	3587	3899
15300.00	1803	2547	2925	3267	3594	3906
15350.00	1806	2552	2930	3273	3600	3913
15400.00	1810	2557	2935	3279	3607	3920
15450.00	1813	2561	2941	3285	3613	3928
15500.00	1817	2566	2946	3291	3620	3935
15550.00	1820	2571	2951	3297	3626	3942
15600.00	1823	2576	2957	3303	3633	3949
15650.00	1827	2580	2962	3309	3639	3956
15700.00	1830	2585	2967	3315	3646	3963
15750.00	1834	2590	2973	3320	3653	3970

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
15800.00	1837	2595	2978	3326	3659	3977
15850.00	1841	2599	2983	3332	3666	3985
15900.00	1844	2604	2989	3338	3672	3992
15950.00	1848	2609	2994	3344	3679	3999
16000.00	1851	2614	2999	3350	3685	4006
16050.00	1854	2618	3005	3356	3692	4013
16100.00	1858	2623	3010	3362	3698	4020
16150.00	1861	2628	3015	3368	3705	4027
16200.00	1865	2633	3021	3374	3711	4034
16250.00	1868	2638	3026	3380	3718	4041
16300.00	1872	2642	3031	3386	3725	4049
16350.00	1875	2647	3037	3392	3731	4056
16400.00	1879	2652	3042	3398	3738	4063
16450.00	1882	2657	3047	3404	3744	4070
16500.00	1886	2661	3053	3410	3751	4077
16550.00	1889	2666	3058	3416	3757	4084
16600.00	1892	2671	3063	3422	3764	4091
16650.00	1896	2676	3069	3428	3770	4098
16700.00	1899	2680	3074	3434	3777	4106
16750.00	1903	2685	3079	3440	3783	4113
16800.00	1906	2690	3085	3445	3790	4120
16850.00	1910	2695	3090	3451	3797	4127
16900.00	1913	2699	3095	3457	3803	4134
16950.00	1917	2704	3101	3463	3810	4141
17000.00	1920	2709	3106	3469	3816	4148
17050.00	1923	2714	3111	3475	3823	4155
17100.00	1927	2718	3117	3481	3829	4162
17150.00	1930	2723	3122	3487	3836	4170
17200.00	1934	2728	3127	3493	3842	4177
17250.00	1937	2733	3133	3499	3849	4184
17300.00	1941	2737	3138	3505	3856	4191
17350.00	1944	2742	3143	3511	3862	4198
17400.00	1948	2747	3149	3517	3869	4205
17450.00	1951	2752	3154	3523	3875	4212
17500.00	1954	2756	3159	3529	3882	4219
17550.00	1958	2761	3165	3535	3888	4227
17600.00	1961	2766	3170	3541	3895	4234
17650.00	1965	2771	3175	3547	3901	4241
17700.00	1968	2775	3181	3553	3908	4248
17750.00	1972	2780	3186	3559	3914	4255
17800.00	1975	2785	3191	3565	3921	4262
17850.00	1979	2790	3197	3571	3928	4269
17900.00	1982	2794	3202	3576	3934	4276
17950.00	1986	2799	3207	3582	3941	4284
18000.00	1989	2804	3213	3588	3947	4291

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
18050.00	1992	2809	3218	3594	3954	4298
18100.00	1996	2814	3223	3600	3960	4305
18150.00	1999	2818	3229	3606	3967	4312
18200.00	2003	2823	3234	3612	3973	4319
18250.00	2006	2828	3239	3618	3980	4326
18300.00	2010	2833	3245	3624	3987	4333
18350.00	2013	2837	3250	3630	3993	4340
18400.00	2017	2842	3255	3636	4000	4348
18450.00	2020	2847	3260	3642	4006	4355
18500.00	2023	2852	3266	3648	4013	4362
18550.00	2027	2856	3271	3654	4019	4369
18600.00	2030	2861	3276	3660	4026	4376
18650.00	2034	2866	3282	3666	4032	4383
18700.00	2037	2871	3287	3672	4039	4390
18750.00	2041	2875	3292	3678	4045	4397
18800.00	2044	2880	3298	3684	4052	4405
18850.00	2048	2885	3303	3690	4059	4412
18900.00	2051	2890	3308	3696	4065	4419
18950.00	2055	2894	3314	3702	4072	4426
19000.00	2058	2899	3319	3707	4078	4433
19050.00	2061	2904	3324	3713	4085	4440
19100.00	2065	2909	3330	3719	4091	4447
19150.00	2068	2913	3335	3725	4098	4454
19200.00	2072	2918	3340	3731	4104	4461
19250.00	2075	2923	3346	3737	4111	4469
19300.00	2079	2928	3351	3743	4118	4476
19350.00	2082	2932	3356	3749	4124	4483
19400.00	2086	2937	3362	3755	4131	4490
19450.00	2089	2942	3367	3761	4137	4497
19500.00	2092	2947	3372	3767	4144	4504
19550.00	2096	2951	3378	3773	4150	4511
19600.00	2099	2956	3383	3779	4157	4518
19650.00	2103	2961	3388	3785	4163	4526
19700.00	2106	2966	3394	3791	4170	4533
19750.00	2110	2970	3399	3797	4176	4540
19800.00	2113	2975	3404	3803	4183	4547
19850.00	2117	2980	3410	3809	4190	4554
19900.00	2120	2985	3415	3815	4196	4561
19950.00	2123	2990	3420	3821	4203	4568
20000.00	2127	2994	3426	3827	4209	4575
20050.00	2130	2999	3431	3832	4216	4583
20100.00	2134	3004	3436	3838	4222	4590
20150.00	2137	3009	3442	3844	4229	4597
20200.00	2141	3013	3447	3850	4235	4604
20250.00	2144	3018	3452	3856	4242	4611

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
20300.00	2148	3023	3458	3862	4248	4618
20350.00	2151	3028	3463	3868	4255	4625
20400.00	2154	3031	3467	3873	4260	4630
20450.00	2157	3035	3471	3877	4265	4636
20500.00	2160	3039	3475	3881	4269	4641
20550.00	2164	3043	3479	3886	4274	4646
20600.00	2167	3047	3482	3890	4279	4651
20650.00	2170	3051	3486	3894	4284	4656
20700.00	2173	3055	3490	3899	4288	4661
20750.00	2176	3059	3494	3903	4293	4667
20800.00	2179	3063	3498	3907	4298	4672
20850.00	2182	3066	3502	3912	4303	4677
20900.00	2186	3070	3506	3916	4307	4682
20950.00	2189	3074	3510	3920	4312	4687
21000.00	2192	3078	3513	3924	4317	4692
21050.00	2195	3082	3517	3929	4322	4698
21100.00	2198	3086	3521	3933	4326	4703
21150.00	2201	3090	3525	3937	4331	4708
21200.00	2204	3094	3529	3942	4336	4713
21250.00	2207	3097	3533	3946	4341	4718
21300.00	2211	3101	3537	3950	4345	4724
21350.00	2214	3105	3541	3955	4350	4729
21400.00	2217	3109	3544	3959	4355	4734
21450.00	2220	3113	3548	3963	4360	4739
21500.00	2223	3117	3552	3968	4364	4744
21550.00	2226	3121	3556	3972	4369	4749
21600.00	2229	3125	3560	3976	4374	4755
21650.00	2233	3129	3564	3981	4379	4760
21700.00	2236	3132	3568	3985	4384	4765
21750.00	2239	3136	3571	3989	4388	4770
21800.00	2242	3140	3575	3994	4393	4775
21850.00	2245	3144	3579	3998	4398	4780
21900.00	2248	3148	3583	4002	4403	4786
21950.00	2251	3152	3587	4007	4407	4791
22000.00	2255	3156	3591	4011	4412	4796
22050.00	2258	3160	3595	4015	4417	4801
22100.00	2261	3163	3599	4020	4422	4806
22150.00	2264	3167	3602	4024	4426	4811
22200.00	2267	3171	3606	4028	4431	4817
22250.00	2270	3175	3610	4033	4436	4822
22300.00	2273	3179	3614	4037	4441	4827
22350.00	2276	3183	3618	4041	4445	4832
22400.00	2280	3187	3622	4046	4450	4837
22450.00	2283	3191	3626	4050	4455	4842
22500.00	2286	3195	3630	4054	4460	4848

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
22550.00	2289	3198	3633	4059	4464	4853
22600.00	2292	3202	3637	4063	4469	4858
22650.00	2295	3206	3641	4067	4474	4863
22700.00	2298	3210	3645	4071	4479	4868
22750.00	2302	3214	3649	4076	4483	4873
22800.00	2305	3218	3653	4080	4488	4879
22850.00	2308	3222	3657	4084	4493	4884
22900.00	2311	3226	3661	4089	4498	4889
22950.00	2314	3230	3664	4093	4502	4894
23000.00	2317	3233	3668	4097	4507	4899
23050.00	2320	3237	3672	4102	4512	4904
23100.00	2323	3241	3676	4106	4517	4910
23150.00	2327	3245	3680	4110	4521	4915
23200.00	2330	3249	3684	4115	4526	4920
23250.00	2333	3253	3688	4119	4531	4925
23300.00	2336	3257	3691	4123	4536	4930
23350.00	2339	3261	3695	4128	4540	4935
23400.00	2342	3264	3699	4132	4545	4941
23450.00	2345	3268	3703	4136	4550	4946
23500.00	2349	3272	3707	4141	4555	4951
23550.00	2352	3276	3711	4145	4559	4956
23600.00	2355	3280	3715	4149	4564	4961
23650.00	2358	3284	3719	4154	4569	4967
23700.00	2361	3288	3722	4158	4574	4972
23750.00	2364	3292	3726	4162	4579	4977
23800.00	2367	3296	3730	4167	4583	4982
23850.00	2370	3299	3734	4171	4588	4987
23900.00	2374	3303	3738	4175	4593	4992
23950.00	2377	3307	3742	4180	4598	4998
24000.00	2380	3311	3746	4184	4602	5003
24050.00	2383	3315	3750	4188	4607	5008
24100.00	2386	3319	3753	4193	4612	5013
24150.00	2389	3323	3757	4197	4617	5018
24200.00	2392	3327	3761	4201	4621	5023
24250.00	2396	3330	3765	4206	4626	5029
24300.00	2399	3334	3769	4210	4631	5034
24350.00	2402	3338	3773	4214	4636	5039
24400.00	2405	3342	3777	4219	4640	5044
24450.00	2408	3346	3781	4223	4645	5049
24500.00	2411	3350	3784	4227	4650	5054
24550.00	2414	3354	3788	4231	4655	5060
24600.00	2417	3358	3792	4236	4659	5065
24650.00	2421	3362	3796	4240	4664	5070
24700.00	2424	3365	3800	4244	4669	5075
24750.00	2427	3369	3804	4249	4674	5080

<i>Monthly Basic Child Support Schedule</i>						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
24800.00	2430	3373	3808	4253	4678	5085
24850.00	2433	3377	3811	4257	4683	5091
24900.00	2436	3381	3815	4262	4688	5096
24950.00	2439	3385	3819	4266	4693	5101
25000.00	2443	3389	3823	4270	4697	5106
25050.00	2446	3393	3827	4275	4702	5111
25100.00	2449	3396	3831	4279	4707	5116
25150.00	2452	3400	3835	4283	4712	5122
25200.00	2455	3404	3839	4288	4716	5127
25250.00	2458	3408	3842	4292	4721	5132
25300.00	2461	3412	3846	4296	4726	5137
25350.00	2465	3416	3850	4301	4731	5142
25400.00	2468	3420	3854	4305	4735	5147
25450.00	2471	3424	3858	4309	4740	5153
25500.00	2474	3428	3862	4314	4745	5158
25550.00	2477	3431	3866	4318	4750	5163
25600.00	2480	3435	3870	4322	4755	5168
25650.00	2483	3439	3873	4327	4759	5173
25700.00	2486	3443	3877	4331	4764	5178
25750.00	2490	3447	3881	4335	4769	5184
25800.00	2493	3451	3885	4340	4774	5189
25850.00	2496	3455	3889	4344	4778	5194
25900.00	2499	3459	3893	4348	4783	5199
25950.00	2502	3462	3897	4353	4788	5204
26000.00	2505	3466	3901	4357	4793	5210
26050.00	2508	3470	3904	4361	4797	5215
26100.00	2512	3474	3908	4366	4802	5220
26150.00	2515	3478	3912	4370	4807	5225
26200.00	2518	3482	3916	4374	4812	5230
26250.00	2521	3486	3920	4378	4816	5235
26300.00	2524	3490	3924	4383	4821	5241
26350.00	2527	3494	3928	4387	4826	5246
26400.00	2530	3497	3931	4391	4831	5251
26450.00	2533	3501	3935	4396	4835	5256
26500.00	2537	3505	3939	4400	4840	5261
26550.00	2540	3509	3943	4404	4845	5266
26600.00	2543	3513	3947	4409	4850	5272
26650.00	2546	3517	3951	4413	4854	5277
26700.00	2549	3521	3955	4417	4859	5282
26750.00	2552	3525	3959	4422	4864	5287
26800.00	2555	3529	3962	4426	4869	5292
26850.00	2559	3532	3966	4430	4873	5297
26900.00	2562	3536	3970	4435	4878	5303
26950.00	2565	3540	3974	4439	4883	5308
27000.00	2568	3544	3978	4443	4888	5313

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
27050.00	2571	3548	3982	4448	4892	5318
27100.00	2574	3552	3986	4452	4897	5323
27150.00	2577	3556	3990	4456	4902	5328
27200.00	2580	3560	3993	4461	4907	5334
27250.00	2584	3563	3997	4465	4911	5339
27300.00	2587	3567	4001	4469	4916	5344
27350.00	2590	3571	4005	4474	4921	5349
27400.00	2593	3575	4009	4478	4926	5354
27450.00	2596	3579	4013	4482	4930	5359
27500.00	2599	3583	4017	4487	4935	5365
27550.00	2602	3587	4021	4491	4940	5370
27600.00	2606	3591	4024	4495	4945	5375
27650.00	2609	3595	4028	4500	4950	5380
27700.00	2612	3598	4032	4504	4954	5385
27750.00	2615	3602	4036	4508	4959	5390
27800.00	2618	3606	4040	4513	4964	5396
27850.00	2621	3610	4044	4517	4969	5401
27900.00	2624	3614	4048	4521	4973	5406
27950.00	2627	3618	4051	4526	4978	5411
28000.00	2631	3622	4055	4530	4983	5416
28050.00	2634	3626	4059	4534	4988	5421
28100.00	2637	3629	4063	4538	4992	5427
28150.00	2640	3633	4067	4543	4997	5432
28200.00	2643	3637	4071	4547	5002	5437
28250.00	2646	3641	4075	4551	5007	5442
28300.00	2649	3645	4079	4556	5011	5447
28350.00	2653	3649	4082	4560	5016	5453
28400.00	2656	3653	4086	4564	5021	5458
28450.00	2659	3657	4090	4569	5026	5463
28500.00	2662	3661	4094	4573	5030	5468
28550.00	2665	3664	4098	4577	5035	5473
28600.00	2668	3668	4102	4582	5040	5478
28650.00	2671	3672	4106	4586	5045	5484
28700.00	2675	3676	4110	4590	5049	5489
28750.00	2678	3680	4113	4595	5054	5494
28800.00	2681	3684	4117	4599	5059	5499
28850.00	2684	3688	4121	4603	5064	5504
28900.00	2687	3692	4125	4608	5068	5509
28950.00	2690	3695	4129	4612	5073	5515
29000.00	2693	3699	4133	4616	5078	5520
29050.00	2696	3703	4137	4621	5083	5525
29100.00	2700	3707	4141	4625	5087	5530
29150.00	2703	3711	4144	4629	5092	5535
29200.00	2706	3715	4148	4634	5097	5540
29250.00	2709	3719	4152	4638	5102	5546

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
29300.00	2712	3723	4156	4642	5106	5551
29350.00	2715	3727	4160	4647	5111	5556
29400.00	2718	3730	4164	4651	5116	5561
29450.00	2722	3734	4168	4655	5121	5566
29500.00	2725	3738	4171	4660	5126	5571
29550.00	2728	3742	4175	4664	5130	5577
29600.00	2731	3746	4179	4668	5135	5582
29650.00	2734	3750	4183	4673	5140	5587
29700.00	2737	3754	4187	4677	5145	5592
29750.00	2740	3758	4191	4681	5149	5597
29800.00	2743	3762	4195	4685	5154	5602
29850.00	2747	3765	4199	4690	5159	5608
29900.00	2750	3769	4202	4694	5164	5613
29950.00	2753	3773	4206	4698	5168	5618
30000.00	2756	3777	4210	4703	5173	5623

[Explanatory Comment—2005

The schedule has been amended to reflect updated economic data. See Explanatory Comment—2005 following Rule 1910.16-1.]

Explanatory Comment—2008

The basic child support schedule has been amended to reflect updated economic data. The schedule has been expanded to include all cases in which the parties' combined net monthly income is \$30,000 or less. It also reflects an increase in the Self-Support Reserve to \$867, the 2008 poverty income for one person. The schedule was further adjusted to reflect a rebuttable presumption that the child/ren spend 30% of the time with the obligor.

Rule 1910.16-3.1. Support Guidelines. High Income Cases.

(a) *Child Support Formula.*

(1) When the parties' combined net incomes are above \$30,000 per month, the following formula shall be applied to calculate the amount of basic child support to be apportioned between the parties according to their respective incomes:

One child: \$2,756 + 6.5% of combined net income above \$30,000 per month.

Two children: \$3,777 + 8.0% of combined net income above \$30,000 per month.

Three children: \$4,210 + 9.2% of combined net income above \$30,000 per month.

Four children: \$4,703 + 10.3% of combined net income above \$30,000 per month.

Five children: \$5,173 + 11.3% of combined net income above \$30,000 per month.

Six children: \$5,623 + 12.3% of combined net income above \$30,000 per month.

(2) The court shall consider the following factors in determining whether to make a deviation from

the amount of basic child support calculated pursuant to subdivision (a)(1) of this rule:

- (i) any unusual needs of the child;
- (ii) the amount the parties expended on the child prior to the filing of the support complaint;
- (iii) the relative assets and liabilities of the parties;
- (iv) the respective parenting time of the parties; and
- (v) any other relevant and appropriate factors.

(b) *Spousal Support and Alimony Pendente Lite.* In cases in which the parties' combined monthly net income exceeds \$30,000, spousal support and alimony pendente lite shall be based upon the reasonable needs of the dependent spouse. However, the amount of spousal support or alimony pendente lite shall not be lower than the amount it would be if the parties' combined net monthly income were \$30,000 and shall not exceed 30% of the difference in the parties' incomes with dependent children or 40% of the difference in the parties' incomes without dependent children. In determining the amount and duration of spousal support or alimony pendente lite, the court shall consider the following factors:

- (1) the amount of child support the obligee is receiving;
- (2) unusual needs and unusual fixed obligations of the parties;
- (3) other support obligations of the parties;
- (4) other income in the household;
- (5) the relative assets and liabilities of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties;

- (8) earning capacities of the parties;
- (9) duration of the marriage from the date of marriage to the date of final separation;
- (10) the respective parenting time of the parties; and
- (11) other relevant and appropriate factors.

(c) Rule 1910.16-4(c), (d) and (e) do not apply to cases decided pursuant to this Rule 1910.16-3.1 because they are factors to be considered under subdivisions (a)(2) or (b) above.

Explanatory Comment—2008

New Rule 1910.16-3.1 is intended to bring all child support cases under the guidelines and treat similarly situated parties similarly. Thus, high-income child support cases will no longer be decided pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). Economic data support the amounts in the basic child support schedule up to combined net incomes of \$30,000 per month. Above that amount, economic data are not readily available. Thus, for cases in which the parties' combined net monthly income is above \$30,000, the formula applies a fixed percentage to calculate the amount of support. The formula is an extrapolation of the available economic data to higher income cases. Spousal support and alimony pendente lite awards in high-income cases are based upon reasonable need, but the award cannot be lower than it would have been if the parties' combined net monthly income were \$30,000.

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of [the] basic [guideline] child support, either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a). It also shall be used to calculate spousal support [and/] or alimony pendente lite [obligation] when the parties' combined net monthly income is \$30,000 or less:

* * * * *

(c) *Substantial or Shared Physical Custody.*

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic support obligation to reflect this time. Except as provided in subsections (2) and (3) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

Example. Where the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is [\$1,548] \$1,663 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or [\$1,053] \$1,131. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or [\$898] \$965. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or [\$820]

\$881. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or [\$743] \$798.

(2) Without regard to which parent initiated the support action, when the children spend equal time with both parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. In no event shall an order be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, nothing in this subdivision shall prevent the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Rule 1910.16-6. Pursuant to either party's initiating a support action, the trier of fact may enter an order against either party based upon the evidence presented without regard to which party initiated the action. If application of the formula in Part II results in the obligee receiving a larger share of the parties' combined income in cases in which the parties share custody equally, then the court shall adjust the support obligation so that the combined income is allocated equally between the two households. In those cases, no spousal support or alimony pendente lite shall be awarded.

Example 1. Mother and Father have monthly net incomes of \$3,000 and \$2,700 respectively. Mother has filed for support for the parties' two children with whom they share time equally. Pursuant to the Basic Child Support Schedule at Rule 1910.16-3, the support amount for two children at their parents' combined net income level is [\$1,302] \$1,440 per month. Mother's share is 53% of that amount, or [\$690] \$763. Father's share is 47%, or [\$612] \$677. Application of subdivisions a. and b. of the Part II formula results in a 20% reduction in support when each parent spends 50% of the time with the children. Because the parties share custody equally, Mother cannot be the obligee for purposes of the Part II calculation because she has the higher income of the two parents. In these circumstances, although Mother initiated the support action, she would become the obligor even if Father has not filed for support. Father cannot be an obligor in the Part II calculations nor can the amount of support Mother is obligated to pay to Father be offset by calculating Father's adjusted amount of support under Part II because a support order cannot be entered against the parent with the lesser income. Using Mother as the obligor, her adjusted percentage share of the basic support amount is 33% (53% - 20% = 33%). Her adjusted share of the basic support amount is [\$430] \$475 (33% of [\$1,302] \$1,440). However, instead of [\$430] \$475 per month, Mother's support obligation would be adjusted to \$150 per month to allocate the parties' combined income equally between the two households. This is the presumptive amount of basic support payable to Father under these circumstances.

Example 2. Where the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500 respectively, their combined child support obligation for two children is [\$1,268] \$1,412. The obligor's share of this obligation is 55%, or [\$697] \$777. If the children spend equal time with both parents, the formula in Part II results in a support obligation of [\$444] \$494 payable to the obligee. Since this amount gives the obligee [\$2,944] \$2,994 of the

combined income, and leaves the obligor with only [\$2,556] \$2,506 of the combined income, the obligor's support obligation must be adjusted to \$250 to equalize the combined income between the parties' households. This is the presumptive amount of basic support payable to the obligee under these circumstances.

(3) This subdivision shall not apply when the obligor's income falls within the shaded area of the schedule in Rule 1910.16-3 or when the obligee's income is 10% or less of the parties' combined income.

(d) *Divided or Split Physical Custody.*

(1) When calculating a child support obligation, and one or more of the children reside with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$1,500 and \$800 respectively, Father's child support obligation is calculated as follows. Using the formula with the schedule in Rule 1910.16-3 for two children, Father's support obligation for the two children living with Mother is [\$513] \$518. Using the formula with the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is [\$199] \$193. Subtracting [\$199] \$193 from [\$513] \$518 produces a net basic support amount of [\$314] \$325 payable to Mother as child support.

* * * * *

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony pendente lite (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony pendente lite shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony pendente lite, and awarding the net difference either to the non-custodial parent as spousal support/alimony pendente lite or to the custodial parent as child support as the circumstances warrant.

The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent's support obligation to the children and the effect of that obligation upon the custodial parent's spousal support obligation. The example assumes that the parties have two children and the non-custodial parent's net monthly income is \$1,000 and the custodial parent's net monthly income is \$2,600. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children, i.e., \$640. Second, [**recompute**] **recalculate** the net income of the parties assuming the payment of the spousal support so that \$640 is deducted from the custodial parent's net income, now \$1,960, and added to the non-custodial parent's net income, now \$1,640. Third, determine the child support obligation of the non-custodial parent for two children, i.e., [\$501] \$536. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent's child support obligation from Step 3 ([\$501] \$536) from the original support

obligation determined in Step 1 (\$640). The recomputed spousal support is [\$139] \$104.

* * * * *

Explanatory Comment—2008

The basic support schedule reflects the rebuttable presumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. Variable expenditures, such as food and entertainment that fluctuate based upon parenting time, were adjusted in the schedule to build in the presumption of 30% parenting time.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

Rule 1910.16-5. Support Guidelines. Deviation.

(a) *Deviation.* If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

Official Note: The deviation applies to the amount of the support obligation and not to the amount of income.

(b) *Factors.* In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) other support obligations of the parties;
- (3) other income in the household;
- (4) ages of the children;
- (5) assets of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties and their children;
- (8) in a spousal support or alimony pendente lite case, the period of time during which the parties lived together from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the best interests of the child or children.

[(c) *Duration.* In determining the duration of an award for spousal support or alimony pendente lite, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.]

Explanatory Comment—2005

Rule 1910.16-5 sets forth the factors for deviation from the presumptive amount of support. Subdivision (c) and subsection (b)(8) permit the court to consider the length of the marriage in determining the amount and duration of a spousal support or alimony pendente lite award. The primary purpose of these provisions is to prevent the

unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

Explanatory Comment—2008

The provisions of subdivision (c), which provided that the court must consider the length of the parties' marriage in determining the duration of an award of spousal support or alimony pendente lite, were moved to new Rule 1910.16-1(c)(2). The length of the marriage, from the date of marriage to the date of final separation, remains a factor to consider in determining whether or not deviation from the amount of the award is warranted.

* * * * *

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

(a) *Child care expenses.* Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their net incomes and added to his and her basic support obligation. When a parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the full unsubsidized cost of the child care, not just the amount actually paid by the parent receiving the subsidy. However, if allocation of the unsubsidized amount would result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 may be warranted.

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is [**\$1,268**] **\$1,412** for two children. As Father's income is 64% of the parties' combined income, his share is [**\$812**] **\$904**. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of [**\$1,032**] **\$1,124** ([**\$812**] **\$904** + \$220 = [**\$1,032**] **\$1,124**).

* * * * *

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible parent is not qualified to receive the credit.

Official Note: A child care subsidy provided by the Department of Public Welfare should not be used to reduce the child care expenses subject to allocation between the parties to the extent that the obligor has the financial resources to contribute to the actual costs of child care. Nor is it appropriate to order the obligee to

seek a child care subsidy in order to reduce the obligor's share of child care expenses if the obligor has the financial ability to contribute to those expenses. While public policy requires that parents, rather than taxpayers, pay for their children's child care when they are able to do so, allocation of the full unsubsidized cost of child care may result in a support order that is overly burdensome to the obligor. In those circumstances, in addition to considering deviation to relieve the burden on the obligor, the trier of fact also has the discretion to determine whether or not to include in the order other adjustments under Rule 1910.16-6, such as a mortgage contribution, which are not mandatory. No adjustment to the basic support amount shall be permitted if such would cause the obligor's remaining net monthly income to fall below the Self-Support Reserve of [**\$748**] **\$867**. Implicit in the rule requiring apportionment of the unsubsidized cost of child care is recognition of the duty of the subsidy recipient to report any additional income pursuant to Department of Public Welfare regulations so that adjustments can be made to entitlements accordingly.

* * * * *

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony pendente lite and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony pendente lite or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. **This rule shall not be applied after a final resolution of all outstanding economic claims.** For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

* * * * *

Explanatory Comment—2008

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.

(a) When the total of the obligor's basic child support obligations equals fifty percent or less of his or her monthly net income, there will generally be no deviation from the guideline amount of support on the ground of the existence of a new family. For example, where the obligor requests a reduction of support for one child of the

first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse and \$1,300 for the current spouse, the request for a reduction will be denied because the total support obligation of [\$1,142] \$1,141 ([\$601] \$593 for the first child and [\$541] \$548 for the second child) is less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds fifty percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, in no event should either a first or later family receive preference. Nor shall the court divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out of wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$1,500 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The guideline amounts for each family are [\$514] \$522 for the two children of the first marriage, [\$386] \$365 for the one child of the second marriage, and [\$362] \$357 for the one child out of wedlock for a total support obligation of [\$1,262] \$1,244. Since the total of these obligations exceeds fifty percent of the obligor's net monthly income of \$1,500 per month, the court may consider a proportional reduction of all of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are [\$1,000] \$1,500 for the obligor, \$0 for the first spouse and \$500 for the second spouse. The guideline amounts for each family are [\$229] \$531 for the two children of the first marriage and [\$422] \$615 for the three children of the second marriage for a total support obligation of [\$651] \$1,146. Since this total obligation leaves the obligor with only [\$349] \$354 on which to live, the order for the three children of the second family is too high. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. The obligor is sued to establish orders for three children born out of wedlock. The net monthly incomes for the obligor and for each obligee is \$1,500. The court would determine that the guideline figure for each child is [\$362] \$357 for a total obligation of [\$1,086] \$1,071 for three children. It would be incorrect to determine the guideline amount for three children, in this case [\$724] \$1,213, and then divide that amount among the three children.

(c) For purposes of this rule, the presumptive amount of the obligor's basic support obligation is calculated using only the basic guideline amounts of support, as determined from the formula in Rule 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Rule 1910.16-6. In calculating

the presumptive amount of the obligor's basic support obligation, the court should ensure that obligor retains at least [\$748] \$867 per month consistent with Rule 1910.16-2(e).

Example 1. Assume that the obligor is paying [\$591] \$575 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for both the former and current spouses. The obligor's request for a reduction should be denied because the total of the basic guideline obligations for both children is only [\$1,182] \$1,150 ([\$591] \$575 for each child) and this amount does not exceed 50% of the obligor's net monthly income. No reduction should be given on the basis that the obligor's contribution to child care expenses for the first child results in an overall support obligation of [\$1,382] \$1,350 which exceeds 50% of the obligor's net monthly income. Thus, the presumptive amount of basic support for the two children is still [\$1,182] \$1,150 ([\$591] \$575 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that the obligor is paying [\$227] \$365 per month support for one child of the first marriage. The obligor has one new child of the second intact marriage. The relevant incomes are [\$1,000] \$1,500 for the obligor and \$0 for both the former and current spouses. No reduction should be given on the basis of the obligor's new child because the total of the basic guideline obligations for both children is only [\$454] \$730 ([\$227] \$365 for each child) and this amount does not exceed 50% of the obligor's net monthly income. Since, however, this amount leaves the obligor with only [\$546] \$770 per month, the court should proportionally reduce the support obligations so that the obligor retains [\$748] \$867 per month. Thus, the presumptive amount of basic support for the two children is [\$252] \$633 ([\$126] \$316.50 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

[(d) When an obligor is subject to more than one order for child support, spousal support and/or alimony pendente lite, the priority for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows unless the court specifically orders a different distribution priority:

- (1) current child support.**
- (2) medical, child care or other court-ordered child support-related expenses.**
- (3) current spousal support or alimony pendente lite.**
- (4) child support arrears.**

(5) spousal support or alimony pendente lite arrears.

(6) court costs.]

* * * * *

Explanatory Comment—2008

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$867 per month, the 2008 federal poverty level for one person. The distribution priorities formerly in subdivision (d) have been moved to Rule 1910.17(d) to clarify that these priorities apply to all support orders, not just those involving multiple families.

* * * * *

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. Priority of Distribution of Payments.

* * * * *

(d) The priority for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows:

- (1) current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) current spousal support or alimony pendente lite.
- (4) child support arrears.
- (5) spousal support or alimony pendente lite arrears.
- (6) court costs.

[Explanatory Comment—1981

Section 6706(a) of the Judicial Code provides that an order of support may be made effective as of the date of the filing of the complaint. Subdivision (a) of the Rule prescribes that the order shall be effective from the date of filing the complaint "unless the order specifies otherwise."

A note has been added to the subdivision referring to Section 6706(b) of the Code, which provides an administrative procedure for making payment pursuant to an order of support.

Subdivision (b) requires the court in its order to impose upon the defendant the continuing duty to inform the domestic relations section of any change of address. This obligation of the defendant forms the basis upon which papers in the action may subsequently be served upon him. The requirement of informing the domestic relations section of the current address also facilitates other communication between the section and the defendant with respect to payment, arrearages, and other matters.

Explanatory Comment—1988

The introduction to the explanatory comment appears under Rule 1910.49.

Subdivision (a) governing the effective date of a support order remains unchanged but the note is enlarged and made current. The manner of making support payments is now set forth in section 4325 of Title 23 of the Consolidated Statutes, 23 Pa.C.S. § 4325, to which the note, as revised, refers. Also, the note contains a reference to the requirements of Act 66 and Rule 1910.22 that every support order must contain an immediate or conditional order of income attachment, discussed *infra* under Rule 1910.22.

Subdivision (b) is revised to use the terms "obligor" and "obligee" rather than "plaintiff" or "defendant." This is the terminology of Act 66 and consistent terminology lessens the opportunity for confusion.

Former subdivision (b) imposed a continuing duty on the defendant to inform the domestic relations section of any change in address. In conformity with Act 66, 23 Pa.C.S. § 4353, the rule is revised by expanding the duty of the obligor to update information concerning employment, personal address or the address of a child receiving support. The statute and the rule both provide for punishment by contempt of court for the willful failure to inform the domestic relations section of the required information.

New subdivision (c) requires that the parties and their attorneys be served with a copy of the support order. This provision comports with the regulations of the Federal Office of Child Support Enforcement, 45 CFR 303.101(c)(3).

Explanatory Comment—1994

The proposed amendment conforms Rule 1910.17 to the requirements of 23 Pa.C.S. § 4353 by augmenting the list of changed circumstances which parties are required to report, in writing, within seven days.]

Explanatory Comment—2008

Subdivision (d) has been moved from Rule 1910.16-7 and addresses the priority of the distribution of payments and collections in all cases, not just those involving multiple families.

* * * * *

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification.

* * * * *

(c) The Income and Expense Statements to be attached to the order shall be in substantially the following form:

* * * * *

(2) *Expense Statements.* An Expense Statement is not required in cases which can be determined pursuant to the guidelines unless a party avers unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. (See Rule 1910.11(c)(1)). Child support is calculated under the guidelines based upon the net incomes of the parties, with additional amounts ordered as necessary to provide for child care expenses, health insurance premiums, unreimbursed medical expenses, mortgage payments and other needs, contingent upon the obligor's

ability to pay. The Expense Statement in subparagraph (A) below shall be utilized if a party is claiming that he or she has unusual needs and unusual fixed expenses that may warrant deviation or adjustment in a case determined under the guidelines. [In cases which must be determined pursuant to Melzer v. Witsberger, 505 Pa. 462, 480 A.2d 991 (1984), because the parties' combined net monthly income exceeds \$20,000 per month] In child support, spousal support and alimony pendente lite cases calculated pursuant to Rule 1910.16-3.1 and in divorce cases involving claims for alimony or counsel fees, costs and expenses pursuant to Rule 1920.31(a), the parties must complete the Expense Statement in subparagraph (B) below.

(A) Guidelines Expense Statement. If the combined monthly net income of the parties is [\$20,000] \$30,000 or less, it is not necessary to complete this form unless a party is claiming unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. At the conference, each party must provide receipts or other verification of expenses claimed on this statement. The Guidelines Expense Statement shall be substantially in the following form.

* * * * *

(B) [Melzer] Expense Statement for Cases Pursuant to Rule 1910.16-3.1 and Rule 1920.31. No later than five business days prior to the conference, the parties shall exchange this form, along with receipts or other verification of the expenses set forth on this form. Failure to comply with this provision may result in an appropriate order for sanctions and/or the entry of an interim order based upon the information provided.

* * * * *

By the Domestic Relations Procedural Rules Committee

NANCY P. WALLITSCH, ESQUIRE, Chair

[Pa.B. Doc. No. 08-1248. Filed for public inspection July 3, 2008, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 200 AND 3000]

Proposed Amendment of Rules 237.1, 3281, 3283 and 3284 Governing Proceedings to Fix Fair Market Value of Real Property Sold; Recommendation No. 233

The Civil Procedural Rules Committee proposes that Rules of Civil Procedure 237.1, 3281, 3283 and 3284 governing proceedings to fix fair market value of real property sold be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than August 22, 2008 to:

Karla M. Shultz, Esquire Counsel Civil Procedural Rules Committee 5035 Ritter Road, Suite 700 Mechanicsburg, Pennsylvania 17055

or E-Mail to civil.rules@pacourts.us

The Explanatory Comment which appears in connection with the proposed recommendation has been inserted by the Committee for the convenience of the bench and bar. It will not constitute part of the rules of civil procedure or be officially adopted or promulgated by the Court.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF COURTS

Rule 237.1. Notice of Praecept for Entry of Judgment of Non Pros for Failure to File Complaint or by Default for Failure to Plead.

(a)(1) As used in this rule,

"judgment of non pros" means a judgment entered by praecipe pursuant to Rule 1037(a) and 1659;

Official Note: When a defendant appeals from a judgment entered in a magisterial district [judge] court, Pa.R.C.P.M.D.J. 1004(b) authorizes the appellant to file a praecipe for a rule as of course upon the appellee to file a complaint or suffer entry of a judgment of non pros. The entry of the judgment of non pros is governed by Pa.R.C.P. No. 1037(a) and is subject to this rule.

* * * * *

(b) This rule does not apply to a judgment entered

(1) by an order of court,

(2) upon praecipe pursuant to an order of court, or

(3) pursuant to a rule to show cause.

Official Note: See Rule 3284 which requires that in proceedings to fix fair market value of real property sold, notice must be given pursuant to the requirements of Rule 237.1 et seq.

* * * * *

CHAPTER 3000. JUDGMENTS

Rule 3281. Parties.

(a) The petition shall name the judgment creditor as petitioner.

(b) The petition [shall] may name as respondent any debtor, obligor, guarantor, mortgagor, and any other person directly or indirectly liable to the judgment creditor for the payment of the debt, and any owner of the property affected thereby.

Rule 3283. Service.

[(a) The petition shall be served

(1) upon a respondent who is a defendant in the judgment who has entered an appearance, by the petitioner in the manner provided by Rule 440, and

(2) upon any other respondent]

(a)(1) If there is an attorney of record, service shall be made upon the respondent's attorney of record pursuant to Rule 440(a)(1)(i) or (ii).

(2) If there is no attorney of record, service shall be made

(i) by the sheriff or a competent adult who is not a party to the action in the manner prescribed by Rule 402(a) for service of original process, or

Official Note: See Rule 72 for the definition of “competent adult”.

* * * * *

Rule 3284. Order Upon Default or Admission.

[The court shall, without further notice or hearing, enter an order determining the fair market value of the real property to be the value alleged in the petition, determining the prior lien amounts to be in the amounts alleged in the petition and making any special allocation requested by the petition if

(1) no answer is filed within the required time to a petition which contains a notice to defend and notice has been given as provided by Rule 237.1 et seq., or

(2) an answer is filed which does not deny the allegations in the petition as to the fair market value, the prior lien amounts or any special allocation.]

(a) The prothonotary, on praecipe of the petitioner, shall enter judgment against the defendant for the failure to file within the required time an answer to the petition, which contains a notice to defend substantially in the form set forth in Rule 3282(b), upon determining that

(1) the petition was served pursuant to the requirements of Rule 3283 and

(2) notice was given pursuant to the requirements of Rule 237.1 et seq.

(b) In all cases, the court, on motion of a party, may enter an appropriate judgment against a party if an answer was filed, but does not deny the allegations in the petition as to the fair market value, prior lien amounts, and any special allocation.

Explanatory Comment

The Civil Procedural Rules Committee is proposing to amend Rule 3281 et seq. governing proceedings to fix fair market value of real property sold in two respects. First, current Rule 3283(a)(1) provides for a petition to fix fair market value to be served upon a respondent, who is a defendant in the judgment and who entered an appearance, pursuant to Rule 440 governing service of legal papers other than original process. Under Rule 440, service may be made by regular mail at the last known address of the defendant.

A problem arises in that the petition to fix fair market value is only filed after a sheriff's sale, and frequently the property that has been sold is the address at which the defendant resided prior to the sheriff's sale and is no longer a current address. Under these circumstances, service by regular mail at the last known address is not likely to furnish notice to the defendant. The proposed amendment to Rule 3283 would permit service pursuant to Rule 440 only if there is an attorney of record.

Second, current Rule 3284 provides that the court shall without further notice or hearing enter an order determining the fair market value of the property to be the value alleged in the petition if (1) no answer has been filed within the required time to a petition which includes a notice to defend and notice has been given pursuant to Rule 237.1, or (2) an answer is filed which does not deny the allegations in the petition as to the fair market value, the prior lien amounts, or any special allocation.

New subdivision (a) shifts to the prothonotary the responsibility for entering judgment upon a praecipe of the petitioner, in which there is an averment that no answer to the petition has been filed within the required time. The prothonotary will ensure that the record shows that (1) service was made pursuant to the requirements of Rule 3283, (2) an important notice was given pursuant to the requirements of Rule 237.1, (3) no answer was filed, and (4) the allegations in the petition justify the amount of the judgment that the petitioner seeks.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 08-1249. Filed for public inspection July 3, 2008, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

Order Adopting Rule 212; No. 364; Doc. No. 2

Order

Per Curiam:

Now, this 23rd day of June, 2008, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 37 Pa.B 1302 (March 24, 2007) and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 865), and a *Final Report* to be published with this *Order*.

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that new Rule of Criminal Procedure 212 is adopted in the form as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. 103(b), and shall be effective August 1, 2008.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. SEARCH WARRANT

Rule 212. Dissemination of Search Warrant Information.

The issuing authority shall not make any search warrants and any affidavits of probable cause available for public inspection or dissemination until the warrant has been executed, but in no case shall the delay be longer than 48 hours after the warrant has been issued.

COMMENT: Execution of search warrants carries the potential risk of hazard and premature dissemination of the intention to execute a warrant may greatly increase that risk. For this reason, this rule was adopted in 2008 to delay the dissemination of search warrant information to the general public

until after execution or no longer than 48 hours after issuance, whichever is sooner. This rule does not deny disclosure of search warrant information to the public, but rather, temporarily delays the dissemination of that information in order to protect public safety.

Once the warrant is executed, the information may be disseminated unless sealed pursuant to Rule 211.

Official Note: Rule 212 adopted June 23, 2008, effective August 1, 2008.

COMMITTEE EXPLANATORY REPORTS

Final Report explaining new Rule 212 providing for the limitations in dissemination of search warrant information published with the Court's Order at 38 Pa.B. 3651 (July 5, 2008).

FINAL REPORT¹

New Pa.R.Crim.P. 212

DISSEMINATION OF SEARCH WARRANT INFORMATION

On June 23, 2008, effective August 1, 2008, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the adoption of new Rule 121 to provide for the temporary delay in dissemination of search warrant information to the public prior to execution.

Recently, the Committee has been presented with questions regarding the obligation of an issuing authority to disseminate search warrant information to the public prior to the execution of these warrants. Concern about pre-execution dissemination has been heightened by the increased level of automation of court records and the correlative increased accessibility of this information.

Premature disclosure of search warrant information has the potential for injury or loss of life to the executing officers, in addition to the possibility of destruction or secretion of evidence. The Committee concluded that such disclosure was inappropriate and that reasonable limitations on pre-execution disclosure should be put into place, regardless of whether that information is disseminated electronically or is physically available for inspection at the issuing authority's office.

The Committee believed that such a restriction is consistent with current Pennsylvania law. In *PG Publishing Co. v. Commonwealth*, 532 Pa. 1, 614 A.2d 1106 (1992), the Court noted with approval the process of sealing executed search warrants by court order but specifically distinguished the pre-execution situation, stating, "The ex parte application for issuance of a search warrant and the issuing authority's consideration of the application are not subject to public scrutiny. The need for secrecy will ordinarily expire once the search warrant has been executed." 532 Pa. at 6, 614 A.2d at 1108.

Therefore, upon the Committee's recommendation, the Court has adopted new Rule 212 that prohibits the issuing authority from disseminating search warrant information, in any form, to the public until the warrant is executed. The search warrant itself, the affidavit of probable cause, and the existence of the warrant are included in this limitation.

¹ The Committee's *Final Reports* should not be confused with the official Committee *Comments* to the rules. Also note that the Supreme Court does not adopt the Committee's *Comments* or the contents of the Committee's explanatory *Final Reports*.

As originally proposed, new Rule 212 would not have contained a specific termination point for the delay in dissemination since the time in which a warrant must be executed is of finite duration, usually not to exceed two days from the time of issuance. Based on comments received to the publication of the original proposal suggesting that this finite duration was not entirely clear, the rule was modified to provide specifically that the delay of dissemination should not exceed 48 hours even if the warrant remains unexecuted. Therefore, the restriction on the dissemination of warrant information is temporary, and any impact on the right of public access to court records is very limited.

The delay provisions are placed in a new rule rather than as an amendment to Rule 211, which provides for the sealing of search warrant affidavits, because the procedure here is different in quality and duration from that for the sealing of a warrant. A search warrant sealed pursuant to Rule 211 provides for long-term restriction, up to the date of arraignment, and requires judicial review. The procedure contemplated by new Rule 212 would be of limited duration and ministerial in nature.

[Pa.B. Doc. No. 08-1250. Filed for public inspection July 3, 2008, 9:00 a.m.]

Title 25—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules: Rescission of Comment to Local Rule No. 9001; AO-12-2008; No. 440 M.D. 2008

Order

And Now, this 20th day of June, 2008, it is hereby ordered that the Comment to Dauphin County Local Rules of Criminal Procedure 9001, which stated

Comment: This rule is rescinded as a Rule of Criminal Procedure and is promulgated as a Rule of Evidence.

is hereby rescinded. The rule was never reimplemented as a rule of evidence and has been determined to be unnecessary.

This amendment shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 08-1251. Filed for public inspection July 3, 2008, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Patrick Clark McClurkin having been stricken from the roll of attorneys licensed to practice law in the State of Illinois by Order of the Supreme Court of Illinois dated December 5, 1988, the Supreme Court of Pennsylvania disbarred Patrick Clark McClurkin from the practice of law in this Commonwealth, effective July 18, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-1252. Filed for public inspection July 3, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Nurses

The Commissioner of Professional and Occupational Affairs (Commissioner) hereby rescinds § 43b.18 (relating to schedule of civil penalties—nurses—statement of policy) and replaces it with § 43b.18a (relating to schedule of civil penalties—nurses) to read as set forth in Annex A.

Effective date

The amendments are effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards or commissions.

Background and purpose

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts, with approximately 30% of all sanctions imposed by the boards and commissions being accomplished through the Act 48 citation process.

Annex A sets forth amendments to the civil penalty schedule of the State Board of Nursing (Board). The amendments were drafted following discussions with a representative of the Commissioner and the Board at regularly scheduled public meetings. The schedule of civil penalties for lapsed license violations was previously published as a statement of policy at 34 Pa.B. 5809 (October 23, 2004). This rulemaking codifies the schedule of civil penalties as a regulation.

In addition, the schedule of civil penalties is being amended to establish new civil penalties for violation of the continuing education requirement recently enacted in section 12 of the Professional Nursing Law (law) (63 P. S. § 222). Section 12 of the law requires professional nurses to complete 30 hours of continuing education during each biennium. The Board is promulgating comprehensive regulations implementing the mandate of section 12 of the law through separate rulemaking. The Commissioner is adopting a civil penalty schedule for violation of the continuing education requirements for professional nurses

because with over 200,000 professional nurses now subject to continuing education requirements, the Commissioner and Board believe the Act 48 citation process will be a much more efficient method of handling violations, while still ensuring licensees due process.

Description of the amendments

The Commissioner, in consultation with the Board, is establishing a \$250 civil penalty for the first offense of failing to complete 1 to 10 hours of continuing education in a biennial period; a \$500 civil penalty for failing to complete 11 to 20 hours of continuing education in a biennial period; and a \$1,000 civil penalty for failing to complete 21 to 30 hours of continuing education in a biennial period. Second and subsequent offenses would not be subject to an Act 48 citation, but rather, would proceed through the formal disciplinary process.

Summary of comments to the proposed rulemaking and the Commissioner's response

Notice of proposed rulemaking was published at 37 Pa.B. 1986 (April 28, 2007). During the public comment period, the Commissioner received comments from the Pennsylvania State Education Association (PSEA). In addition, as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12a), the House Professional Licensure Committee (HPLC) submitted a comment. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment. On June 28, 2007, the Commissioner received a letter from the Independent Regulatory Review Commission (IRRC) indicating that the Commission had no objections, comments or recommendations to offer on this regulation. The following represents a summary of the comments received and the Commissioner's response.

The PSEA expressed the opinion that the schedule of civil penalties for nurses who fail to complete mandatory continuing education is too harsh. In addition, the PSEA commented that there did not appear to be any due process provisions in the regulations to allow the nurse to appeal the imposition of a fine.

As a result of these comments, the Commissioner discussed the civil penalty schedule with the Board and concluded that the civil penalties are not excessive; in fact, they are significantly lower than the fines imposed by many other licensing boards in the Bureau for continuing education violations. For example, some boards routinely impose civil penalties of \$50 to \$100 per credit hour deficient. For ease of administration and due to the significantly larger licensee population of the Board, the Board and the Commissioner have determined that the civil penalties should be imposed in blocks of credits deficient rather than per credit hour. The Commissioner and the Board believe that these civil penalties are not excessive and will serve as a sufficient deterrent to prevent nurses from neglecting their mandatory continuing education requirement.

The procedures for appealing a civil penalty imposed by citation are set forth in § 43b.3 (relating to procedures). A nurse who wishes to dispute the imposition of a civil penalty imposed by citation simply declares this intention and mails the citation form back to the Bureau. A hearing is then scheduled before a hearing examiner, for which the nurse is notified by first class mail. If the nurse disagrees with the decision of the hearing examiner, the nurse may appeal it to the Board. If the Board ultimately

determines that the nurse has violated the regulations and is subject to the civil penalty, the nurse may appeal the Board's decision to the Commonwealth Court of Pennsylvania. The nurse's due process rights are fully protected by these procedures.

The HPLC noted that the schedule of civil penalties also includes a civil penalty for practicing on a lapsed license and that the continuing education requirement was imposed by the General Assembly as a condition for biennial renewal. Therefore, the HPLC asked whether a nurse would be subject to the civil penalties for both the failure to complete the continuing education requirement and for practicing on a lapsed license. Because the Bureau's enforcement of the continuing education requirements for all of the health-related boards is accomplished by way of post-renewal audit which is not accomplished until after the biennial renewal is completed, all otherwise renewable licenses are renewed. The Board has elected to impose a 6-month compliance period following the end of the biennial renewal period in which all deficient continuing education must be made up. Those nurses who self-report or who are identified as having been deficient through the postrenewal audit will be subject to the civil penalty for violation of the continuing education requirements. Those nurses who falsely certified that they were in compliance when they renew their licenses may also be subject to disciplinary action for violation of section 14(a)(4) of the law (63 P. S. § 224(a)(4)), which prohibits fraud or deceit in securing admission to practice. In addition, nurses who fail to make up the continuing education during the 6-month compliance period, or have subsequent continuing education violations, will be subject to additional discipline, including additional civil penalties, reprimand or even suspension until the nurse comes into compliance. However, a nurse's license will remain active during the disciplinary process, therefore, the Board does not anticipate many circumstances when civil penalties for practicing on a lapsed license would be imposed in addition to the civil penalties for failure to complete the continuing education.

No amendments were made to the final-form rulemaking as a result of these comments.

Fiscal Impact and Paperwork Requirements

The amendments would have no adverse fiscal impact on the Commonwealth or its political subdivisions, and would reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board and commission to be self-supporting; therefore, boards and commissions continually monitor the cost effectiveness of regulations affecting their operations. As a result, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 18, 2007, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 1986, to the IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of

the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 24, 2008, the final-form rulemaking was approved by the HPLC. On June 4, 2008, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5(g) of the Regulatory Review Act was deemed approved effective June 4, 2008.

Additional Information

Additional information may be obtained by writing to Basil L. Merenda, Commissioner of Professional and Occupational Affairs, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Commissioner finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated under those provisions in 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 37 Pa.B. 1986.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the Act 48.

Order

The Commissioner, acting under the authority provided under Act 48, orders that:

(a) The civil penalty schedules promulgated by the Commissioner, 49 Pa. Code Chapter 43b, are amended by deleting the statement of policy in § 43b.18 and by adding § 43b.18a to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

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

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

BASIL L. MERENDA,
Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 3461 (June 21, 2008).)

Fiscal Note: Fiscal Note 16-38 remains valid for the adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.18. (Reserved).

§ 43b.18a. Schedule of civil penalties—nurses.

STATE BOARD OF NURSING

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 225.4	Practicing professional nursing on a lapsed license	1st offense— 0—12 mos.— \$100 per month up to \$1,000 Over 12 months— Formal action 2nd offense— Formal action
Section 664(4)	Practicing practical nursing on a lapsed license	1st offense— 0—12 mos.— \$75 per month; Over 12 months— Formal action 2nd offense— Formal action
Section 225.4	Holding oneself out as a licensed dietitian-nutritionist on a lapsed license	1st offense— 0—12 months— \$100 per month up to \$1,000 Over 12 months— Formal action 2nd offense— Formal action
Section 222(b)	Failure to complete 30 hours of approved continuing education	1st offense— Deficiency of 1—10 hours—\$250 Deficiency of 11—20 hours—\$500 Deficiency of 21—30 hours—\$1,000 2nd offense— Formal action

[Pa.B. Doc. No. 08-1253. Filed for public inspection July 3, 2008, 9:00 a.m.]

STATE BOARD OF NURSING

[49 PA. CODE CH. 21]

Fee for Approval of Continuing Education Courses for Certified Registered Nurse Practitioners

The State Board of Nursing (Board) amends § 21.253 (relating to fees) to read as set forth in Annex A. Section 21.253 is amended by setting an application fee for approval of certified registered nurse practitioner (CRNP) continuing education courses.

Description and Need for the Rulemaking

Section 8.1 of the Professional Nursing Law (act) (63 P. S. § 218.1) requires each CRNP to complete, in the 2 years prior to CRNP certification renewal, at least 30 hours of continuing education approved by the Board. For a CRNP with prescriptive authority, the 30 hours of continuing education must include at least 16 hours in pharmacology. In initially promulgating regulations to implement CRNP continuing education in 2004, the Board preapproved continuing education courses offered by certain providers whom the Board anticipated would develop and offer the vast majority of programs for CRNP continuing education. However, the Board also recognized that other entities would provide CRNP continuing education and provided in that rulemaking that any other provider of CRNP continuing education and individual CRNPs could seek approval of a continuing education course. The rulemaking provided that an applicant for approval of a CRNP continuing education course must pay the required fee; however, the rulemaking did not set the fee.

Section 11.2(a) and (d) of the act (63 P. S. § 221.2(a) and (d)) requires the Board to set fees by regulation so that revenues meet or exceed expenditures over a biennial period. General operating expenses for enforcement of the act are funded through biennial license renewal fees. The various licensing boards of the Bureau of Professional and Occupational Affairs attempt to recover expenses related to specific services directly through fees based upon the actual cost of providing the service. The Department of State has determined that the cost to review an application for approval of a CRNP continuing education course is \$100. To implement the fee necessary for this service of reviewing an application for approval of a CRNP continuing education course offered by a provider that is not on the preapproved provider list, the Board now sets this fee at \$100.

Summary of Comments and Responses to Proposed Rulemaking

The Board published notice of proposed rulemaking at 37 Pa.B. 1035 (March 3, 2007) with a 30-day public comment period. The Board received no written comments from members of the public during the public comment period.

On April 18, 2007, the House Professional Licensure Committee (HPLC), as part of its review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12a), notified the Board that the HPLC had no comments and would take no formal action on the proposed rulemaking until final promulgation. The Board received no comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) as part of its review of proposed rulemaking under the Regulatory Review Act. On May 2, 2007, the Independent Regulatory Review Commission (IRRC), as part of its review of proposed rulemaking under section 5(a) of the

Regulatory Review Act (71 P. S. § 745.5(a)), notified the Board that IRRC had no objection, comments or recommendations to offer on the proposed rulemaking.

Subsequent to the close of the public comment period, the Board received comments from the American College of Nurse-Midwives (ACNM). ACNM first suggested, to minimize costs to the Board, that the Board form a committee of CRNP educators to review courses on a volunteer basis. Because section 8.1(c) of the act requires the Board to approve courses, the Board cannot delegate this authority. Additionally, the scope of this rulemaking is limited to setting the course approval fee. ACNM also suggested enlarging the scope of preapproved providers. Although the Board considers this to be a valuable suggestion and will seek to implement it in other rulemakings, the scope of this rulemaking is limited to setting the course approval fee. Finally, ACNM suggested lowering the fee to an affordable amount, such as \$25, to cover the resources needed to review the course by a Board member. Because the Department of State has determined that the cost to review an application is \$100, to cover the costs of providing the service, the Board will set the fee at \$100. No amendments were made to the final-form rulemaking in response to these comments.

Fiscal Impact and Paperwork Requirements

The final-form rulemaking will have no adverse fiscal impact and will impose no additional paperwork requirements on the Commonwealth or its political subdivisions. The final-form rulemaking will have a modest fiscal impact on members of the private sector who seek approval of CRNP continuing education courses.

Effective Date

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

Statutory Authority

The final-form rulemaking is authorized under sections 8.1(c) and 11.2(a) and (d) of the act (63 P. S. §§ 218.1(c) and 221.2(a) and (d)).

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 21, 2007, the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 1035, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments received from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 7, 2008, the HPLC approved the final-form rulemaking. On June 4, 2008, the SCP/PLC was deemed to have approved the final-form rulemaking. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective June 4, 2008.

Additional Information

Persons who require additional information about the final-form rulemaking should submit inquiries to Ann Steffanic, Administrator, State Board of Nursing, by mail to P. O. Box 2649, Harrisburg, PA 17105-2649, or by e-mail at st-nurse@state.pa.us.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (71 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) There are no amendments to this final-form rulemaking that would enlarge the scope of proposed rulemaking published at 37 Pa.B. 1035.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 21, are amended by amending § 21.253 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

MARY E. BOWEN, RN, CRNP,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 3461 (June 21, 2008).)

Fiscal Note: Fiscal Note 16A-5128 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 21. STATE BOARD OF NURSING

Subchapter C. CERTIFIED REGISTERED NURSE PRACTITIONERS

GENERAL PROVISIONS

§ 21.253. Fees.

The following fees are charged by the Board:

Certification.....	\$100
Biennial renewal of certification.....	\$50
Verification of certification.....	\$15
Application for prescriptive authority.....	\$50
Each additional collaborative agreement for prescriptive authority.....	\$30
Biennial renewal of prescriptive authority.....	\$25
Application for approval of new nursing program.....	\$735

Application for approval of CRNP continuing education course \$100

[Pa.B. Doc. No. 08-1254. Filed for public inspection July 3, 2008, 9:00 a.m.]

STATE BOARD OF PHYSICAL THERAPY
[49 PA. CODE CH. 40]
Biennial Renewal Fees

The State Board of Physical Therapy (Board) hereby amends § 40.5 (relating to fees), to read as set forth in Annex A.

Effective Date

The amendment will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*. The increased fees will be effective for the renewal period beginning January 1, 2009.

Statutory Authority

Section 8(b) of the Physical Therapy Practice Act (act) (63 P. S. § 1308(b)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet Board expenditures.

Background and Purpose

The Board's current biennial license renewal fees for physical therapists and physical therapist assistants were adopted at 18 Pa.B. 4952 (November 4, 1988). The Board's current biennial renewal fees for certificates to practice physical therapy without a referral were adopted at 34 Pa.B. 3700 (July 16, 2004). Under section 8(b) of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises virtually all of its revenue through biennial renewal fees.

At Board meetings in January and March, 2006, the Department of State's (Department) Offices of Revenue and Budget presented a summary of the Board's revenue and expenses for Fiscal Year (FY) 2003-2004 and FY 2004-2005, and projected revenue and expenses through FY 2012-2013. The Offices of Revenue and Budget projected a deficit of \$282,664.81 in FY 2007-2008, a deficit of \$205,664.81 in FY 2008-2009, a deficit of \$549,664.81 in FY 2009-2010, a deficit of \$485,664.81 in FY 2010-2011, a deficit of \$853,664.81 in FY 2011-2012 and a deficit of \$814,664.81 in FY 2012-2013. As a result of the projected deficits, the Offices of Revenue and Budget recommended that the Board raise fees to meet or exceed projected expenditures, in compliance with section 8(b) of the act. Therefore, based upon the expense and revenue estimates provided to the Board, the Board is amending § 40.5 to increase the fee for biennial renewal of licenses for physical therapists from \$37 to \$90, to increase the fee for biennial renewal of certificates to practice physical therapy without a referral from \$37 to \$45, and to increase the fee for biennial renewal of registrations to practice as physical therapist assistants from \$20 to \$45. The Budget Office anticipates that the proposed new biennial renewal fees will enable the Board to meet its estimated expenditures for at least 8 years.

Although the fee increases are significant, they are not surprising in that the fees for physical therapists and

physical therapist assistants have not been increased since 1988. Also, in spite of the increases, the Board's new fees will still be lower than the surrounding states. For example, the following renewal fees are charged by neighboring states: biennial renewal fee for a physical therapist in New Jersey is \$110, the biennial renewal fee for a physical therapist assistant is \$100; in New York, a physical therapist pays a triennial renewal fee of \$155 and a physical therapist assistant pays a triennial renewal fee of \$50; in Delaware, physical therapist pays a biennial renewal fee of \$90 and a physical therapist assistant pays a biennial renewal fee of \$90; physical therapist and physical therapist assistants pay a biennial renewal fee of \$120 in Ohio; in West Virginia, a physical therapist pays a biennial renewal fee of \$120 and a physical therapist assistant pays a biennial renewal fee of \$80; and in Maryland, a physical therapist pays a biennial renewal fee of \$175 and a physical therapist assistant pays a biennial renewal fee of \$150.

Summary of Comments and the Board's Response

Notice of proposed rulemaking was published at 36 Pa.B. 5982 (September 30, 2006). No public comments were received. In addition, neither the Senate Consumer Protection and Professional Licensure Committee nor the Independent Regulatory Review Commission (IRRC) commented on the proposed rulemaking as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12a). The House Professional Licensure Committee (HPLC) submitted one comment to the Board.

The HPLC noted that in the proposed rulemaking, the Board stated that the increases are needed partly because there has been a marked increase in disciplinary cases and related legal expenses. The HPLC asked the Board to provide specific information as to what types of disciplinary cases these are and the Board's determination for the escalation. As noted in the proposed rulemaking, the number of disciplinary cases opened increased from 21 in FY 2002-2003 to 65 in FY 2004-2005. Additionally, there were 53 disciplinary matters opened in FY 2005-2006 and 56 opened in FY 2006-2007. The types of disciplinary cases coming before the Board tend to fall in the following categories: incompetence/malpractice/negligence; unprofessional conduct; conviction of a crime; practicing on a lapsed/suspended license; disciplinary action in another state; unlicensed practice; failure to keep adequate records; practicing outside the scope of one's license; fraud in the practice of the profession; and sexual misconduct. The Board believes one major reason for the increase in disciplinary matters is the public's increased awareness of the complaint process brought about by the Department's and the Board's presence on the Internet. Complaints can now be filed online through the Department's web site at www.dos.state.pa.us. The number of complaints filed dramatically increased with the advent of online complaints and is now averaging about 60 complaint files opened annually for this Board. Most of the other professional boards and commissions under the Bureau of Professional and Occupational Affairs have had the same experience in recent years. Each complaint must be investigated, and those with merit must be prosecuted, resulting in increases in investigative and legal costs that consume a greater portion of the revenues of the Board. The projected deficits are the result of the interplay between the dramatic increase in the number of disciplinary cases and the fact that the renewal fees for physical therapists and physical therapist assistants have not been increased since 1988. Until recently, revenues were adequate to

meet the Board's expenses. Because this is no longer the case, the Board must raise its fees in order to support its continued operations.

Fiscal Impact

The final-form rulemaking will increase the biennial renewal fee for physical therapists from \$37 to \$90, holders of a certificate to practice physical therapy without a referral from \$37 to \$45 and physical therapist assistants from \$20 to \$45. The proposed amendment should have no other fiscal impact on the private sector, the general public or political subdivisions.

Paperwork Requirements

The final-form rulemaking will require the Board to alter some of its forms to reflect the new biennial renewal fees; however, the final-form rulemaking should not create additional paperwork for the private sector.

Sunset Date

The act requires that the Board monitor its revenue and costs on a fiscal year and biennial basis. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 20, 2006, the Board submitted a copy of the proposed rulemaking, published at 36 Pa.B. 5982, to IRRC and to the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC, were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments from IRRC, the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on May 14, 2008, the final-form rulemaking was approved by the HPLC. On June 4, 2008, the final-form rulemaking was deemed approved by SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective June 4, 2008.

Additional Information

Interested persons may obtain information regarding the final-form rulemaking by writing to Beth Michlovitz, Counsel, State Board of Physical Therapy, P. O. Box 2649, Harrisburg, PA 17105-2649, or bmichlovit@state.pa.us.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. S. 769, No. 240) (45 P. S. §§ 7.1 and 7.2).
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) There are no amendments to the final-form rulemaking that would enlarge the purpose of the proposed rulemaking published at 36 Pa.B. 5982.
- (4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the act.

Order

The Board orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 40, are amended by amending § 40.5 to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

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

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

CHARLES E. MEACCI, PT,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 3461 (June 21, 2008).)

Fiscal Note: Fiscal Note 16A-6511 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 40. STATE BOARD OF PHYSICAL THERAPY

Subchapter A. GENERAL PROVISIONS

§ 40.5. Fees.

The following fees are charged by the Board:

Physical therapist:

Application for licensure by examination/endorsement.....	\$30
Application for licensure through foreign training..	\$45
Verification of licensure or temporary permit	\$15
Certification of examination scores or licensure	\$25
Temporary license	\$15
Biennial renewal	\$90
Application for Certificate to Practice Physical Therapy without a referral	\$30
Biennial renewal of Certificate to Practice Physical Therapy without a referral	\$45
Application for approval of continuing education provider or program (per each course offered) ...	\$40

Athletic trainer:

Application for certification.....	\$20
Biennial renewal	\$37
Certification of examination scores or certification .	\$25
Verification of certification.....	\$15

Physical therapist assistants:

Initial application for registration by exam or endorsement.....	\$30
Certification of exam scores or registration	\$25
Biennial renewal of registration	\$45
Verification of registration.....	\$15

[Pa.B. Doc. No. 08-1255. Filed for public inspection July 3, 2008, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Health

The Executive Board approved a reorganization of the Department of Health effective June 19, 2008.

The organization chart at 38 Pa.B. 3661 (July 5, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 08-1256. Filed for public inspection July 3, 2008, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Executive Board approved a reorganization of the Department of Public Welfare effective June 19, 2008.

The organization chart at 38 Pa.B. 3662—3664 (July 5, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 08-1257. Filed for public inspection July 3, 2008, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Public School Employees' Retirement System

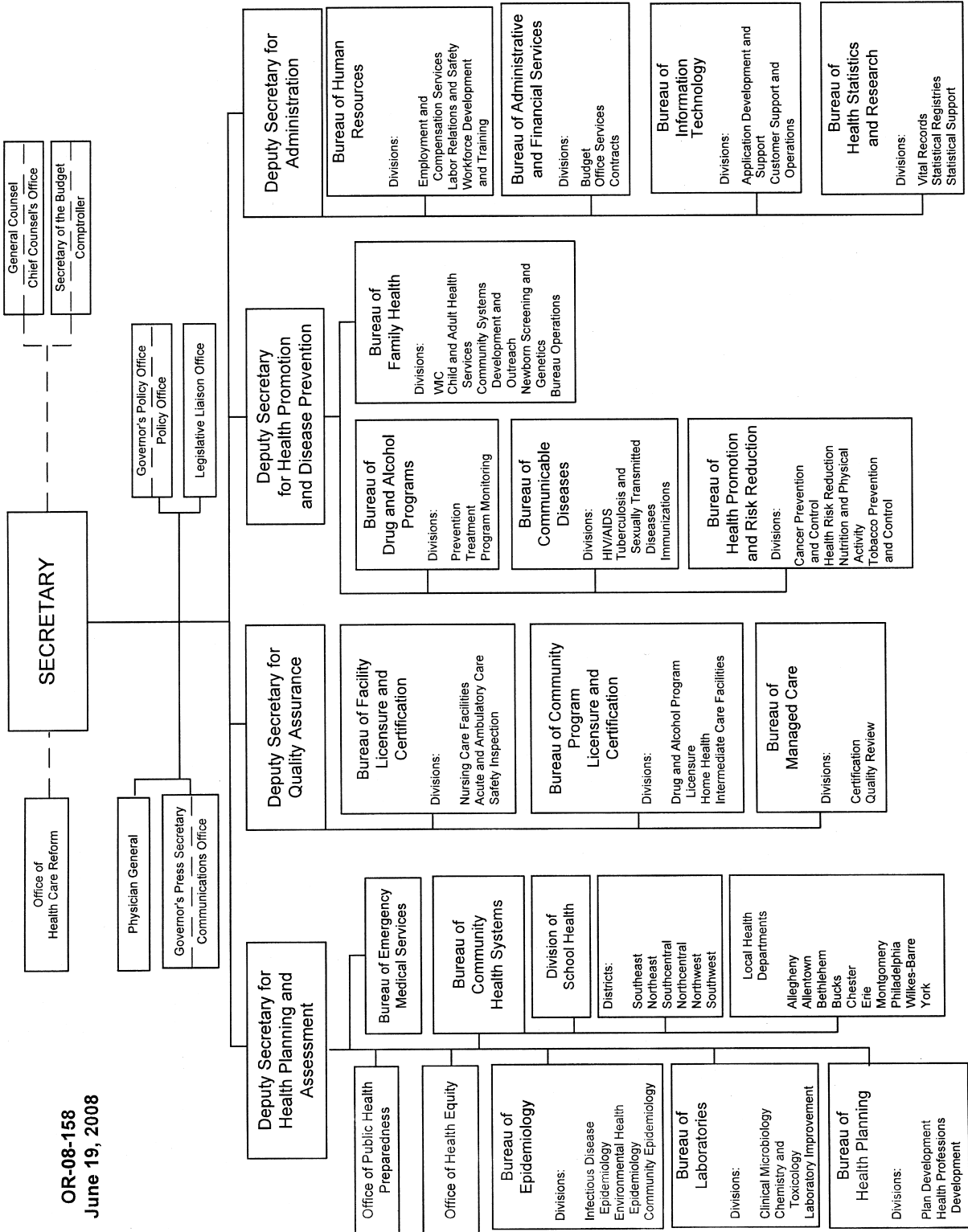
The Executive Board approved a reorganization of the Public School Employees' Retirement System (PSERS) effective June 12, 2008.

The organization chart at 38 Pa.B. 3665 (July 5, 2008) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

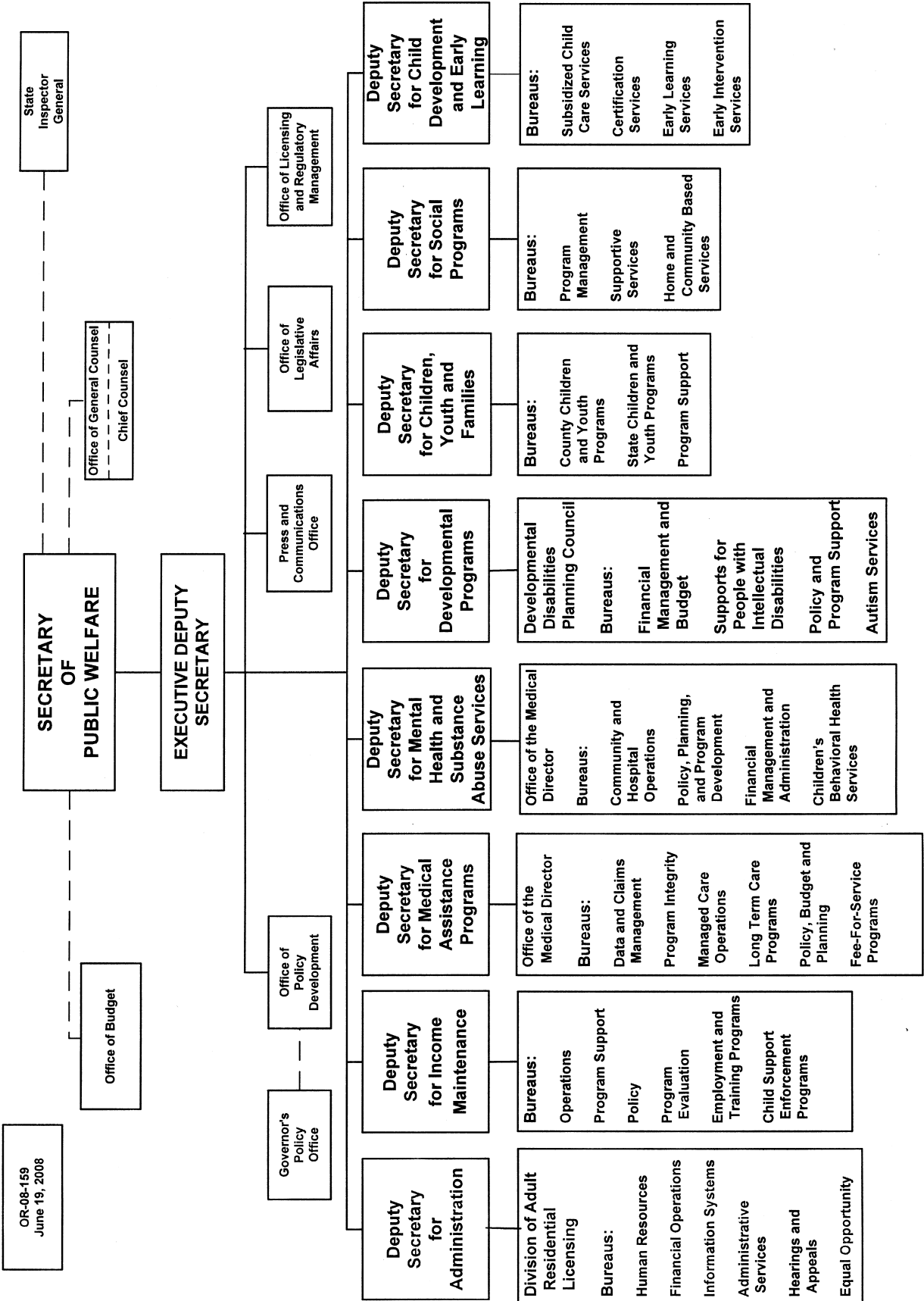
[Pa.B. Doc. No. 08-1258. Filed for public inspection July 3, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH



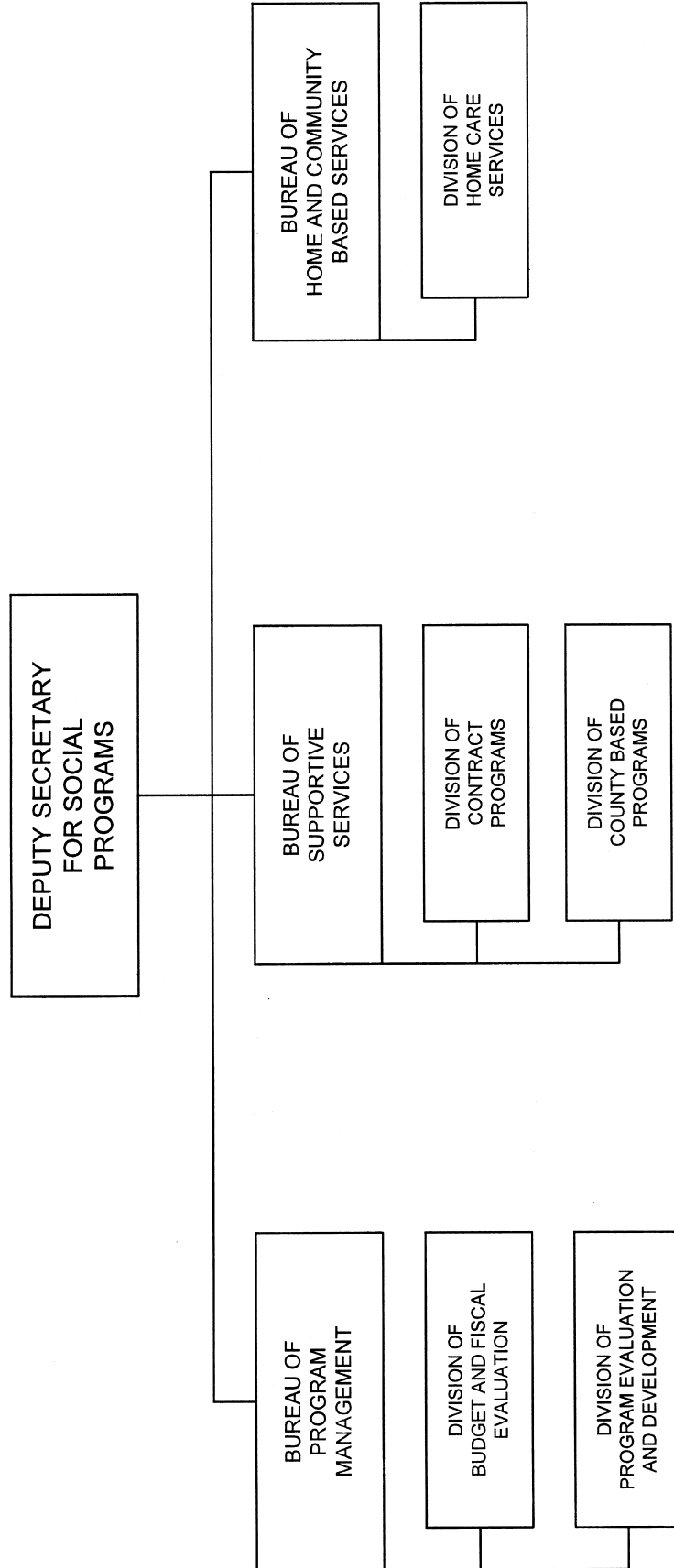
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June 19, 2008

DEPARTMENT OF PUBLIC WELFARE

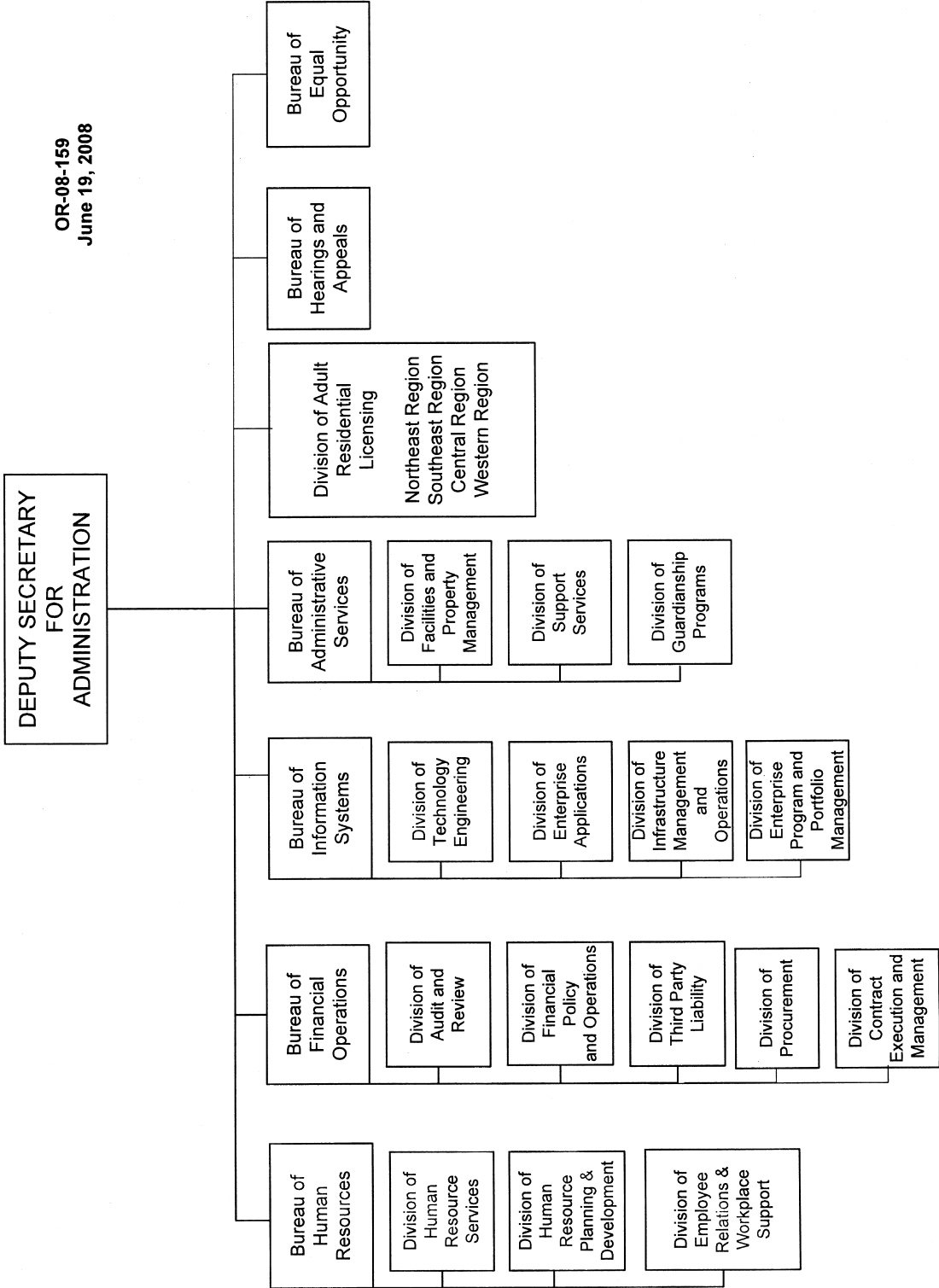


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June 19, 2008

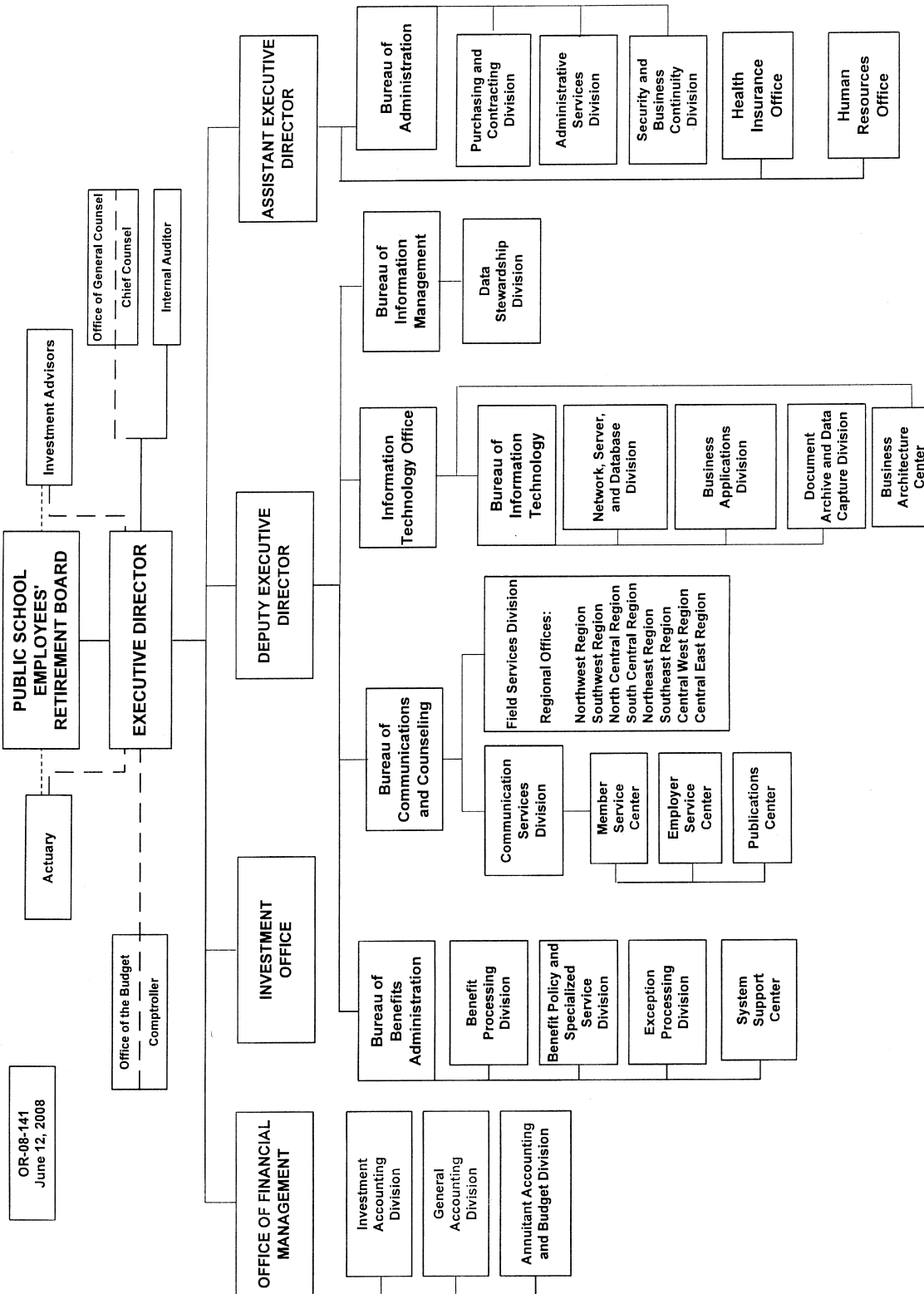
DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR SOCIAL PROGRAMS



DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR ADMINISTRATION



PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM



NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, July 16, 2008. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive in West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. Topics of discussion will include: a status report concerning the RFP for a reassessment study to be undertaken in accordance with the Decree Party Agreement of September 26, 2007; a presentation on the U.S. Geological Survey *Water for America* initiative; a presentation on the multijurisdictional flood mitigation planning effort completed for the nontidal portion of the basin within the State of New Jersey; and a briefing on the Commission's role in regulating oil and gas drilling activity in the Delaware Basin.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Borough of Paulsboro Water Department D-72-67 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 62 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 4, 5 and 7 in the Potomac-Raritan-Magothy Aquifer. The project is located in the Mantua Creek Watershed in the Borough of Paulsboro, Gloucester County, NJ.

2. *Village of Margaretville D-74-157 CP-2*. An application to replace the withdrawal of water from the "Fair Street well" in the applicant's public water supply distribution system. This well has become an unreliable source of supply. The applicant requests that the withdrawal from the "Fair Street replacement well" be limited to 18.529 mg/30 days of water, and that the total withdrawal from all wells remain limited to 18.529 mg/30 days. The project is located in the sand, glacial till aquifer in the East Branch Delaware Watershed in the Village of Margaretville, Delaware County, NY. The site is located within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

3. *Hazleton City Authority D-91-65 CP-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 3.6 mg/30 days to supply the applicant's public water supply distribution system from existing Well No. 1. The project is located in the Mauch Chunk Formation in the Schafer's Run Watershed in Lausanne Township, Carbon County, PA, within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

4. *Matrix Realty, Inc. d/b/a Commonwealth National Country Club D-96-27-2*. An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 5 mg/30 days to supply the appli-

cant's golf course irrigation system from existing Well No. CW-2 in the Stockton Formation and one existing pond. The project is located in the Park Creek Watershed in Horsham Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

5. *Horsham Water and Sewer Authority D-97-16 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 83.36 mg/30 days to supply the applicant's public water supply distribution system from 15 existing wells. The project is located in the Stockton Formation in the Pennypack Creek, Park Creek and Little Neshaminy Creek Watersheds in Horsham Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

6. *Merck and Company, Inc. D-98-14-2*. An application for the renewal of a groundwater withdrawal project to continue the withdrawal of 45 mg/30 days to supply the applicant's groundwater remediation and facility operations from 12 existing wells in the Brunswick and Lockatong Formations. The project is located in the Skippack and Wissahickon Creek Watersheds in Upper Gwynedd Township, Montgomery County, PA, within the Southeastern Pennsylvania Ground Water Protected Area.

7. *Honey Brook Golf Club D-98-28-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 10.3 mg/30 days to supply the applicant's golf course irrigation system from existing Well No. PW No. 1 in the Honey Brook Gneiss Formation. The project is located in the Brandywine-Christiana Watershed in Honey Brook Township, Chester County, PA.

8. *City of Harrington D-68-24 CP-2*. An application for approval of the upgrade and expansion of the Harrington Wastewater Treatment Plant (WWTP). The application is for the addition of biological nutrient removal and a 15,400 foot force main to transmit treated effluent to a new spray irrigation site. To comply with the Murderkill Total Maximum Daily Load (TMDL), the applicant is eliminating a stream discharge to the Browns Branch. The WWTP will be expanded from a flow of 0.57 mgd to a final flow of 0.75 mgd. The new spray irrigation fields (152 acres) are located adjacent to the Manlove Branch, a tributary to the Murderkill River. The facility is located in the City of Harrington, Kent County, DE.

9. *Honesdale Borough D-86-9 CP-2*. An application for approval of the reconstruction and expansion of the Honesdale Borough WWTP from 1.12 mgd to 2.2 mgd. The Honesdale WWTP discharges to the Lackawaxen River, a tributary to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters. The facilities are located in Texas Township, Wayne County, PA.

10. *Northeast Land Company D-89-10 CP-3*. An application for the renewal of a groundwater withdrawal project to decrease withdrawal from 4.96 mg/30 days to 4.65 mg/30 days to supply the applicant's public water supply distribution system from existing Well No. 1 and new Well No. 2. The project is located in the Catskill Formation in the Tunkhannock Creek Watershed in Kidder Township, Carbon County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

11. *Upper Deerfield Township D-93-16 CP-3*. An application for approval of a groundwater withdrawal project to supply up to 40 mg/30 days of water to the applicant's public water supply distribution system from new Wells Nos. 15 and 17 and existing Wells Nos. 3 and 4 and to increase the existing withdrawal from all wells from 19.8 mg/30 days to 40 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Cohansey Formation in the Cohansey River Watershed in Upper Deerfield Township, Cumberland County, NJ.

12. *Pine Valley Golf Club D-96-34-2*. An application for the renewal of a ground and surface water withdrawal project to decrease withdrawal from 32 mg/30 days to 28 mg/30 days to supply the applicant's golf course irrigation and club house from existing Wells Nos. 2 and 3 and Intakes Nos. 1 and 2 in the Mt. Laurel—Wenonah Formation. The project is located in the North Branch Big Timber Creek Watershed in Pine Valley Borough, Camden County, NJ.

13. *Tidewater Utilities, Inc. D-2002-4 CP-2*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 7.95 mg/30 days to 52.056 mg/30 days to supply the applicant's public water supply distribution system from existing Well No. 74787 and new Wells Nos. 193788, 193789 and 184338. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Columbia-Pocomoke and Beverdam formations in the Broadkill River Watershed in the City of Lewes and the City of Rehoboth Beach, Sussex County, DE.

14. *Municipal Authority of the Township of Westfall D-2002-23 CP-2*. An application for the expansion of an existing WWTP (formerly known as the Hunts Landing Plant) to meet regional growth needs. The proposed WWTP expansion will increase the discharge to the main stem Delaware River from 0.3 mgd to 0.82 mgd. The WWTP is located on the west bank of the Delaware River in Water Quality Zone 1C and discharges to Special Protection Waters classified as "Significant Resource Waters" at river mile 252.5. The facility is located in Westfall Township, Pike County, PA.

15. *Hudson Valley Foie Gras, LLC D-2006-37-2*. An application for approval of the modification of an existing WWTP by the addition of effluent sand filters. The discharge from the 20,000 gpd WWTP will continue to be discharged to the Middle Mongaup River, a tributary of the section of the nontidal Delaware known as the Upper Delaware, which is designated as Special Protection Waters. The facility is located in Ferndale, Sullivan County, NY.

16. *City of Easton D-2007-031 CP-1*. An application for the approval of the existing Easton water treatment plant's (WTP) 0.75 mgd backwash discharge. The WTP discharges filter backwash and sludge filter press filtrate to the section of the Delaware River known as the Lower Delaware Special Protection Waters. The facility is located in the City of Easton, Northampton County, PA.

17. *Mays Landing Sand and Gravel D-2007-32-1*. An application for approval of a surface water withdrawal project to supply up to 112.3 mg/30 days of water for sand and gravel processing. The surface water is used to process sand and gravel in a loop system which returns approximately 90% of the water to the pond. The project is located in the Maurice River Watershed in Maurice River Township, Cumberland County, NJ.

18. *Philadelphia Water Department (PWD) D-2008-9 CP-1*. An application for approval of the construction of the Venice Island Storage Tank Project (the project). The project consists of a 3 million gallon storage basin and head house building and a performing arts center. The storage tank will receive up to 3 million gallons of combined sewer overflows diverted during peak rain events, which will later be returned to the intercepting sewer for subsequent treatment at PWD's Southwest WWTP. The project location is Venice Island, between the Cotton Street and Lock Street bridges, in the Manayunk Section of the City of Philadelphia, PA. The project is subject to review as a "Class II" project in accordance with DRBC's Flood Plain Regulations. Class II projects include any development of land—whether residential or nonresidential—within a flood hazard area located in a nontidal portion of the basin, where the development contains more than 25 dwelling units or includes one or more structures covering a total land area of more than 50,000 square feet. Venice Island lies within a flood hazard area, defined by DRBC Flood Plain Regulations as the area inundated by a regulatory flood.

19. *Borough of Bryn Athyn D-2008-13 CP-1*. An application for approval of the existing 0.065 mgd Academy of the New Church WWTP. The WWTP discharges to an unnamed tributary of Huntingdon Valley Creek, which is a tributary of the Pennypack Creek in Bryn Athyn Borough, Montgomery County, PA.

20. *Omega Homes, Villa Crossing D-2008-20-1*. An application for approval to construct the new 90,000 gpd Villas Crossing WWTP. The WWTP will discharge to Mahoning Creek, a cold water fishery that flows into the Lehigh River, a tributary of the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The project is located in West Penn Township, Schuylkill County, PA.

The business meeting also will include adoption of the Minutes of the Commission's May 14, 2008, business meeting; announcements of upcoming advisory committee meetings and other events; a report on hydrologic conditions in the basin; a report by the Executive Director; and a report by the Commission's General Counsel. At the Commission's meeting on May 14, 2008, the Commissioners deferred until July 16 a vote on proposed amendments to the Commission's Water Quality Regulations and Comprehensive Plan to permanently classify the Lower Delaware River as a Special Protection Water and clarify certain aspects of the rule. Accordingly, this matter also will be before the Commissioners during the July Business Meeting. In addition, the meeting will include a public hearing on a resolution approving the 2008-2013 Water Resources Program; a resolution authorizing the Executive Director to enter into an agreement for actuarial services to re-evaluate anticipated costs associated with General Accounting Standards Board Statement No. 45; a resolution for the minutes authorizing the Executive Director to execute a contract with the lowest responsible bidder for modifications to the HVAC system in the Commission's West Trenton office building; and an opportunity for public dialogue.

Draft dockets scheduled for public hearing on July 16, 2008, will be posted on the Commission's web site, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items

may be examined at the Commission's offices. Please contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the commission secretary directly at (609) 883-9500, Ext. 203 or through the Telecommuni-

cations Relay Services (TRS) at 711, to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 08-1259. Filed for public inspection July 3, 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 June 24, 2008.

BANKING INSTITUTIONS

Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-2008	Reliance Savings Bank Altoona Blair County	Altoona	Filed
Reliance Savings Bank, a mutual savings bank, proposes to reorganize into a two-tier, mutual holding company structure.			

Section 112 Applications

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
6-19-2008	Michael G. Crofton to acquire up to 10.60% of the common stock of The Philadelphia Trust Company, Philadelphia	Philadelphia	Approved
6-19-2008	Robert G. Thomson to acquire up to 13.04% of the common stock of The Philadelphia Trust Company, Philadelphia	Philadelphia	Approved

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-19-2008	Community State Bank of Orbisonia Orbisonia Huntingdon County	415 Fulton Drive McConnellsburg Fulton County	Approved
6-19-2008	Orrstown Bank Shippensburg Cumberland County	1020 Professional Court Hagerstown Washington County, MD	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-16-2008	Community Bank and Trust Company Clarks Summit Lackawanna County	<i>To:</i> 74 East Tioga Street Tunkhannock Wyoming County <i>From:</i> Route 6 West Tunkhannock Wyoming County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-16-2008	Community Bank and Trust Company Clarks Summit Lackawanna County	<i>Into:</i> 74 East Tioga Street Tunkhannock Wyoming County	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
		<i>From:</i> Route 29 Tunkhannock Wyoming County	

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-14-2008	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	562 Village Center Spring House Montgomery County	Closed
6-19-2008	VIST Bank Wyomissing Berks County	100 Gibraltar Road Horsham Montgomery County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1260. Filed for public inspection July 3, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department), acting through the Bureau of State Parks (Bureau) and Moraine Preservation Fund (Fund) are proposing to negotiate an exchange of lands in Clay Township, Butler County, PA.

The Fund will convey 5.14 acres in Clay Township known as parcel number 2F-108-A16. In return, the Bureau proposes to convey to the Fund 0.95 acre in Clay Township being part of parcel number 2F-108-A5M. Both parcels are bordering Mahood Road. In total, the Commonwealth will add 4.19 acres to Moraine State Park.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry and/or comment will be in effect commencing July 6, 2008, and ending August 5, 2008. Oral or written comments or questions concerning this proposed exchange may be addressed to John Norbeck, Director of State Parks, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551, (717) 787-6640. These oral and/or written comments will become part of the official document used in the final decision process.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-1261. Filed for public inspection July 3, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084956 (IW)	Pequea Sewer Services, Inc. 69 Scotland Road Quarryville, PA 17566	Lancaster County Providence Township	Pequea Creek 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228443 CAFO	Dotterer & Sons Farm 6795 Nittany Valley Drive Mill Hall, PA 17751	Porter and Lamar Townships Clinton County	Bald Eagle Creek 9C	N
PA0228401 CAFO	Schrack Farms 860 West Valley Road Loganton, PA 17747	Greene Township Clinton County	Bald Eagle Creek 9C	N
PA0112470 SP	Upper Augusta Township 2087 Snyderstown Road Sunbury, PA 17801	Northumberland County Upper Augusta Township	UNT of Susquehanna River 5E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239224	Gentile Enterprises, Inc. 270 Sharon Road Greenville, PA 16125	West Salem Township Mercer County	Big Run 20-A	Y
PA0103331	Jackson Center Borough R. R. 1 Bradley Road Jackson Center, PA 16133	Jackson Township Mercer County	Yellow Creek 20-A	Y

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

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

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

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

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

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

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

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH (Standard Units)	XXX	XXX	6.0 (Minimum)	XXX	9.0
Oil and Grease	36	72	15	30	30
CBOD ₅	48	97	20	40	50
Total Suspended Solids	24	48	10	20	25
Total Phosphorus	4.8	9.7	2.0	4.0	5.0
Total Chromium	4.13	6.70	1.71	2.77	4.25
Total Lead	0.10	0.20	0.042	0.84	0.105
Total Nickel	1.06	2.12	0.44	0.88	1.10
Total Cyanide	Monitor and Report	Monitor and Report	0.65	1.20	1.62
Total Silver	0.14	0.27	0.57	0.114	0.142
Total Zinc	1.54	3.09	0.64	1.28	1.60
Total Toxic Organics	XXX	XXX	XXX	2.13	XXX

NOTICES

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Cadmium	0.0048	0.009	0.002	0.004	0.005
Total Copper	0.19	0.38	0.079	0.158	0.197
Interim Bis (2-Ethylhexyl Phthalate (PED to))	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Final Bis (2-Ethylhexyl) Phthalate (to expiration)	0.077	0.154	0.032	0.064	0.080

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

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

The proposed effluent limits for Outfall S02 discharging stormwater are:

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

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

The EPA waiver is not in effect.

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

PA0205753, Sewage, **East Bethlehem Township Municipal Authority**, P. O. Box 136, Fredericktown, PA 15333. This application is for renewal of an NPDES permit to discharge treated sewage from East Bethlehem Township Municipal Authority Wastewater Treatment Plant in East Bethlehem Township, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.35 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 1508409, Sewerage, **Pennsylvania American Water Company**, 4 Wellington Boulevard, Wyomissing, PA 19610. This proposed facility is located in Parkesburg Borough, **Chester County**.

Description of Action/Activity: Replacement of sewer main and manholes with new upsized 12" PVC sewer main on both Maple and West Streets.

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

WQM Permit No. 2808404, Sewerage, **Franklin County General Authority**, 5540 Coffey Avenue, Chambersburg, PA 17201-8380. This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for modifications at the Rocket Road Wastewater Treatment Plant including the addition of a flow meter, flow-regulated chlorinator, upgrade wiring and the installation of a stand-by generator.

WQM Permit No. 3408401, Sewerage, **Velma Kerstetter**, R. R. 1, Box 2680, McAlisterville, PA 17049. This proposed facility is located in Delaware Township, **Juniata County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a Peat Bio-Filter for a single-family residence.

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

WQM Permit No. 4908402, Sewerage 4952, **Shamokin-Coal Township Joint Sewer Authority**, 114 Bridge Street, Shamokin, PA 17872-9603. This proposed facility is located in Coal Township, **Northumberland County**.

Description of Proposed Action/Activity: This project consists of the replacement and relocation of the Formart Sewage Pumping Station that is owned and operated by the Shamokin-Coal Township Joint Sewer Authority.

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

WQM Permit No. 0307202-A1, Industrial Waste, **Reliant Energy**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This existing facility is located in Plumcreek, Burrell, Kittanning, Manor and Bethel Townships, **Armstrong County**.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0908008	Prospect Acquisitions 404 Southampton Pike Suite 200 North Wales, PA 19454	Bucks	Milford Township	Unami Creek HQ-TSF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508038	Applewood Meadow Associates Acquisition Corporation 2701 Renaissance Boulevard King of Prussia, PA 19406	Chester	Willistown Township	Serpentine and Traders Runs HQ-TSF
PAI01 1508039	Celesti Weyle 2136 Flowing Springs Road Birchrunville, PA 19421	Chester	West Vincent Township	Birch Run French Creek EV
PAI01 2308004	Buccini Pollin Group, Inc. 101 East Hector Street Suite 220 Conshohocken, PA 19428	Delaware	City of Chester	Delaware River WWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808009	Forks Township Attn: Richard Schnaedter 1606 Sullivan Trail Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024808011	Arcadia East Associates No. 1, LP Attn: Shawn Langen 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Northampton	East Allen Township	Monocacy 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508007	Hamilton FC Associates, LP 633 West Germantown Pike Suite 200 Plymouth Meeting, PA 19462	Monroe	Hamilton and Stroud Townships	Tributary to Pocono Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908009	West Hills Business Center 126 Steven Farms Drive Suite 106 Charlestown, SC 29492	Lehigh	Weisenberg Township	Lyon Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030608014	Rick Greenly East Penn Manufacturing P. O. Box 147 Lyon Station, PA 19536	Berks	Lyons Borough Richmond Township	Moselem Creek HQ-CWF

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

Union County Conservation District: Union County Government Center, 155 North 15th Street, Lewisburg, PA 17837, (570) 524-3860.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI046008001	Noah E. Zimmerman 235 Diehl Road Mifflinburg, PA 17844	Union	Lewis Township	Coal Run HQ-CWF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.
 Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI056308002	Frac Tech Services, LTD 16858 Interstate 20 Cisco, TX 76437	Washington	North Strabane Township	Little Chartiers Creek HQ-WWF

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

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

CAFO Notices of Intent Received

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

PAG124814, CAFO, Creek Bottom Farms, 1510 White Church Road, Middleburg, PA 17842. This existing facility is located in Franklin Township, **Snyder County.**

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the renewal of a CAFO General Permit for an existing finishing swine and heifer operation. The facility is comprised of two barns with no external manure storage. Total underbarn manure storage is 1,146,815 gallons. Animals onsite include 3,000 finishing swine and 160 heifers/calves, for a total of 485.5 animal equivalent units.

The receiving stream, Middle Creek, is in Watershed 6A (Middle Creek) and is classified for TSF.

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

PAG124810, CAFO, Rob Wood Mountain Farm, R. R. 2, Box 77, Wyalusing, PA 18853. This existing facility is located in Terry Township, **Bradford County.**

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the renewal of a CAFO General Permit for an existing finishing swine and sheep operation. The facility is comprised of two barns with no external manure storage. Total underbarn manure storage is 1,230,666 gallons. Animals onsite include 4,360 finishing swine and 50 sheep, for a total of 613.7 animal equivalent units.

The receiving stream, a UNT to Sugar Run, is in Watershed 4D (Wyalusing Creek) and is classified for CWF.

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4008505, Public Water Supply.

Applicant	Pennsylvania American Water Newport Township Luzerne County
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Responsible Official David R. Kaufman
 Pennsylvania American Water
 800 West Hersheypark Drive
 Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Douglas M. Smith, P. E.
 Borton-Lawson
 613 Baltimore Drive
 Suite 300
 Wilkes-Barre, PA 18702

Application Received Date June 10, 2008

Description of Action Application proposes the relocation and replacement of a booster pumping station from Center Street to the intersection of Newport and Stearns Roads.

Application No. 6408502, Public Water Supply.

Applicant **Paupacken Lake Association**
 Lake and Paupack Townships
Wayne County

Responsible Official Rolland Grote, President
 Paupacken Lake Association
 128 Sheridan Road
 Hawley, PA 18428
 (570) 226-3424

Type of Facility Community Water System

Consulting Engineer Michael P. Goodwin, P. E.
 Milnes Engineering, Inc.
 12 Frear Hill Road
 Tunkhannock, PA 18657
 (570) 836-2145

Application Received Date June 2, 2008

Description of Action Application to provide major modification and upgrade of the community water system serving Paupacken Lake Estates. System modifications will include three new booster pump stations, four new water storage tanks, six pressure reducing valve stations and modifications at existing well sources.

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

Permit No. 0608504, Public Water Supply.

Applicant **Western Berks Water authority**

Municipality Spring Township

County **Berks**

Responsible Official Leonard E. Bilger, II
 Executive Director
 91 Water Road
 Sinking Spring, PA 19608

Type of Facility Public Water Supply

Consulting Engineer John P. Spitko, P. E.
 Spotts Stevens and McCoy, Inc.
 1047 North Park Road
 Reading, PA 19610-0307

Application Received: May 6, 2008

Description of Action Addition of new CO₂ generator and feed equipment for pH adjustment at existing water treatment plant.

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

Permit No. 0408502, Public Water Supply.

Applicant **David D'Atri**
 Forest Brook Mobile Home Park
 320 Sunset Drive
 Baden, PA 15005

Township or Borough New Sewickley Township

Responsible Official David D'Atri, Owner
 Forest Brook Mobile Home Park
 320 Sunset Drive
 Baden, PA 15005

Type of Facility Mobile home park

Consulting Engineer Shoup Engineering, Inc.
 329 Summerfield Drive
 Baden, PA 15005

Application Received Date June 23, 2008

Description of Action Addition of four groundwater well sources (numbers 10, 12, 13 and 16) and associate piping.

MINOR AMENDMENT

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

Application No. 0208510MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 P. O. Box 888
 Hershey, PA 17033

Township or Borough Union Township

Responsible Official Scott M. Thomas
 Pennsylvania American Water Company
 800 West Hersheypark Drive
 P. O. Box 888
 Hershey, PA 17033

Type of Facility Water storage tank

Consulting Engineer

Application Received Date June 18, 2008

Description of Action Blasting and painting of the exterior and interior touch-up of the 925,000 gallon ground storage tank known as the Aldrich Washwater Tank No. 1.

Application No. 2608502MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
 124 Park and Pool Roads
 New Stanton, PA 15672

Township or Borough Rostraver and South Huntingdon Townships

Responsible Official	M. Curt Fontaine Municipal Authority of Westmoreland County 124 Park and Pool Roads New Stanton, PA 15672
Type of Facility	
Consulting Engineer	MS Consultants, Inc. Airport Office Park 4 333 Rouser Road Coraopolis, PA 15108
Application Received Date	June 18, 2008
Description of Action	Construction of approximately 700 feet of 20-inch diameter waterline to provide redundancy to existing crossing.

WATER ALLOCATIONS

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

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

WA 01-1027, Water Allocations. Possum Valley Municipal Authority, Adams County. The applicant is requesting the right to withdraw up to a maximum 65,000 gpd based from Opossum Creek through an existing intake in Menallen Township, Adams County Consulting Engineer: Janet R. McNally, Wm. F. Hill & Associates, Inc. Date Application Received April 25, 2008.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

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

Strube, Inc., Marietta Borough, Lancaster County. Gemchem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Strube, Inc., 629 West Market Street, Marietta, PA 17547, submitted a Notice of Intent to Remediate site soils contaminated with mineral oil from two buried drums. This property will continue to be utilized for commercial purposes.

Reiff Farm, South Londonderry Township, Lebanon County. ARM Group, Inc., 1129 West Governor Road, Hershey, PA 17033, on behalf of Hershey Trust Company, 100 East Mansion Road, Hershey, PA 17033, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline released from an unregulated underground storage tank. Land use is limited to agricultural practices. The site will be remediated to the Statewide Health Standard.

Albright College/Former Scrapyard Parcels B, C and D, City of Reading, Berks County. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19604, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with PCBs, inorganics and organics. Albright College will utilize these parcels to expand their athletic facilities. The applicant will remediate the site to the Site-Specific Standard.

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

David Strickler Residence, Old Lycoming Township, Lycoming County. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of David Strickler, 27 Hoover Road, Williamsport, PA 17701 has

submitted a Notice of Intent to remediate site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. The site will remain a private residence.

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. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township and Tullytown Borough, **Bucks County**. This minor permit modification application is for the modification to the Tullytown Resource Recovery Facility (TRRF) Landfill gas management system by installing a second landfill gas transmission pipeline from the TRRF Compressor Station to the Exelon Pennsbury Power Plant on Bordentown Road. The application was received by Southeast Regional Office on June 12, 2008.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

PLAN APPROVALS

Plan Approval Application 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.

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

25-025M: GE Transportation (2901 East Lake Road, Erie, PA 16351) for modification of three existing engine test cells and the construction of three new engine test cells in Lawrence Park Township, **Erie County**. This is a Title V facility.

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

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

23-0109A: Catalyst International, Inc. (1050 Ashland Avenue, Folcroft, PA 19032) for incorporation of Standards of Performance for New Stationary Sources (NSPS) for existing laminating operation at an existing facility at 1050 Ashland Avenue, Folcroft, PA 19032, Folcroft Borough, **Delaware County**. The Plan Approval will contain the requirements of 40 CFR Part 60, Subpart FFF—Standards of Performance for Flexible Vinyl and Urethane Coating and Printing. The Plan Approval will contain additional monitoring, recordkeeping, reporting and operating restrictions designed to keep the facility operating within all applicable air quality requirements including the NSPS.

09-0205: Jenbrooke Properties, Inc. (6120 Easton Road, Plumsteadville, PA 18947) for installation of a new scrap wood-fired boiler and associated new multiclone at their facility in Plumstead Township, **Bucks County**. The facility is a non-Title V facility.

The boiler is being installed to provide comfort heat to the facility as well as to consume scrap wood generated by the office furniture manufacturing operation at the facility. The multiclone is being installed to minimize PM emissions from the boiler. The boiler and multiclone will meet all applicable air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. The potentials to emit CO, NO_x, PM, SO_x and VOCs are 0.07, 5.91, 0.80, 2.17 and 0.02 tpy, respectively.

The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

23-0049: PPL Interstate Energy Co. (1111 Ridge Road, Linwood, PA 19061) for reactivation of three existing mainline fuel heaters at their Marcus Hook pump station facility in Lower Chichester Township, **Delaware County**. The facility is a non-Title V facility.

The mainline fuel heaters are currently permitted under State-only Operating Permit No. 23-00049. However, a plan approval is required to reactivate the mainline fuel heaters since they have each been out of operation for more than 1 year without a maintenance plan, under 25 Pa. Code § 127.11a.

Based on the existing combined fuel usage restriction for the mainline fuel heaters in the State-only Operating Permit, the potentials to emit SO_x and NO_x will not exceed the major facility thresholds of 100 and 25 tpy, respectively. The plan approval will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12.

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

35-318-094: Gentex Optics, Inc. (P. O. Box 336, Carbondale, PA 18407) for installation of a Regenerative Thermal Oxidizer (RTO) at their facility in Fell Township, **Lackawanna County**. The VOC emissions from the facility, (including Gentex Corporation) will remain unchanged, never to equal or exceed 50 tpy of VOC, based on a 12-month rolling sum as stated in the company's Title V Permit. The HAPs from the facility (including Gentex Corporation) must never equal or exceed 10 tpy of any single HAP and must never equal or exceed 25 tpy of all aggregated HAPs, based on a 12-month rolling sum. The company has proposed no other changes. Gentex Optics is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 35-00008. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

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

06-05066F: Exide Technologies (P. O. Box 13995, Reading, PA 19612-3995) for installation of a replacement thermal oxidizer to control emissions from the No. 2 secondary lead smelting system at their Reading Smelter in Laureldale Borough and Muhlenberg Township, **Berks County**. The new oxidizer will replace an existing oxidizer. The oxidizers are used to control emissions of VOCs and CO emitted from the blast furnace and reverberatory furnace associated with system No. 2. The furnaces are subject to 40 CFR Part 52, Subpart A, Prevention of Significant Deterioration; Part 60, Subpart L, Performance Standards for New Stationary Sources; and Part 63, Subpart X, National Emission Standards for HAPs from Secondary Lead Smelters. The plan approval will

include monitoring, work practices, recordkeeping and reporting requirements designed to keep the source and control device operating within all applicable air quality requirements. The facility is presently covered by the Title V operating permit No. 06-05066. The plan approval will be incorporated into this permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

17-00063B: Bionol Clearfield, LLC (2 Batterymarch Park, Suite 301, Quincy, MA 02169) for the construction and operation of a 115.5 mmGal/yr dry mill ethanol manufacturing facility at a site located at the Clearfield Tech Park in Clearfield Borough, **Clearfield County**. On September 14, 2007, the Department of Environmental Protection (Department) issued plan approval 17-00063A to Bionol for the construction and operation of a 108 mmGal/yr ethanol production facility. The current plan approval application is for essentially the same proposed facility. However, due to design changes, the Department must re-evaluate the newly proposed design for compliance with all applicable requirements. The ethanol manufacturing facility consists of corn receiving and storage, corn milling, corn processing and fermentation, distillation and purification, stillage separation, distillers dried grain with solubles (DDGS) dryers, DDGS storage and loadout, ethanol loadout, two natural-gas fired boilers, two emergency diesel-fired engines, eight tanks storing VOC containing material, and a cooling tower.

The NO_x and CO emissions from the natural gas fired boilers will be controlled by ultra-low NO_x burners and good combustion practices. The PM/PM₁₀ emissions from the corn receiving and storage, corn milling, and DDGS storage and loadout will each be controlled by one of the three fabric collectors, respectively. The VOC and HAP emissions from the ethanol production sources will be controlled by a packed-bed water scrubber and three regenerative thermal oxidizers (RTOs). The VOC and HAP emissions from the tanks storing VOC and HAP containing materials will be controlled by internal floating roofs with primary and secondary tank seals. The VOC and HAPs emissions from the ethanol railcar and truck loading operations will be controlled by a ventura burner oxidizer (VBO). Combustion emissions, including CO, total PM/PM₁₀, VOCs and HAPs, from the DDGS dryers will be controlled by the RTOs. The ethanol manufacturing facility will be considered as a State-only facility.

The Department's review of the information provided by Bionol Clearfield, Inc. indicates that the sources at the facility will comply with all air quality requirements, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12; 40 CFR Part 60, Subpart Db, §§ 60.40b through 60.49b; 40 CFR Part 60, Subpart Kb, §§ 60.110b through 60.117b; 40 CFR Part 60, Subpart VVa, §§ 60.480a through 60.489a; 40 CFR Part 60, Subpart IIII, §§ 60.4200 through 60.4219; and 40 CFR Part 63, Subpart ZZZZ, §§ 63.6580 through 63.6675, pertaining to air contamination sources and the emission of air contaminants. Based on this finding, the Department intends to issue a plan approval for the proposed construction and operation of the sources. Additionally, if the Department determines that the proposed sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into a State-only operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x, CO, SO_x, PM/PM₁₀, VOCs and total combined HAPs from all sources at the facility shall not equal or exceed 56.2 tons, 93.8 tons, 31.5 tons, 62.9 tons, 46.1 tons, 42.6 tons and 11.4 tons in any 12-consecutive month period respectively. This condition supersedes Section C, Conditions No. 011, Nos. 003—008 of Plan Approval 17-00063A.

2. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of VOCs resulting from the process equipment shall not exceed 2.02 pounds per hour and 8.85 tons in any 12-consecutive month period. This condition supersedes Section C, Condition No. 009 of Plan Approval 17-00063A.

3. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the wet distiller's grain with solubles (WDGS) storage area shall be limited to use for emergency purposes only. The emission of VOCs from the WDGS storage area shall not exceed 3.32 tons in any 12-consecutive month period.

4. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the facility shall process no more than 40 million bushels of corn in any 12-consecutive month period. This condition supersedes Section C, Condition No. 013 of Plan Approval 17-00063A.

5. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the facility shall produce no more than 115.5 million gallons of denatured ethanol in any 12-consecutive month period. This condition supersedes Section C, Condition No. 014 of Plan Approval 17-00063A.

6. The stack testing required by this plan approval shall be performed using reference method test procedures acceptable to the Department. At least 60 days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations. The Department (Northcentral Regional Office and Central Office, Source Testing Section) shall be given at least 14 days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval. Within 60 days of the completion of the stack testing required by this plan approval, two copies of the test report shall be submitted to the Department (Northcentral Regional Office). The report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis. In addition, the permittee shall keep records of the test report.

7. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhaust of each fabric collector to verify compliance with the total PM/PM₁₀ emissions limitations for each respective fabric collector associated with the respective sources. All testing shall be performed while the respective sources and control device is operating at its maximum rate of production, using EPA Method 5, or equivalent test methods specifically approved, in writing, by the Department.

8. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each fabric collector at the facility shall be equipped with instrumentation to monitor the differential pressure across the fabric collector and the actual differential pressure shall be displayed on a continuous basis.

9. The permittee shall keep records of the supporting calculations on a monthly basis for NO_x, CO, SO_x, PM/PM₁₀, VOCs and total combined HAPs emissions from all sources at the facility to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀, VOCs and total combined HAPs emission limitations of tons in any 12-consecutive month period.

10. The permittee shall keep records of the pressure differential across each fabric collector within the facility at least once per day during the operation of the respective fabric collector.

11. The permittee shall keep records of the amount of corn, in bushels, processed in the facility on a monthly basis to verify compliance with the corn throughput limitation in any 12-consecutive month period.

12. The permittee shall keep records of the supporting calculations on a monthly basis for VOC emissions from the process equipment to verify compliance with the VOC emission limitations of pounds per hour and tons in any 12-consecutive month period.

13. The permittee shall keep records of the amount of denatured ethanol produced by the facility on a monthly basis to verify compliance with the denatured ethanol production limitation of gallons in any 12-consecutive month period.

14. All records required by the conditions contained in Plan Approval 17-00063B shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

15. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀, VOCs, and total combined HAPs emissions limitations for all sources at the facility in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

16. The permittee shall submit reports to the Department on a semi-annual basis that include the amount of denatured ethanol produced on a monthly basis to verify compliance with the denatured ethanol production limitation in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

17. The permittee shall submit reports to the Department on a semi-annual basis that include amount of corn, in bushels, processed in the facility to verify compliance with the corn throughput limitation in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

18. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitation for the process equipment in any 12-

consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

19. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare fabric collector bags for each fabric collector at the facility in order to be able to immediately replace any bags requiring replacement due to deterioration.

20. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the air compressors supplying the compressed air for the fabric collectors at the facility shall be equipped with an air dryer and oil trap.

21. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each fabric collector associated with the respective sources at the facility shall have an effective air-to-cloth ratio under actual conditions of no more than 5.5:1.

22. Within 30 days of selection, but no less than 120 days prior to the installation, for sources and control devices as specified in Plan Approval 17-00063B, the permittee shall submit to the Department for approval, the manufacturer name and model number with design specifications of each specific source and control device selected, by submitting the appropriate pages of the plan approval application.

23. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall implement a leak detection and repair program which is compliant with Subpart VVa, 40 CFR 60.480a through 60.489a. Additionally, the facility is subject to 40 CFR Part 60, Subpart VVa. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.480a through 60.489a.

24. The Department will evaluate the actual emission rates and will decrease or increase the allowable emission rates, if necessary, based upon demonstrated performance (emissions data, vendors' data and/or stack test results) during the first 2 years of operation. Any revision of the allowable emission rates below the thresholds for a "major facility" (as defined in 25 Pa. Code § 121.1) shall be accomplished by minor modification provided that it is consistent with the BAT as determined by the Department on the date of the Plan Approval and that it is not a result of a physical change at the facility.

25. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from each boiler shall not exceed 0.012 pound per million Btu (on an hourly average basis), 1.70 pounds per hour and 7.46 tons in any 12-consecutive month period. The emission of CO from each boiler shall not exceed 0.023 pound per million Btu, 3.26 pounds per hour and 14.30 tons in any 12-consecutive month period. The emission of SO_x, expressed as SO₂, from each boiler shall not exceed 0.001 pound per million Btu, 0.09 pound per hour, and 0.37 ton in any 12-consecutive month period. The emission of PM/PM₁₀ from each boiler shall not exceed 0.005 pound per million Btu, 0.71 pound per hour and 3.11 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of each boiler. The emission of VOCs from each boiler shall not exceed 0.004 pound per million Btu, 0.57 pound per hour and 2.49 tons in any 12-consecutive month period. The emission of total combined HAPs from each boiler shall not exceed 0.26 pound per hour and 1.15 tons in any 12-consecutive month period.

26. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, only natural gas shall be fired in each boiler.

27. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the exhaust of each boiler to verify compliance with the CO emissions limitations. All testing shall be performed while each boiler is operating at its maximum capacity, using EPA reference test methods, as approved by the Department.

28. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall install, certify, maintain and operate a continuous emission monitoring system (CEMS) for NO_x, and oxygen (or CO₂) on each boiler in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's current Continuous Source Monitoring Manual. The CEMS specified previously shall be installed prior to startup of each boiler. No CEMS may however be operated unless Phase I approval has first been obtained from the Department. The NO_x and oxygen (or CO₂) emission monitoring systems shall be capable of monitoring the NO_x and oxygen (or CO₂) concentrations expressed in ppmv, emission rates expressed in pounds per hour and pounds per million Btu, and total emissions in any 12-consecutive month period, expressed in tpy, for each boiler.

29. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall submit a Phase I application to the Department for the NO_x and oxygen (or CO₂) continuous emission monitoring system which shall be constructed and installed at least 6 months prior to the anticipated startup date of each respective boiler.

30. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each respective boiler shall not be operated for any reason unless the associated NO_x and oxygen (or CO₂) continuous emission monitoring systems have received Phase I approval from the Department and have subsequently been installed and made operational in accordance with the conditions of this plan approval. Furthermore, the continuous emission monitoring systems shall be operated any time each respective boiler is operating in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139, as well as with the Department's current Continuous Source Monitoring Manual unless superseded by conditions contained in this plan approval. The required relative accuracy testing shall have been completed on the continuous emission monitoring systems and the monitoring systems shall be fully certified in accordance with the Department's current Continuous Source Monitoring Manual within 180 days of startup of each boiler.

31. The permittee shall keep records associated with the continuous emission monitoring system for NO_x and oxygen (or CO₂) from each boiler in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's current Continuous Source Monitoring Manual.

32. The permittee shall keep records of: the supporting calculations on a monthly basis for the NO_x, CO, SO_x, PM/PM₁₀ and VOCs emissions from each boiler to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀ and VOCs emissions limitations of pounds per million Btu, pounds per hour and tons in any 12-consecutive month period; and the supporting calculations on a monthly basis for the total combined HAPs emissions from each boiler to verify compliance with the total combined HAPs emissions limitation of pounds per hour and tons in any 12-consecutive month period.

33. The permittee shall keep records of the amount of natural gas combustion in each boiler on a monthly basis.

34. The permittee shall submit all reports to the Department associated with the continuous emission monitoring system for NO_x and oxygen (or CO₂) on each boiler in accordance with all applicable requirements specified in 25 Pa. Code Chapter 139 and the Department's current Continuous Source Monitoring Manual.

35. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀, VOCs and total combined HAPs emissions limitations for each boiler in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

36. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall utilize ultra low- NO_x burners (ULNB) and flue gas recirculation (FGR) technology to control NO_x emissions from each boiler. Each boiler shall be operated with the operation of ULNB and FGR. Each boiler shall be rated at 141.9 mmBtu/hr of heat input.

37. Each boiler at the facility is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart Db and shall comply with all applicable requirements as specified in 40 CFR 60.40b through 60.49b.

38. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM/PM₁₀ emissions from the corn receiving and storage fabric collector shall not exceed 0.003 grain per dry standard cubic foot (gr/dscf), 1.0 pound per hour, and 4.39 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the fabric collector.

39. The permittee shall keep records of the supporting calculations on a monthly basis for the total PM/PM₁₀ emissions from the fabric collector associated with the corn receiving and storage operations to verify compliance with the total PM/PM₁₀ emissions limitations of pounds per hour and tons in any 12-consecutive month period. Additionally, the permittee shall keep records of all stack tests reports to verify compliance with the PM/PM₁₀ emissions limitations in gr/dscf for the fabric collector associated with the corn receiving and storage operations.

40. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the total PM/PM₁₀ emissions limitations for the corn receiving and storage operations in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

41. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the corn receiving from railcar operation shall be enclosed on the top and sides. The corn receiving from truck operation shall be enclosed on the top and sides and be equipped with doors, which shall be shut during corn receiving from truck to create a total enclosure.

42. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the corn receiving and storage operations without the simultaneous operation of the corn receiving and storage fabric collector. The PM emissions from the corn receiving and storage operations shall be controlled by the corn receiving and storage fabric collector.

43. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, all augers, conveyors, elevators, bin sweeps and storage silos associated with the corn receiving and storage operations, which are not entirely located inside a building, shall be fully enclosed.

44. The maximum railcar-to-dump pit corn drop height shall not exceed 4 feet. The corn receiving operation shall consist of truck dump pit No. 1, truck dump pit No. 2, railcar dump pit, truck dump pit No. 1 auger, truck dump pit No. 2 auger, railcar dump pit auger, truck receiving lane conveyor No. 1, truck receiving lane conveyor No. 2, railcar receiving lane conveyor, receiving transfer conveyor No. 1, receiving transfer conveyor No. 2. The corn storage operating shall consist of receiving bucket elevator No. 1, receiving bucket elevator No. 2, distribution system with gathering hopper and fill gates, upper receiving conveyor No. 1, upper receiving conveyor No. 2, corn silo No. 1, corn silo No. 2, bin sweep No. 1, bin sweep No. 2, reclaim conveyor No. 1, reclaim conveyor No. 2, reclaim transfer conveyor and corn day bin. The corn silos shall each have a capacity of no greater than 1.0 million bushels. The corn receiving and storage fabric collector shall be cleaned using reverse air flow and shall have a rated airflow capacity of 39,000 standard cubic feet per minute (SCFM).

45. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM/PM₁₀ emissions from the corn milling fabric collector shall not exceed 0.003 gr/dscf, 0.71 pound per hour and 3.10 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the fabric collector associated with the corn milling operation.

46. The permittee shall keep records of the supporting calculations on a monthly basis for the total PM/PM₁₀ emissions from the fabric collector associated with the corn milling operation to verify compliance with the total PM/PM₁₀ emissions limitations of pounds per hour and tons in any 12-consecutive month period. Additionally, the permittee shall keep records of all stack tests reports to verify compliance with the PM/PM₁₀ emissions limitations in gr/dscf for the fabric collector associated with the corn milling operation.

47. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the total PM/PM₁₀ emissions limitations for the fabric collector associated with the corn milling operation in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

48. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the corn milling operation without the simultaneous operation of the corn milling fabric collector. The PM emissions from the corn milling operation shall be controlled by the fabric collector associated with the corn milling operation.

49. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, all surge bins, scalpers, feeders and hammermills associated with the corn milling operation, which are not entirely located inside a building, shall be fully enclosed.

50. The corn milling operation shall consist of grinder surge bin, rotary scalper No. 1, rotary scalper No. 2, rotary feeder No. 1, rotary feeder No. 2, rotary feeder No. 3, rotary feeder No. 4, hammermill No. 1, hammermill No. 2, hammermill No. 3, hammermill No. 4, ground corn

conveyor, ground corn transfer conveyor. The hammermills shall each have a capacity of no greater than 42 tons per hour. The corn milling fabric collector shall be cleaned using reverse air flow and shall each have a rated airflow capacity of 27,500 SCFM.

51. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the total combined emission of NO_x from the dryer RTOs associated with the ethanol manufacturing process shall not exceed 0.040 pound per million Btu, 7.8 pounds per hour and 34.3 tons in any 12-consecutive month period. The total combined emission of CO from the dryer RTOs associated with the ethanol process shall not exceed 13.6 pounds per hour and 59.4 tons in any 12-consecutive month period. The total combined emission of SO_x , expressed as SO_2 , from the dryer RTOs associated with the ethanol process shall not exceed 7.0 pounds per hour and 30.6 tons in any 12-consecutive month period. The total combined emission of PM/PM_{10} from the dryer RTOs associated with the ethanol process shall not exceed 0.005 gr/dscf, 5.3 pounds per hour and 23.4 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the dryer RTOs associated with the ethanol process. The total combined emission of VOCs from the dryer RTOs associated with the ethanol process shall not exceed 5.3 pounds per hour and 23.4 tons in any 12-consecutive month period. The emission of total combined HAPs from the dryer RTOs associated with the ethanol process shall not exceed 1.2 pound per hour and 5.3 tons in any 12-consecutive month period.

52. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emissions from the exhaust of one dryer RTO associated with the ethanol manufacturing process shall not exceed 3.9 pounds of NO_x per hour, 8.1 pounds of CO per hour, 4.2 pounds of SO_x per hour, 3.2 pounds of PM/PM_{10} per hour, 3.2 pounds of VOCs per hour and 2.0 pounds of HAPs per hour when the emissions are controlled by only one dryer RTO.

53. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, only natural gas shall be fired in each dryer RTO associated with the ethanol process and only natural gas and off-gas from the biomethanators shall be fired in each DDGS dryer.

54. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each dryer RTO shall destroy the VOC/HAP emissions ducted to it at a destruction efficiency of no less than 99% (by weight). In addition, each dryer RTO shall destroy the CO emissions ducted to it at a destruction efficiency of no less than 95% (by weight).

55. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform simultaneous testing on the inlet and exhaust of each dryer RTO associated with the ethanol manufacturing process to verify compliance with VOCs, CO, PM and SO_x emissions limitations and the VOC/HAP and CO destruction efficiency of each dryer RTO. Additionally, the permittee shall perform tests on the inlet and exhaust of one dryer RTO associated with the ethanol manufacturing process while that specific dryer RTO is controlling the emissions to verify compliance with the emissions limitations and destruction efficiency of the dryer RTO. All testing shall be performed while the facility is operating at representative operating conditions, using EPA reference test methods, as approved by the Department. During the stack testing, the temperature of the combustion chambers of each dryer RTO shall be monitored and the temperatures shall not go below 1,550° F or above 1,650° F. Additionally, the

differential pressure of the bed media of each dryer RTO shall be monitored and recorded during testing.

56. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each dryer RTO shall be equipped with instrumentation to monitor and record the temperature of the combustion chamber of each dryer RTO on a continuous basis. Each dryer RTO shall be equipped with instrumentation to monitor the differential pressure across the bed media of each dryer RTO and the monitor shall be operated on a continuous basis.

57. The permittee shall keep records of the supporting calculations on a monthly basis for the total combined CO, SO_x , PM/PM_{10} , VOC and HAPs emissions from the dryer RTOs associated with the ethanol process to verify compliance with the total combined CO, SO_x , PM/PM_{10} , VOC and HAPs emissions limitations of pounds per hour and tons in any 12-consecutive month period and the supporting calculations on a monthly basis for total combined NO_x emissions from the dryer RTOs to verify compliance with the total combined NO_x emissions limitations of pounds per million Btu, pounds per hour and tons in any 12-consecutive month period.

58. The permittee shall continuously record the temperature of the combustion chamber of each dryer RTO by means of temperature recorder when the respective dryer RTO is in operation. The permittee shall record the differential pressure of the bed media of each dryer RTO at least once per day when the respective dryer RTO is in operation.

59. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the total combined NO_x , CO, SO_x , PM/PM_{10} , VOCs and total combined HAPs emissions limitations for the dryer RTOs associated with the ethanol process in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

60. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the mix tank, slurry tanks, cook tubes, cook water tank, liquefaction tanks, yeast tanks, process condensate tank, beer column, side stripper, rectifier column, 190-proof condenser, whole stillage tank, molecular sieves, 200 proof condenser, centrifuges, centrate tank, thin stillage tank, evaporators, syrup tank, steam condensate tank, interconnecting conveyors and/or DDGS cooler drum associated with the ethanol manufacturing process without the simultaneous operation of the dryer RTOs, except allowed under condition No. 61 below. The permittee shall not operate DDGS dryer A and/or DDGS dryer B associated with the ethanol manufacturing process without the simultaneous operation of dryer RTO No. 1. The permittee shall not operate DDGS dryer C and/or DDGS dryer D associated with the ethanol manufacturing process without the simultaneous operation of dryer RTO No. 2. In order for each dryer RTO associated with the ethanol manufacturing process to be considered in operation, the combustion chamber of the respective dryer RTO shall achieve and maintain a temperature of at least 1,600° F. The dryer RTO operating temperature requirement may be revised based on the compliance demonstration of the destruction efficiency requirements for the dryer RTOs, as approved by the Department. The PM, CO, VOC and HAP emissions from the ethanol manufacturing process shall be controlled by the dryer RTOs.

61. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, should dryer RTO No. 1 associated with the ethanol manufacturing process be inoperable, the permittee may operate the pre-fermentation system, distillation system, separation system, and DDGS drying system, provided that the permittee does not operate DDGS dryer A and/or DDGS dryer B associated with the ethanol manufacturing process. Should dryer RTO No. 2 associated with the ethanol manufacturing process be inoperable, the permittee may operate the prefermentation system, distillation system, separation system, and DDGS drying system, provided that the permittee does not operate DDGS dryer C and/or DDGS dryer D associated with the ethanol manufacturing process. The permittee shall record the times when only dryer RTO No. 1 or dryer RTO No. 2 associated with the ethanol manufacturing process was operating and the other respective dryer RTO associated with the ethanol manufacturing process was not operating.

62. The prefermentation system shall consist of the following sources: mix tank with a 470 gallon capacity, slurry tank No. 1 with a 25,000 gallon capacity, slurry tank No. 2 with a 29,000 gallon capacity, cook tube No. 1 with a 5,200 gallon capacity, cook tube No. 2 with a 5,200 gallon capacity, flash tank with a 4,500 gallon capacity, liquefaction tank No. 1 with a 128,400 gallon capacity, liquefaction tank No. 2 with a 128,400 gallon capacity, yeast tank No. 1 with a 20,000 gallon capacity and yeast tank No. 2 with a 20,000 gallon capacity. The distillation system shall consist of the following sources: process condensate tank, beer column, side stripper, rectifier column, 190-proof condenser, molecular sieve No. 1, molecular sieve No. 2, molecular sieve No. 3, molecular sieve No. 4, molecular sieve No. 5, molecular sieve No. 6 and 200-proof condenser. The separation system shall consist of the following sources: whole stillage tank with a 180,800 gallon capacity, centrifuge No. 1, centrifuge No. 2, centrifuge No. 3, centrifuge No. 4, centrifuge No. 5, centrifuge No. 6, centrate tank with a 3,000 gallon capacity, thin stillage tank with a 374,000 gallon capacity, evaporator No. 1, evaporator No. 2, evaporator No. 3, evaporator No. 4, evaporator No. 5, evaporator No. 6, evaporator No. 7, evaporator No. 8, steam condensate tank with a 770 gallon capacity and syrup tank with a 180,000 gallon capacity. The DDGS drying system shall consist of the following sources: DDGS dryer A that is natural-gas fired with a rated burner capacity of 40.0 mmBtu/hr and a multiclone for product recovery, DDGS dryer B that is natural-gas fired with a rated burner capacity of 40.0 mmBtu/hr, a mixer, and a multiclone for product recovery, DDGS dryer C that is natural-gas fired with a rated burner capacity of 40.0 mmBtu/hr and a multiclone for product recovery, DDGS dryer D that is natural-gas fired with a rated burner capacity of 40.0 mmBtu/hr, a mixer, and a multiclone for product recovery, DDGS cooler drum with a baghouse for product recovery, and interconnecting conveyors. The DDGS drying system shall have all air cleaned by the multiclones and baghouse exhausting back to the burners of the dryer and not exhausting to atmosphere. The two dryer RTOs are natural gas fired units and each shall have a designed airflow capacity of 96,975 SCFM, burner capacity of 18 mmBtu/hr, and a flush chamber.

63. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from the exhaust of the scrubber RTO associated with the fermentation process shall not exceed 0.32 pound per hour and 1.40 tons in any 12-consecutive month period. The emission of CO from the exhaust of the scrubber RTO associated with the

fermentation process shall not exceed 1.00 pound per hour and 4.38 tons in any 12-consecutive month period. The emission of SO_x , expressed as SO_2 , from the exhaust of the scrubber RTO associated with the fermentation process shall not exceed 0.01 ton in any 12-consecutive month period. The emission of PM/PM_{10} from the exhaust of the scrubber RTO associated with the fermentation process shall not exceed 0.01 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the scrubber RTO associated with the fermentation process. The emission of VOCs from the exhaust of the scrubber RTO associated with the fermentation process shall not exceed 0.15 pound per hour and 0.67 ton in any 12-consecutive month period. The emission of total combined HAPs from the exhaust of the scrubber RTO associated with the fermentation process shall not exceed 0.02 pound per hour and 0.08 ton in any 12-consecutive month period.

64. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, only natural gas shall be fired in the scrubber RTO associated with the fermentation process.

65. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the inlet and exhaust of the scrubber RTO associated with the fermentation process to verify compliance with VOC emissions limitations and the VOC/HAP destruction efficiency of the scrubber RTO. All testing shall be performed while the facility is operating at representative operating conditions, using test methods approved by the Department. Additionally, the test shall verify compliance with a VOC/HAP destruction efficiency of 99% for the scrubber RTO. During the stack testing, the temperature of the combustion chamber of the scrubber RTO shall be monitored and the temperature shall not go below 1,550° F or above 1,650° F. Additionally, the differential pressure of the bed media of the scrubber RTO shall be monitored and recorded during testing.

66. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the scrubber RTO associated with the fermentation process shall be equipped with instrumentation to monitor and record the temperature of the combustion chamber of the scrubber RTO on a continuous basis. The scrubber RTO associated with the fermentation process shall be equipped with instrumentation to monitor the differential pressure across the bed media of the scrubber RTO and the monitor shall be operated on a continuous basis.

67. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the scrubber associated with the fermentation process shall be equipped with instrumentation to monitor the scrubber water flow rate, differential pressure across the scrubber and pH of the scrubber water and the monitors shall be operated on a continuous basis.

68. The permittee shall keep records of: the supporting calculations on a monthly basis for the NO_x , CO, VOC and HAPs emissions from the scrubber RTO associated with the fermentation process to verify compliance with the NO_x , CO, VOC and HAPs emissions limitations of pounds per hour and tons in any 12-consecutive month period and the supporting calculations on a monthly basis for total combined SO_x and PM/PM_{10} emissions from the scrubber RTO to verify compliance with the SO_x and PM/PM_{10} emissions limitations of tons in any 12-consecutive month period.

69. The permittee shall continuously record the temperature of the combustion chamber of the scrubber RTO

by means of temperature recorder when the scrubber RTO is in operation. The permittee shall record the differential pressure of the bed media of the scrubber RTO at least once per day when the scrubber RTO is in operation.

70. The permittee shall record the scrubber water flow rate, differential pressure across the scrubber and pH of the scrubber water at least once per day when the scrubber is in operation.

71. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀, VOCs and total combined HAPs emissions limitations for the scrubber RTO associated with the fermentation process in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

72. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the scrubbing water flow rate in the scrubber associated with the fermentation process shall be no less than 40 gallons per minute at all times the scrubber is operating. Additionally, the scrubber shall only use clean water on a once-through basis.

73. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the fermentation process without the simultaneous operation of the scrubber and the scrubber RTO. For the scrubber RTO associated with the fermentation process to be considered in operation, the combustion chamber of the scrubber RTO shall achieve and maintain a temperature of at least 1,600° F. The scrubber RTO operating temperature requirement may be revised based on the compliance demonstration of the destruction efficiency requirement for the scrubber RTO, as approved by the Department. The VOC and HAP emissions from the fermentation process shall be controlled by the scrubber and the scrubber RTO.

74. The fermentation system shall consist of the following: fermenter No. 1 with a 807,000 gallon capacity, fermenter No. 2 with a 807,000 gallon capacity, fermenter No. 3 with a 807,000 gallon capacity, fermenter No. 4 with a 807,000 gallon capacity, fermenter No. 5 with a 807,000 gallon capacity, fermenter No. 6 with a 807,000 gallon capacity, fermenter No. 7 with a 807,000 gallon capacity, and beer well with a 1,080,000 gallon capacity. The fermentation scrubber is a packed gas column scrubber and shall have a designed airflow capacity of 11,000 SCFM. The scrubber RTO is a natural gas fired unit and shall have a designed airflow capacity of 18,506 SCFM, burner capacity of 8 mmBtu/hr and a flush chamber.

75. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM/PM₁₀ emissions from the DDGS storage and loadout fabric collector shall not exceed 0.003 gr/dscf, 0.28 pound per hour and 1.24 tons in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the fabric collector associated with the DDGS storage and loadout.

76. The permittee shall keep records of the supporting calculations on a monthly basis for the total PM/PM₁₀ emissions from the fabric collector associated with the DDGS storage and loadout to verify compliance with the total PM/PM₁₀ emissions limitations of pounds per hour and tons in any 12-consecutive month period. Additionally, the permittee shall keep records of all stack tests

reports to verify compliance with the PM/PM₁₀ emissions limitations in gr/dscf for the fabric collector associated with the DDGS storage and loadout.

77. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the total PM/PM₁₀ emissions limitations for the fabric collector associated with the DDGS storage and loadout in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

78. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the DDGS storage and loadout operation without the simultaneous operation of the DDGS storage and loadout fabric collector. The PM emissions from the DDGS storage and loadout operation shall be controlled by the DDGS storage and loadout fabric collector.

79. The DDGS storage and loadout operation shall consist of: DDGS transfer inclined conveyor, DDGS flat storage conveyor, DDGS storage pile conveyor, DDGS flat storage, DDGS reclaim hopper/conveyor, DDGS silo bucket elevator, DDGS silo storage conveyor, DDGS silo recycle conveyor, DDGS storage silo No. 1, DDGS storage silo No. 2, DDGS storage silo No. 1 loadout conveyor, DDGS storage silo No. 2 loadout conveyor, DDGS silo bucket elevator, weighing system, DDGS loadout conveyor, DDGS truck loadout and DDGS railcar loadout. The fabric collector shall be cleaned using reverse air flow and shall have a rated airflow capacity of 11,000 SCFM.

80. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the VOC emissions from the tanks storing VOC-containing material at the facility shall not exceed 0.392 pound per hour and 1.80 tons in any 12-consecutive month period.

81. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall visually inspect the internal floating roof, the primary seal and the secondary seal of the denaturant, 190-proof, 200-proof and denatured ethanol tanks prior to filling. If there are holes, tears or other openings in the primary seal, the secondary seal or the seal fabric or defects in the internal floating roof or both, the permittee shall repair the items before filling the denaturant, 190-proof, 200-proof and denatured ethanol tanks.

82. The permittee shall keep records of the supporting calculations on a monthly basis for the VOC emissions from the tanks storing VOC-containing material to verify compliance with the VOC emissions limitations of tons in any 12-consecutive month period.

83. Under 40 CFR 60.115b(a), the permittee shall keep records to verify that the denaturant, 190-proof, 200-proof and denatured ethanol tanks meet the requirements of 40 CFR Part 60, Subpart Kb. In addition, the permittee shall keep records of each inspection performed on the denaturant, 190-proof, 200-proof and denatured ethanol tanks.

84. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep records of the period of storage of each fill in the denaturant, 190-proof, 200-proof and denatured ethanol tanks and the maximum true vapor pressure of the materials in each fill of the denaturant, 190-proof, 200-proof and denatured ethanol tanks. The permittee shall use available data on Reid vapor pressure and maximum expected storage tempera-

ture based on the highest expected calendar-month average temperature to calculate maximum true vapor pressure for the denaturant.

85. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the VOC emissions limitations for the tanks storing VOC-containing material in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

86. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the denaturant, 190-proof, 200-proof and denatured ethanol tanks shall be equipped with a mechanical shoe primary seal and a rim-mounted secondary seal.

87. The denaturant, 190-proof, 200-proof and denatured ethanol tanks are subject to 40 CFR Part 60, Subpart Kb. The permittee shall comply with all the applicable requirements specified in 40 CFR 60.110b through 60.117b.

88. The denaturant, 190-proof, 200-proof and denatured ethanol tanks are subject to 25 Pa. Code § 129.56. The permittee shall comply with all the applicable requirements specified in 25 Pa. Code § 129.56.

89. The tanks storing VOC-containing material include the following: 190-proof ethanol tank with a 200,000 gallon capacity, 200-proof ethanol tank with a 200,000 gallon capacity, gasoline denaturant storage tank with a 200,000 gallon capacity, denatured ethanol storage tank No. 1 with a 1.5 million gallon capacity, denatured ethanol storage tank No. 2 with a 1.5 million gallon capacity, fuel additive tank with a 2,300 gallon capacity, corrosion inhibitor tank with a 6,000 gallon capacity, and diesel (No. 2 fuel oil) storage tank with a 6,000 gallon capacity.

90. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from the ethanol loadout VBO shall not exceed 0.18 pound per hour and 0.21 ton in any 12-consecutive month period. The emission of CO from the ethanol loadout VBO shall not exceed 0.93 pound per hour and 0.96 ton in any 12-consecutive month period. The emission of SO_x, expressed as SO₂, from the ethanol loadout VBO shall not exceed 0.002 pound per hour and 0.002 ton in any 12-consecutive month period. The emission of PM/PM₁₀ from the ethanol loadout VBO shall not exceed 0.101 pound per hour and 0.103 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the ethanol loadout VBO. The emission of VOCs from the ethanol loadout VBO shall not exceed 2.80 pounds per hour and 2.80 tons in any 12-consecutive month period.

91. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the ethanol loadout operations for more than 2,000 hours in any 12-consecutive month period.

92. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the ethanol loadout VBO shall destroy the VOC emissions from the ethanol loadout operation at a destruction efficiency of no less than 99% (by weight).

93. Within 120 days of achieving normal production, but no later than 180 days after initial startup, the permittee shall perform testing on the inlet and exhaust of the ethanol loadout VBO to verify compliance with the VOC emissions limitations and the VOC destruction efficiency of the ethanol loadout VBO. All testing shall be

performed while the facility is operating at representative operating conditions, using test methods approved by the Department. Additionally, the test shall verify compliance with a VOC destruction efficiency of 99%. During the stack testing, the temperature of the combustion chamber of the ethanol loadout VBO shall be monitored and the temperature shall not go below 1,350° F or above 1,450° F.

94. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the ethanol loadout VBO shall be equipped with instrumentation to monitor and record the temperature of the combustion chamber on a continuous basis.

95. The permittee shall keep records of: the supporting calculations on a monthly basis for NO_x, CO, SO_x, PM/PM₁₀ and VOC emissions from the ethanol loadout VBO to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀ and VOC emissions limitations of pounds per hour and tons in any 12-consecutive month period.

96. The permittee shall continuously record the temperature of the combustion chamber of the ethanol loadout VBO by means of temperature chart recorder when the ethanol loadout VBO is in operation.

97. The permittee shall keep records of the number of hours that the ethanol loadout operates on a monthly basis to verify compliance with the operation hours restriction in any 12-consecutive month period.

98. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀ and VOC emissions limitations for the ethanol loadout enclosed flare in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

99. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, all VOC emissions displaced from railcars and trucks being loaded with ethanol shall be collected through dedicated vapor collection lines and ducted to the ethanol loadout VBO for destruction.

100. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the truck ethanol loadout and/or the railcar ethanol loadout without the simultaneous operation of the ethanol loadout VBO. For the ethanol loadout VBO to be considered in operation, the combustion chamber of the ethanol loadout VBO shall achieve and maintain a temperature of at least 1,400° F. The VOC emissions from the ethanol loadout operation shall be controlled by the ethanol loadout VBO.

101. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the ethanol loadout operation consists of a truck ethanol loadout spout and a railcar ethanol loadout spout. The ethanol loadout VBO is a ventura burner oxidizer and the combustion chamber of the VBO shall be fully enclosed. Natural gas is used for the pilot and backup fuel supply of the ethanol loadout VBO.

102. The emergency generator is subject to the is subject to the National Emissions Standards for HAPs, 40 CFR Part 63, Subpart ZZZZ and shall comply with all applicable requirements as specified in 40 CFR 63.6580 through 63.6675.

103. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from the fire pump shall not exceed 3.72 grams per brake horsepower-hour (g/bhp-hr), 2.46 pounds per hour and 0.3 ton in any 12-

consecutive month period. The emission of CO from the fire pump shall not exceed 0.41 g/bhp-hr, 0.27 pound per hour and 0.03 ton in any 12-consecutive month period. The emission of SO_x, expressed as SO₂, from the fire pump shall not exceed 0.05 pound per million Btu, 0.11 pound per hour, and 0.01 ton in any 12-consecutive month period. The emission of PM/PM₁₀ from the fire pump shall not exceed 0.16 g/bhp-hr, 0.11 pound per hour and 0.01 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the fire pump. The emission of NMHC, including VOCs, from the fire pump shall not exceed 0.39 g/bhp-hr, 0.26 pound per hour and 0.03 ton in any 12-consecutive month period. The emission of total combined HAPs from the fire pump shall not exceed 0.003 pound per hour and 0.0004 ton in any 12-consecutive month period.

104. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the sulfur content of the No. 2 fuel oil or diesel fuel fired in the fire pump shall not, at any time, exceed 0.05% (by weight).

105. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the fire pump shall not be operated more than 250 hours in any 12-consecutive month period.

106. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the fire pump shall be equipped with a nonresettable meter for hours of operation prior to startup and the meter shall be operated at all times the fire pump is in operation.

107. The permittee shall keep records of the number of hours that the fire pump operates on a monthly basis to verify compliance with the operation hours restriction in any 12-consecutive month period.

108. The permittee shall keep records of: the supporting calculations on a monthly basis for NO_x, CO, PM/PM₁₀ and NMHC, including VOC, emissions from the fire pump to verify compliance with the NO_x, CO, PM/PM₁₀ and NMHC, including VOC, emissions limitations of g/bhp-hr, pounds per hour, and tons in any 12-consecutive month period; the supporting calculations on a monthly basis for SO_x emissions from the fire pump to verify compliance with the SO_x emissions limitations of pounds per million Btu, pounds per hour and tons in any 12-consecutive month period and the supporting calculations on a monthly basis for total combined HAP emissions from the fire pump to verify compliance with the HAP emissions limitations of pounds per hour and tons in any 12-consecutive month period.

109. The fire pump is a John Deere model JW6H-UF40 engine, which shall be rated at 300 horsepower and fired on diesel fuel (No. 2 fuel oil).

110. The Department reserves the right to require verification of emission rates from the fire pump, which may include source testing, in accordance with applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) or portable exhaust gas analyzer testing approved by the Department.

111. The fire pump is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart IIII and shall comply with all applicable requirements as specified in 40 CFR 60.4200 through 60.4219.

112. The fire pump is subject to the is subject to the National Emissions Standards for HAPs, 40 CFR Part 63, Subpart ZZZZ and shall comply with all applicable requirements as specified in 40 CFR 63.6580 through 63.6675.

113. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of PM/PM₁₀ from the cooling tower shall not exceed 0.63 pound per hour and 2.74 tons in any 12-consecutive month period.

114. The permittee shall keep records of the supporting calculations on a monthly basis for the total PM/PM₁₀ emissions from the cooling tower to verify compliance with the total PM/PM₁₀ emissions limitations of pounds per hour and tons in any 12-consecutive month period.

115. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, each cell of the cooling tower shall be equipped with a drift eliminator. The drift eliminator located on each cell of the cooling tower shall be capable of achieving a maximum drift rate of 0.0001%. The cooling tower shall have a maximum circulating water flow rate of 3 million gallons per hour.

116. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the emission of NO_x from the biomethanators candlestick-type flare shall not exceed 0.45 pound per hour and 0.15 ton in any 12-consecutive month period. The emission of CO from the biomethanators candlestick-type flare shall not exceed 2.38 pounds per hour and 0.63 ton in any 12-consecutive month period. The emission of SO_x, expressed as SO₂, from the biomethanators candlestick-type flare shall not exceed 0.001 pound per hour and 0.001 ton in any 12-consecutive month period. The emission of PM/PM₁₀ from the biomethanators candlestick-type flare shall not exceed 0.001 pound per hour and 0.003 ton in any 12-consecutive month period. Additionally, there shall be no visible emissions from the exhaust of the biomethanators candlestick-type flare. The emission of VOCs from the biomethanators candlestick-type flare shall not exceed 0.33 pound per hour and 0.09 ton in any 12-consecutive month period.

117. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the main flare of the biomethanators candlestick-type flare for more than 500 hours in any 12-consecutive month period.

118. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, only natural gas and off-gas from the biomethanators shall be fired in the main flare and pilot burner of the biomethanators candlestick-type flare.

119. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the biomethanators candlestick-type flare shall be equipped with instrumentation to monitor and record the temperature on a continuous basis.

120. The permittee shall keep records of: the supporting calculations on a monthly basis for NO_x, CO, SO_x, PM/PM₁₀ and VOC emissions from the biomethanators candlestick-type flare to verify compliance with the NO_x, CO, SO_x, PM/PM₁₀ and VOC emissions limitations of pounds per hour and tons in any 12-consecutive month period.

121. The permittee shall continuously record the temperature of the biomethanators candlestick-type flare by means of temperature chart recorder when the main flare of the biomethanators candlestick-type flare is in operation.

122. The permittee shall keep records of the number of hours that the main flare of the biomethanators candlestick-type flare operates on a monthly basis to verify compliance with the operation hours restriction in any 12-consecutive month period.

123. The permittee shall submit reports to the Department on a semi-annual basis that include the supporting calculations to verify compliance with the NO_x, CO, SO_x,

PM/PM₁₀ and VOC emissions limitations for the biomethanators candlestick-type flare in any 12-consecutive month period. The semi-annual reports shall be submitted to the Department no later than March 1 (for January 1 through December 31 of the previous year) and September 1 (for July 1 of the previous year through June 30 of the current year).

124. Under BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not operate the biomethanators without the simultaneous operation of the biomethanators candlestick-type flare, except that the off-gas from biomethanators may be directed to the dryers of the DDGS drying system instead. In order for the biomethanators candlestick-type flare to be considered in operation, the combustion chamber of the biomethanators candlestick-type flare shall achieve and maintain a temperature of at least 1,800° F. The methane emissions from the biomethanators shall be controlled by the biomethanators candlestick-type flare and/or the dryers of the DDGS drying system.

125. The biomethanator system consists of four biomethanator modules with a total capacity of 30,000 gallons. The biomethanators candlestick-type flare uses natural gas for the pilot burner.

126. All conditions contained in existing Plan Approval 17-00063A remain in effect unless superseded or amended by conditions contained in this Plan Approval (17-00063B). If there is a conflict between a condition contained in this plan approval and a condition contained in existing Plan Approval 17-00063A, the permittee shall comply with the condition contained in this plan approval.

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers (412) 442-4163/5226.

PA-32-00393A: Prime Metals & Alloys, Inc. (P. O. Box 194, Lucernemines, PA 15764) to allow construction and operation of a specialty steel plant in Center Township, **Indiana County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Prime Metals & Alloys, Inc. (P. O. Box 194, Lucernemines, PA 15764) to allow the construction and operation of a specialty steel plant located in Center Township, Indiana County. The facility will produce up to 55,000 tons of metal ingots annually, and have the potential to emit 23.63 tons of PM, 9.35 tons CO, 5.21 tons NO_x, 0.03 ton VOC and negligible quantity of HAP on an annual basis.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address that follows.

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following Conditions on the Plan Approval:

General Conditions:

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the APCA or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or re-activation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shutdown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F (relating to operating permits) or Subchapter G (relating to Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), above.

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted

in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a) (10))

5. (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with §§ 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

6. (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on Page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- (i) A justification for the extension,
- (ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapter B, D and E (related to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

7. (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

8. (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in accordance with § 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code 127.13a)

10. (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

11. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection

(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

12. (a) If required by § 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of § 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under § 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-site movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Special Conditions:

1. This Plan Approval is to allow the construction of a specialty steel plant by Prime Metals & Alloys, Inc. located in Center Township, Indiana County. (25 Pa. Code § 127.12b)

2. Air contamination sources at the facility are as follows:

- two 14,000 pound electric induction furnaces
- two 100—3,000 pound electric induction furnaces
- pig pouring area
- ingot pouring area
- one 20 ton argon-oxygen decarburization vessel (AOD)

- one tumble-blast unit (included in plan approval but may not install)

- two 2.8 mmBtu/hr annealing boxes

- two 1.4 mmBtu/hr annealing boxes

- two 2.3 mmBtu/hr ladle pre-heaters

- slag handling

- parts washer (25 Pa. Code § 127.12b)

3. Air pollution prevention equipment at the facility includes the following:

- one 30,000 ACFM fabric filter; Griffin model JA364E

- one 45,500 ACFM fabric filter; Century model 646JP-10

- one 48,000 ACFM fabric filter; Wheelabrator model 2715-2

- one 6500 ACFM fabric filter; integral to the tumble-blast unit

- smoke ring and canopy hood (25 Pa. Code § 127.12b)

4. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

5. There shall be no malodors from the facility in accordance 25 Pa. Code § 123.31.

6. For sources that are not subject to 40 CFR 60 subpart AAa, the permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

(1) Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

(2) Equal to or greater than 60% at any time. (25 Pa. Code § 123.41)

7. Particulate emissions from fabric filters controlling sources not subject to 40 CFR 60 subpart AAa and with flow rates greater than 10,000 ACFM shall not exceed 0.01 grains/dscf. (25 Pa. Code § 127.12b)

8. For each segregated metallic scrap storage area, bin, or pile, the permittee shall comply with one of the following materials acquisition requirements. You must keep a copy of the material specifications onsite and readily available to all personnel with material acquisition duties. The permittee may have certain scrap subject to paragraph (a) of this condition and other scrap subject to paragraph (b) of this condition at this facility provided the metallic scrap remains segregated until charge make-up.

(a) Restricted metallic scrap. The permittee shall prepare and operate at all times according to written material specifications for the purchase and use of only metal ingots, pig iron, slitter or other materials that do not include postconsumer automotive body scrap, post-consumer engine blocks, post-consumer oil filters, oily turnings, lead components, chlorinated plastics, or free liquids; or

(b) General iron and steel scrap. The permittee shall prepare and operate at all times according to written material specifications for the purchase and use of only iron and steel scrap that has been depleted (to the extent practicable) of organics and HAP metals in the charge materials used by the facility. (25 Pa. Code § 127.12b)

9. The permittee shall not use any type of scrap that contains mercury switches. (25 Pa. Code § 127.12b)

10. The permittee shall perform a daily inspection of the facility for the presence of stack emissions, fugitive emissions and malodors during daylight hours. Records of each inspection shall be maintained in a log and include any corrective actions taken. (25 Pa. Code § 127.12b)

11. The permittee shall maintain records of the following:

(a) Records of monthly metal melt production for each calendar year and on a 12-month rolling basis;

(b) An estimate of PM emissions for each month, on a 12-month rolling total basis;

(c) Records that demonstrate compliance with the requirements for restricted metallic scrap and/or general iron and steel scrap. (25 Pa. Code § 127.12b)

12. All logs and required records shall be maintained for a minimum of 5 years from the date of the measurement and shall be made available to the Department upon request. (25 Pa. Code § 127.12b)

13. The permittee shall submit an Air Information Management System report (AIMS report) by March 1 of the following year for any calendar year in which the actual facility-wide emission rates exceed any of the following:

20.0 tons of CO (CARBON MONOXIDE)

10.0 tons of NO_x (NITROGEN OXIDES)

8.0 tons of SO_x (SULFUR OXIDES)

3.0 tons of PM₁₀ (PARTICULATE MATTER < 10 MICRONS)

8.0 tons of VOC (VOLATILE ORGANIC COMPOUNDS)

1.0 ton of a SINGLE HAP (HAZARDOUS AIR POLLUTANT)

2.5 tons of ALL HAP COMBINED

14. (a) The permittee shall report each malfunction that may result in an emissions increase to the Department. For purposes of this condition a malfunction is defined as any sudden, infrequent and not reasonably preventable failure of an air pollution control or process equipment; or, operating in a nonpermitted manner.

(b) When the malfunction poses an imminent and substantial danger to the public's health and safety, or potential harm to the environment, the permittee shall report the incident to the Department within 1 hour.

(1) The report shall describe the:

(i) Name and location of the facility.

(ii) Nature and cause of the malfunction.

(iii) Time when the malfunction was first observed.

(iv) Expected duration of excess emissions.

(v) Estimated rate of emissions.

(2) The owner or operator shall notify the Department immediately when corrective measures have been accomplished.

(c) Unless otherwise required by specific reporting requirements, any malfunction that is not subject to the notice requirements of paragraph (b) of this permit condition shall be reported to the Department within 24 hours (or the next business day) by telephone, and within 5 days by mail of discovery. The report shall contain the same information required by subsection (b)(1).

(d) Malfunctions shall be reported to the Department at the following address:

Department of Environmental Protection
Office of Air Quality
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-4000

15. On and after the date of which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an AOD vessel any gases which:

(1) Exit from a control device and contain PM in excess of 12 mg/dscm (0.0052 gr/dscf);

(2) Exit from a control device and exhibit 3% opacity or greater; and

(3) Exit from a shop and, due solely to the operations of any affected AOD vessels, exhibit 6% opacity or greater. (40 CFR 60.272a(a))

16. A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control devices is not required on any modular, multistack, negative-pressure or positive-pressure fabric filter if observations of the opacity of the visible emissions from the control device are performed by a certified visible emission observer; or on any single-stack fabric filter if visible emissions from the control device are performed by a certified visible emission observer and the owner installs and continuously operates a bag leak detection system according to paragraph (e) of 40 CFR 60.273a. Visible emission observations shall be conducted at least once per day for at least three 6-minute periods when the furnace is operating in the melting and refining period. All visible emissions observations shall be conducted in accordance with Method 9. If visible emissions occur from more than one point, the opacity shall be recorded for any points where visible emissions are observed. Where it is possible to determine that a number of visible emission sites relate to only one incident of the visible emission, only one set of three 6-minute observations will be required. In that case, the Method 9 observations must be made for the site of highest opacity that directly relates to the cause (or location) of visible emissions observed during a single incident. Records shall be maintained of any 6-minute average that is in excess of the emission limit specified in 40 CFR 60.272a(a). (40 CFR 60.273a(c))

17. A bag leak detection system must be installed and continuously operated on all single-stack fabric filters if the owner or operator elects not to install and operate a continuous opacity monitoring system as provided for under paragraph (c) of 40 CFR 60.273a. In addition, the owner or operator shall meet the visible emissions observation requirements in paragraph (c) of 40 CFR 60.273a. The bag leak detection system must meet the specifications and requirements of the following:

(1) The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per actual cubic meter (0.00044 grains per actual cubic foot) or less.

(2) The bag leak detection system sensor must provide output of relative PM loadings and the owner or operator shall continuously record the output from the bag leak detection system using electronic or other means (such as, using a strip chart recorder or a data logger.)

(3) The bag leak detection system must be equipped with an alarm system that will sound when an increase in relative particulate loading is detected over the alarm

set point established according to paragraph (e)(4) of this section, and the alarm must be located such that it can be heard by the appropriate plant personnel.

(4) For each bag leak detection system required by paragraph (e) of this section, the owner or operator shall develop and submit to the Administrator or delegated authority, for approval, a site-specific monitoring plan that addresses the items identified in paragraphs (i)–(v) of this paragraph (e)(4). For each bag leak detection system that operates based on the triboelectric effect, the monitoring plan shall be consistent with the recommendations contained in the U.S. Environmental Protection Agency guidance document “Fabric Filter Bag Leak Detection Guidance” (EPA-454/R-98-015). The owner or operator shall operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. The plan shall describe the following:

- (i) Installation of the bag leak detection system;
 - (ii) Initial and periodic adjustment of the bag leak detection system including how the alarm set-point will be established;
 - (iii) Operation of the bag leak detection system including quality assurance procedures;
 - (iv) How the bag leak detection system will be maintained including a routine maintenance schedule and spare parts inventory list; and
 - (v) How the bag leak detection system output shall be recorded and stored.
- (5) The initial adjustment of the system shall, at a minimum, consist of establishing the baseline output by adjusting the sensitivity (range) and the averaging period of the device, and establishing the alarm set points and the alarm delay time (if applicable).
- (6) Following initial adjustment, the owner or operator shall not adjust the averaging period, alarm set point or alarm delay time without approval from the Administrator or delegated authority except as provided for in paragraphs (e)(6)(i) and (ii) of this section.
- (i) Once per quarter, the owner or operator may adjust the sensitivity of the bag leak detection system to account for seasonal effects including temperature and humidity according to the procedures identified in the site-specific monitoring plan required under paragraphs (e)(4) of this section.
 - (ii) If opacities greater than 0% are observed over four consecutive 15-second observations during the daily opacity observations required under paragraph (c) of this section and the alarm on the bag leak detection system does not sound, the owner or operator shall lower the alarm set point on the bag leak detection system to a point where the alarm would have sounded during the period when the opacity observations were made.
- (7) For negative pressure, induced air baghouses and positive pressure baghouses that are discharged to the atmosphere through a stack, the bag leak detection sensor must be installed downstream of the baghouse and upstream of any wet scrubber.
- (8) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors. (40 CFR 60.273a(e))

18. For each bag leak detection system installed according to paragraph (e) of 40 CFR 60.273a, the owner or operator shall initiate procedures to determine the cause of all alarms within 1 hour of an alarm. Except as provided for under paragraph (g) of 40 CFR 60.273a, the

cause of the alarm must be alleviated within 3 hours of the time the alarm occurred by taking whatever corrective actions are necessary. Corrective actions may include, but are not limited to, the following:

- (1) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in PM emissions;
- (2) Sealing off defective bags or filter media;
- (3) Replacing defective bags or filter media or otherwise repairing the control device;
- (4) Sealing off a defective baghouse compartment;
- (5) Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; and
- (6) Shutting down the process producing the particulate emissions. (40 CFR 60.273a(f))

19. In approving the site-specific monitoring plan required in paragraph (e)(4) of 40 CFR 60.273a, the Administrator or delegated authority may allow owners or operators more than 3 hours to alleviate specific conditions that cause an alarm if the owner or operator identifies the condition that could lead to an alarm in the monitoring plan, adequately explains why it is not feasible to alleviate the condition within 3 hours of the time the alarm occurred, and demonstrates that the requested additional time will ensure alleviation of the condition as expeditiously as practicable. (40 CFR 60.273a(g))

20. The owner or operator subject to the provisions of 40 CFR 60 subpart AAa shall maintain records of the following information all monthly operational status inspections performed under 40 CFR 60.274a(c). (40 CFR 60.274a(a))

21. When the owner or operator of an affected facility is required to demonstrate compliance with the standards under 40 CFR 60.272a(a)(3) and at any other time that the Administrator may require (under § 114 of the CAA, as amended) either: the control system fan motor amperes and all damper positions, the volumetric flow rate through each separately ducted hood, or the volumetric flow rate at the control device inlet and all damper positions shall be determined during all periods in which a hood is operated for the purpose of capturing emissions from the affected facility subject to paragraph (b) of this section. The owner or operator may petition the Administrator for reestablishment of these parameters whenever the owner or operator can demonstrate to the Administrator's satisfaction that the affected facility operating conditions upon which the parameters were previously established are no longer applicable. The values of these parameters as determined during the most recent demonstration of compliance shall be maintained at the appropriate level for each applicable period. Operation at other than baseline values may be subject to the requirements of § 60.276a(c). (40 CFR 60.274a(c))

22. Except as provided under paragraph (e) 40 CFR 60.274a, the owner or operator shall perform monthly operational status inspections of the equipment that is important to the performance of the total capture system (such as, pressure sensors, dampers and damper switches). This inspection shall include observations of the physical appearance of the equipment (such as, presence of holes in ductwork or hoods, flow constrictions caused by dents or accumulated dust in ductwork, and fan erosion). Any deficiencies shall be noted and proper maintenance performed. (40 CFR 60.274a(d))

23. The owner or operator may petition the Administrator to approve any alternative to either the monitoring

requirements specified in paragraph (b) of 40 CFR 60.274a or the monthly operational status inspections specified in paragraph (d) of 40 CFR 60.274a if the alternative will provide a continuous record of operation of each emission capture system. (40 CFR 60.274a(e))

24. During performance tests required in 40 CFR 60.8, the owner or operator shall not add gaseous diluents to the effluent gas stream after the fabric in any pressurized fabric filter collector, unless the amount of dilution is separately determined and considered in the determination of emissions. (40 CFR 60.275a(a))

25. When emissions from any EAFs or AOD vessels are combined with emissions from facilities not subject to the provisions of this subpart but controlled by a common capture system and control device, the owner or operator shall use either or both of the following procedures during a performance test (see also § 60.276a(e)):

(1) Determine compliance using the combined emissions.

(2) Use a method that is acceptable to the Administrator and that compensates for the emissions from the facilities not subject to the provisions of this subpart. (40 CFR 60.275a(b))

26. When emission from any EAFs or AOD vessels are combined with emissions from facilities not subject to the provisions of this subpart, the owner or operator shall demonstrate compliance with § 60.272(a)(3) based on emissions from only the affected facility(ies). (40 CFR 60.275a(c))

27. In conducting the performance tests required in § 60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of 40 CFR 60 or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b). (40 CFR 60.275a(d))

28. The owner or operator shall determine compliance with the PM standards in 40 CFR 60.272a as follows:

(1) Method 5 shall be used for negative-pressure fabric filters and other types of control devices and Method 5D shall be used for positive-pressure fabric filters to determine the PM concentration and volumetric flow rate of the effluent gas. The sampling time and sample volume for each run shall be at least 4 hours and 4.50 dscm (160 dscf) and, when a single EAF or AOD vessel is sampled, the sampling time shall include an integral number of heats.

(2) Not applicable.

(3) Method 9 and the procedures of 40 CFR 60.11 shall be used to determine opacity.

(4) To demonstrate compliance with § 60.272a(a) (1), (2), and (3), the Method 9 test runs shall be conducted concurrently with the PM test runs, unless inclement weather interferes. (40 CFR 60.275a(e))

29. To comply with § 60.274a (c), (f), (g) and (h), the owner or operator shall obtain the information required in these paragraphs during the PM matter runs. (40 CFR 60.275a(f))

30. Any control device subject to the provisions of the subpart shall be designed and constructed to allow measurement of emissions using applicable test methods and procedures. (40 CFR 60.275a(g))

31. Where emissions from any EAFs or AOD vessels are combined with emissions from facilities not subject to the provisions of this subpart but controlled by a common

capture system and control device, the owner or operator may use any of the following procedures during a performance test:

(1) Base compliance on control of the combined emissions;

(2) Utilize a method acceptable to the Administrator that compensates for the emissions from the facilities not subject to the provisions of this subpart, or;

(3) Any combination of the criteria of paragraphs (h)(1) and (h)(2) of this section. (40 CFR 60.275a(h))

32. Where emissions from any EAFs or AOD vessels are combined with emissions from facilities not subject to the provisions of this subpart, determinations of compliance with § 60.272a(a)(3) will only be based upon emissions originating from the affected facility(ies). (40 CFR 60.275a(i))

33. Unless the presence of inclement weather makes concurrent testing infeasible, the owner or operator shall conduct concurrently the performance tests required under § 60.8 to demonstrate compliance with § 60.272a(a) (1), (2) and (3) of this subpart. (40 CFR 60.275a(j))

34. Each owner or operator shall submit a written report of exceedances of the control device opacity to the Administrator semi-annually. For the purposes of these reports, exceedances are defined as all 6-minute periods during which the average opacity is 3% or greater. (40 CFR 60.276a(b))

35. Operation at a furnace static pressure that exceeds the value established under § 60.274a(g) and either operation of control system fan motor amperes at values exceeding $\pm 15\%$ of the value established under § 60.274a(c) or operation at flow rates lower than those established under § 60.274a(c) may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility. Operation at such values shall be reported to the Administrator semi-annually. (40 CFR 60.276a(c))

36. The requirements of this section remain in force until and unless EPA, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by the State. In that event, affected sources within the State will be relieved of the obligation to comply with this section, provided that they comply with the requirements established by the State. (40 CFR 60.276a(d))

37. When the owner or operator of an EAF or AOD is required to demonstrate compliance with the standard under § 60.275 (b)(2) or a combination of (b)(1) and (b)(2) the owner or operator shall obtain approval from the Administrator of the procedures that will be used to determine compliance. Notification of the procedures to be used must be postmarked at least 30 days prior to the performance test. (40 CFR 60.276a(e))

38. For the purpose of this subpart, the owner or operator shall conduct the demonstration of compliance with § 60.272a(a) of this subpart and furnish the Administrator a written report of the results of the test. This report shall include the following information:

(1) Facility name and address;

(2) Plant representative;

(3) Make and model of process, control device and continuous monitoring equipment;

(4) Flow diagram of process and emission capture equipment including other equipment or processes ducted to the same control device;

(5) Rated (design) capacity of process equipment;

(6) Those data required under § 60.274a(h) of this subpart;

(i) List of charge and tap weights and materials;

(ii) Heat times and process log;

(iii) Control device operation log; and

(iv) Continuous opacity monitor or Method 9 data.

(7) Test dates and test times;

(8) Test company;

(9) Test company representative;

(10) Test observers from outside agency;

(11) Description of test methodology used, including any deviation from standard reference methods;

(12) Schematic of sampling location;

(13) Number of sampling points;

(14) Description of sampling equipment;

(15) Listing of sampling equipment calibrations and procedures;

(16) Field and laboratory data sheets;

(17) Description of sample recovery procedures;

(18) Sampling equipment leak check results;

(19) Description of quality assurance procedures;

(20) Description of analytical procedures;

(21) Notation of sample blank corrections; and

(22) Sample emission calculations. (40 CFR 60.276a(f))

39. The owner or operator shall maintain records of all shop opacity observations made in accordance with § 60.273a(d). All shop opacity observations in excess of the emission limit specified in § 60.272a(a)(3) of this subpart shall indicate a period of excess emission, and shall be reported to the administrator semi-annually, according to § 60.7(c). (40 CFR 60.276a(g))

40. The owner or operator shall maintain the following records for each bag leak detection system required under § 60.273a(e):

(1) Records of the bag leak detection system output;

(2) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and

(3) An identification of the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 1 hour of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated and if the alarm was alleviated within 3 hours of the alarm. (40 CFR 60.276a(h))

41. The facility is subject to Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (40 CFR Part 60, Subpart AAa). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both EPA and the Department at the addresses listed as follows unless otherwise noted. (40 CFR 60.4)

Director
Department of
Environmental

Air Toxics and Radiation
US EPA, Region III
1650 Arch Street
Philadelphia, PA
19103-2029

Bureau of Air Quality
400 Waterfront Drive
Pittsburgh, PA 15222-4745

42. Stack testing to determine the emission rate of PM in grains/dscf for all fabric filters with flow rates greater than 10,000 ACFM shall be conducted within 180 days of issuance of this approval and at a minimum of once every 5 years thereafter. (25 Pa. Code § 127.12b)

43. In addition to the requirements stated elsewhere in this plan approval, the permittee shall adhere to the following procedures for source testing:

(a) Under 25 Pa. Code § 139.3, at least 45 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most recent version of the Department's Source Testing Manual.

(b) Under 25 Pa. Code § 139.3, at least 15 calendar days prior to commencing an emissions testing program, notification as to the date and time of testing shall be given to the appropriate Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

(c) Under 25 Pa. Code § 139.53(a)(3), within 15 calendar days after completion of the onsite testing portion of an emission test program, if a complete test report has not yet been submitted, an electronic mail notification shall be sent to the Department's Division of Source Testing and Monitoring indicating the completion date of the onsite testing.

(d) Under 40 CFR Part 60.8(a), 40 CFR Part 61.13(f) and 40 CFR Part 63.7(g) a complete test report shall be submitted to the Department no later than 60 calendar days after completion of the onsite testing portion of an emission test program. For those tests being conducted under 40 CFR Part 61, a complete test report shall be submitted within 31 days after completion of the test.

(e) Under 25 Pa. Code § 139.53(b), a complete test report shall include a summary of the emission results on the first page of the report, and indicate whether each pollutant measured is within permitted limits, and include a statement of compliance or noncompliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:

1. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.

2. Permit numbers and conditions which are the basis for the evaluation.

3. Summary of results with respect to each applicable permit condition.

4. Statement of compliance or noncompliance with each applicable permit condition.

(f) Under 25 Pa. Code § 139.3, all submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

(g) All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules of Regulations of the Department.

(h) Under 25 Pa. Code §§ 139.53(a)(1) and 139.53(a)(3), all submittals, besides notifications, shall be accomplished through PSIMS*Online available through www.depgreenport.state.pa.us/ecommm/Login.jsp when it becomes available. If internet submittal cannot be accomplished, three copies of each submittal shall be sent to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks. One copy of all documents submitted to the Division of Source Testing and Monitoring shall be submitted to the appropriate Regional office.

(i) The permittee shall insure all Federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between State and Federal, the most stringent provision, term, condition, method or rule shall be used by default. (25 Pa. Code § 127.12b)

44. Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met:

(a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator, the Department shall authorize a 180-day Period of Temporary Operation of the sources starting on the date of commencement of operation. This Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit (SOOP) application, at least 60 days prior to the expiration date of the Plan Approval.

(f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request

shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

Any person wishing to provide the Department of Environmental Protection with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operation
400 Waterfront Drive
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Sharene Shealey
Air Quality Engineering Specialist
(412) 442-5807

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

25-996A: Advanced Finishing USA—Fairview Plant (7401 Klier Drive East, Fairview, PA 16506) for increasing the facility's VOC limit to 12 tpy in Fairview Township, **Erie County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- Subject to 25 Pa. Code § 123.13.

- No person may permit the emission into the outdoor atmosphere of VOC in a manner that the emission rate exceeds 12.0 tpy based on a consecutive 12-month period.

- Subject to 25 Pa. Code § 129.52.

- The permittee shall maintain a record of all preventive maintenance inspections of the control devices. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure drop across the control.

- The permittee shall perform a daily operational inspection of the control device.

- A magnehelic gauge or equivalent shall be permanently installed and maintained at a conveniently readable location to indicate the pressure drop across the control device.

- All gauges employed by the permittee to monitor the required control device operating parameters shall have a scale such that the expected normal reading shall be no less than 20% of full scale and be accurate within +/- 2% of full scale reading.

- Control device operating parameters, pressure drop, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

OPERATING PERMITS

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

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

06-05126: Reading Compounds, Inc. (5103C Pottsville Pike, Reading, PA 19605) for operation and change of ownership of a Teflon crumb manufacturing facility in Ontelaunee Township, **Berks County**. This action is a renewal of the Title V operating permit issued to the former owner, NAFCO, in 2003.

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

33-00055: Glen-Gery Corp. (Route 28, Summerville, PA 15864) for re-issuance of a Title V Permit to operate a brick and tile manufacturing facility in Summerville Borough, **Jefferson County**. The facility's major emission sources include raw material stockpiles, primary crushers for shale and clay, hammermill for shale, grinding and screening operation with storage, transportation fugitives, miscellaneous natural gas usage, ceric tunnel kiln and main dryer. The facility is a major facility due to its potential to emit PM₁₀, SO_x, NO_x and CO.

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

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

22-05041: Hershey Foods Corp. (1033 Old West Chocolate Avenue, Hershey, PA 17033) for operation of their west chocolate manufacturing plant in Derry Township, **Dauphin County**. The facility has the potential to emit annually the following: 50 tons VOC, 25 tons of HAPs, 10 tons of a single HAP and 100 tons each of SO_x, PM₁₀, NO_x and CO. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements in addition to the New Source Performance Standards requirements in 40 CFR Part 60, Subpart Dc. This is a renewal of the State-only operating permit issued in 2003.

50-03004: Tuscarora Hardwoods, Inc. (2240 Shermans Valley Road, Ellittsburg, PA 17024) for operation of a 27.4 mmBtu/hr wood fired boiler in Spring Township, **Perry County**. Annual emissions are expected to be 18 tons of PM₁₀, 3 tons SO_x, 61 tons CO, 22 tons NO_x and 2 tons VOC. The State-only operating permit will include emission restrictions, monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments, objections or requests for informal conferences on applications may be submitted by any

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

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

particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

Coal Applications Received

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

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

¹The parameter is applicable at all times.

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

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

65-07-01 and NPDES Permit No. 0251437. Coal Loaders, Inc. (P. O. Box 556, Ligonier, PA 15658). NPDES application to a pending government financed construction contract, located in Ligonier Township, **Westmoreland County**, affecting 21.7 acres. Receiving streams: Hannas Run and UNTs to Hannas Run; classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. NPDES application received June 18, 2008.

63813210 and NPDES Permit No. PA0615129. Deemston Energy Project, LLC (P. O. Box 727, Clarksville, PA 15322). Application received for transfer of permit currently issued to PA Coal Reclamation, Inc., for continued operation and reclamation of a bituminous surface mine/coal refuse reprocessing facility located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving streams: UNT to Tenmile Creek to the Monongahela River, classified for the following uses: WWF and navigation. The first downstream potable

water supply intake from the point of discharge is Tenmile Creek. Transfer application received May 28, 2008.

63080102 and NPDES Permit No. PA0251429. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Somerset Township, **Washington County**, affecting 187.8 acres. Receiving streams: UNTs to Center Branch Pigeon Creek, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: Eighty Four Mining Co. No. 60 Reservoir, Ellsworth Borough Water Department, and Somerset Water Company. Application received June 17, 2008.

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

49080201. Black Diamond Mining, Inc., (P. O. Box 139, Elysburg, PA 17824), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Mount Carmel Township, **Northumberland County** affecting 9.5 acres, receiving stream: North Branch Shamokin Creek, classified for the following use: CWF. Application received June 18, 2008.

54870206R4 and NPDES Permit No. PA0593982. White Pine Coal Co., Inc., (P. O. Box 119, Ashland, PA 17921), renewal of an existing anthracite coal refuse reprocessing operation in Butler, Barry, Eldred, East and West Cameron Townships and Gordon Borough, **Schuylkill and Northumberland Counties** affecting 870.0 acres, receiving stream: Mahanoy Creek. Application received June 20, 2008.

Noncoal Applications Received

Effluent Limits—The following noncoal mining applications that include an NPDES permit application will be

subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

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

* The parameter is applicable at all times.

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

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

Permit No. 28030301 and NPDES Permit No. PA0613371. DL George & Sons Construction, 13321 Midvale Road, Waynesboro, PA 17268, renewal of NPDES Permit, Antrim Township, **Franklin County**. Receiving stream: Paddy Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 13, 2008.

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

25820301. Frank Tucci (25000 PA Route 99, Cambridge Springs, PA 16403). Renewal of NPDES Permit No. PA0604208, McKean Township, **Erie County**. Receiving streams: UNT to Elk Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received June 16, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of §§ 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

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

E06-638: Moselem Springs Golf Course, 684 Eagle Road, Fleetwod, PA 19522, Richmond Township, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To remove five check dams in a UNT to Moselem Creek (HQ), and to regrade and restore the stream channel downstream of these structures for a total length of 885.0 feet. Also to remove an existing online pond, off of the Moselem Creek (HQ-CWF), creating a 10.0 foot wide earthen berm around the pond, and to restore the channel and banks of Moselem Creek in the area of the pond for a length of 750.0 feet, all for the purpose of improving site conditions of the Moselem Springs Golf Club, located on SR 622 (Kutztown, PA Quadrangle N: 0.75 inch; W: 13.5 inches, Latitude: 40° 30' 13.72"; Longitude: 75° 51' 5.51") in Richmond Township, Berks County.

E22-533: Mark DiSanto, Triple Crown Corporation, 5351 Jaycee Avenue, Harrisburg, PA 17112, Stray winds Farm Subdivision, Lower Paxton and Susquehanna Townships, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) a 137.0-foot long, 36.0-inch CMP road crossing of a UNT to Paxton Creek (WWF) and associated wetlands permanently impacting 170.0-feet of stream and 0.057 acre of PEM wetlands; (2) a 72.0-foot long, 36.0-inch CMP road crossing and associated utilities, permanently impacting 84.0 linear feet of a

UNT to Paxton Creek (WWF), and 0.032 acre of PFO wetlands; (3) a 92.0-foot long, 18.0-inch CMP road crossing and associated utilities permanently impacting 0.10 acre of PEM wetlands; (4) an 18.0-inch CMP outfall discharging into a UNT to Paxton Creek (WWF); (5) an 18.0-inch CMP outfall structure discharging into a UNT to Paxton Creek (WWF); (6) an 18.0-inch CMP outfall structure discharging into Paxton Creek (WWF); (7) an 8.0-inch DIP sanitary sewer line crossing PEM wetlands, having 180.0 square feet of temporary disturbance; (8) an 8.0-inch DIP sanitary sewer line crossing a UNT to Paxton Creek (WWF), having 10.0 linear feet of temporary stream disturbance; (9) an 8.0-inch DIP sanitary sewer line crossing PEM wetlands, having 700.0 square feet of temporary disturbance; (10) an 8.0-inch DIP sanitary sewer line crossing PEM wetlands, having 50.0 square feet of temporary disturbance; (11) an 8.0-inch DIP sanitary sewer line crossing a UNT to Paxton Creek (WWF), having 22.0 linear feet of temporary stream disturbance; (12) an 8.0-inch DIP sanitary sewer line crossing a UNT to Paxton Creek (WWF), having 24.0 linear feet of temporary stream disturbance; (13) an 8.0-inch DIP sanitary sewer line crossing a UNT to Paxton Creek (WWF), having 14.0 linear feet of temporary stream disturbance; (14) a 7.0-foot wide, 32.0-foot long parallam (parallel strand lumber) pedestrian bridge on concrete piers with an underclearance of 7.0-feet, as well as an associated 12.0-inch DIP water main and 6.0-inch gas line, permanently impacting 30.0-feet of stream; (15) an 18.0-inch CMP outfall structure discharging into Paxton Creek (WWF); (16) a 6.0-foot wide, 8.0-long wooden pedestrian pedestrian bridge on concrete piers with an underclearance of 3.0-feet, crossing a UNT to Paxton Creek (WWF), permanently impacting 15.0 feet of stream; and (17) an 18.0-inch CMP outfall structure discharging into a UNT to Paxton Creek (WWF) for the purpose of providing access and utilities to a proposed residential subdivision. The project is located north of the intersection of Paxton Church and Crums Mill Roads in Lower Paxton and Susquehanna Townships, Dauphin County (Latitude: 40° 19' 20.9" N; Longitude: 76° 50' 14.1" W; North 13.1", West 12.8").

E22-537: Susquehanna Township Authority, Attn: Pamela Winters, 1900 Linglestown Road, Harrisburg, PA

17110, 2nd Street Pump Station Additions and Alterations, Susquehanna Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To replace and maintain an existing dry well pump station with a wet well pump station. The upgrade consists of installing an 8.0-foot diameter concrete section to extend the wet well 3.0 feet above existing grade and to construct a 16.0-foot by 24.0-foot concrete pad elevated 3.0 feet above existing grade for the placement of an emergency generator, electrical controls and pump station valve chamber in the floodplain of the Susquehanna River (WWF). The project is located on 2nd Street (Harrisburg West, PA Quadrangle N: 13.7 inches; W: 3.3 inches, Latitude 40° 19' 31"; Longitude: 76° 53' 53") in Susquehanna Township, Dauphin County. The upgrade will replace outdated and failing equipment.

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

E10-447, Butler County, Rebecca Fike, 124 West Diamond Street, Butler, PA 16003. McFann Bridge Replacement over Glade Run along Sheldon Road (T-384), in Middlesex, **Butler County**, United States Army Corps of Engineers, Pittsburgh District (Valencia, PA Quadrangle N: 40° 43' 39"; W: 79° 56' 56").

This project includes the removal and replacement of the existing McFann Bridge structure at Sheldon Road (T-384) over Glade Run with minor roadway work on the approaches. New structure to have a span of 42'-11.5", under clearance of 4'-5", skew of 75° and a clear roadway width of 22'.

E42-340, Roger D. and Karen Summerlin, 5037 Oak Bluff Drive, High Ridge, MO 63049-1408. Roger and Karen Summerlin Small Flow Treatment Facility, in Hamlin Township, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Hazel Hurst, PA Quadrangle N: 41° 42' 50"; W: 78° 31' 41").

This project includes the construction of a small flow treatment facility to treat, filter, disinfect and discharge to Warner Brook. The system will serve a single-residence and is located on the north side of Clermont Road 1.25 miles southeast of US Route 6.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0060097	Pennsylvania American Water 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701	Monroe County Coolbaugh Township	East Branch Dresser Run 2A	Y
PA0061948 (Minor Sewage)	Lehighon Land Company Otto's Blue Mountain RV and Camping Resort 1500 Rock Street Lehighon, PA 18235	Franklin Township Carbon County	Pohopoco Creek 02B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247189 (CAFO)	Country View Family Farms, LLC Willow Hill Farm 1261-A Creek Road Fannettsburg, PA 17221	Franklin County Metal Township	Watershed 13-C	Y
PAR10-O-428-R	Neffsville Associates 1525 Oregon Pike Site Lancaster, PA 17601	Lancaster County Manheim Township	Landis Run WWF	Y
PA0011169 (IW)	Brush Wellman, Inc. P. O. Box 973 Reading, PA 19603	Berks County Perry Township	Schuylkill River 3-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0216275 Sewage	Jay A. Chapman 67 Seal Road Eighty-Four, PA 15330-1828	Washington County Somerset Township	Tributary to North Branch of Pigeon Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222381	Clearfield—Jefferson Counties Regional Airport Authority P. O. Box 299 Falls Creek, PA 15840	Washington Township Jefferson County	UNT to Keys Run 17-C	Y
PA0222411	Frank A. Leonard 20 Carey Farms Road Erie, PA 16511	Harborcreek Township Erie County	Lake Erie 15	Y
PA0000213	Pennsylvania American Water 2736 Ellwood Road New Castle, PA 16101	Wetmore Township McKean County	Hubert Run 16-B	Y
PA0240117	Dale L. Coates 9541 Concord Road Union City, PA 16438	Union Township Erie County	UNT to the South Branch of French Creek 16A	Y
PAS808301	CFJ Properties 333 West Center Street North Salt Lake, UT 84054	Brookville Borough Jefferson County	Clement Creek 17-C	Y

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

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0709.

NPDES Permit No. PA0065218, Sewage, **Mr. and Mrs. Paul Geiger**, 8393 Hawkview Road, Germansville, PA 18053. This proposed facility is located in Heidelberg Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit for a single-family residence.

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

NPDES Permit No. PA0260975, Sewage, **Richmond Township**, 11 Kehl Drive, P. O. Box 474, Fleetwood, PA 19522. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Sacony Creek in Watershed 3-B.

NPDES Permit No. PA0085979, Sewage, **Guest Farm Village, Inc.**, 11334 Punch Bowl Road, Mercersburg, PA 17236. This proposed facility is located in Montgomery Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Licking Creek in Watershed 13-C.

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

PA0233552, CAFO, SIC 0213 and 0211, **Todd Hiller**, 84 Hiller Lane, Allenwood, PA 17810. This existing facility is located in Gregg Township, **Union County**.

Description of Proposed Activity: Hiller Farms is an existing finishing swine and beef cow farm, totaling 610 animal equivalent units. The farm has two underbarn manure storage facilities with a usable capacity of 1,439,763 gallons.

The water body nearest to this facility is White Deer Hole Creek in the White Deer Watershed (SWP-10C) which has a designated use of HQ-CWF.

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

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.
9. Minimum 7" freeboard requirement.

The EPA waiver will not be in effect.

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

PA0205753, Industrial Waste, **Shallenberger Construction, Inc.**, 2611 Memorial Boulevard, Connellsville, PA 15425. This application is for a new NPDES permit to discharge from a facility known as Rankin Run Treatment Facility, located at Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Rankin Run, in Watershed 19C.

For Outfall 001, Latitude 39° 57' 34", Longitude 79° 41' 49", River Mile Index 2.16, Stream Code 40058, which receives wastewater from groundwater ("tophole water") extraction during drilling of oil and gas wells.

Discharge Parameter

*Effluent Limitations
Concentrations (mg/l)*

Flow		0.125 mgd	
Iron (Total)	1.24 mg/l		1.93 mg/l
Oil and Grease	15 mg/l		30 mg/l
Total Suspended Solids	30 mg/l		60 mg/l
Acidity		Monitor Only	
Alkalinity		Greater than Acidity	
pH		6 to 9 Standards Units	
Chlorides		Monitor Only	
Total Dissolved Solids		Monitor Only	
Osmotic Pressure	136 mOsm/kg	213 mOsm/kg	
Copper	0.40 mg/l	0.62 mg/l	

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. 3508401, Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519-9068. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

WQM Permit No. WQG01670802, Sewage, **Bermudian Church of the Brethren**, 279 Bermudian Church Road, East Berlin, PA 17316. This proposed facility is located in Washington Township, **York County**.

Description of Proposed Action/Activity: Construction/operation of a small flow treatment facility to serve gatherings at a new multipurpose building.

WQM Permit No. WQG02310801, Sewage, **Penn Township Supervisors**, R. R. 1, Box 22B, Hesston, PA 16647. This proposed facility is located in Penn and Walker Townships, **Huntingdon County**.

Description of Proposed Action/Activity: Construction/operation of sewer interceptor.

WQM Permit No. WQ02210802, Sewage, **Upper Allen Township**, 100 Gettysburg Pike, Mechanicsburg, PA 17055. This proposed facility is located in Upper Allen Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of sewer extension to serve Meadowview Estates, Section II, Phase VI.

WQM Permit No. 6708404, Sewage, **Springettsbury Township**, 3501 North Sherman Street, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewage facilities consisting of the sewage treatment plant to incorporate biological nutrient removal into the treatment process.

WQM Permit No. 0708401, Sewage, **Duncansville Municipal Authority**, P. O. Box 502, Duncansville, PA 16635. This proposed facility is located in Duncansville Borough, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of two pump stations, each with quadruplex submersible variable speed pumps, three SBRs, a four-unit deep bed denitrification filter system, UV disinfection system, two post equalization tanks, a post aeration tank, step weir cascade and three aerobic digesters.

WQM Permit No. 2208406, Sewage, **Dauphin Borough**, 200 Church Street, Dauphin, PA 17018. This proposed facility is located in Dauphin Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction of a 12-inch PVC outfall from existing SMH-300 to existing MH-300A

WQM Permit No. 0608401, Sewage, **Richmond Township**, 11 Kehl Drive, Fleetwood, PA 19522. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of:

Wastewater Treatment Plan—The treatment facility shall consist of an equalization tank, aeration tanks, final clarifiers, chlorination/dechlorination/flow metering/post aeration tank, outfall sewer, sludge holding tank and control building with emergency generator.

Sewage Collection System—The collection shall consist of approximately 4,600 lineal feet of 8-inch diameter gravity sewer, approximately, 2,000 feet of 4-diameter force main and a submersible pump station (Pump Station No. 1) with appurtenances.

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

WQM Permit No. 1169401-A4, Sewerage, **Johnstown Redevelopment Authority**, 4th Floor, Public Safety Building, 401 Washington Street, Johnstown, PA 15901. This existing facility is located in West Taylor Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for installation of IFAS bio-web modules at a sewage treatment plant.

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

WQM Permit No. WQG018623, Sewerage, **Mount Carmel Tabernacle**, 17283 Bugtown Road, Pleasantville, PA 16341. This proposed facility is located in Oakland Township, **Venango County**.

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

WQM Permit No. WQG018628, Sewerage, **Karen Durst, c/o Gordon McDowell**, 291 Bend Hill Road, Fredonia, PA 16124. This proposed facility is located in Delaware Township, **Mercer County**.

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

WQM Permit No. WQG018625, Sewerage, **Robert M. King**, 8352 Dougan Road, North East, PA 16428-5528. This proposed facility is located in Greenfield Township, **Erie County**.

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

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

WQM Permit No. 4607410, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a new wastewater treatment plant.

WQM Permit No. 1508408, Sewerage, **Malvern Hill LP**, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction of 876,000 sf commercial retail office space and 753 multifamily residential units.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1507051	Poplor Realty Investments, LP Royal Plaza 4th Floor 915 Montgomery Avenue Narberth, PA 19072	Chester	East Whiteland Township	Little Valley Creek EV
PAI01 4607009	Ambler Square Associates, LP Stone Manor Corporate Center 1574 Easton Road Warrington, PA 18976	Montgomery	Ambler Borough	Wissahickon Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032807004	All Land Services, Inc. 75 South Second Street Chambersburg, PA 17201	Franklin	Guilford Township	Falling Spring Creek HQ-CWF
PAI032108010	Department of Veteran and Military Affairs Bureau of Facilities and Engineering Building 0-47 Fort Indiantown Gap Annville, PA 17003-5002	Cumberland	North Middleton Township	LeTort Spring HQ-CWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408007	Jonathan Light Teamsters Local Union No. 8 1411 North Atherton Street State College, PA 16803	Centre	Benner Township	Buffalo Run HQ-CWF

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

Allegheny County Conservation District, 400 North Lexington Street, Pittsburgh, PA 15208, (412) 241-7645.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050207001	Deer Creek Drainage Basin Authority 945 Little Deer Creek Road Russellton, PA 15076	Allegheny	Indiana Township	Squaw Run HQ Rawlins Run CWF Little Deer Creek TSF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Makefield Township Bucks County	PAG200 0908025	Sabash Patel 205 Kasi Circle Ivyland, PA 18974	UNT Jericho Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ivyland Borough Bucks County	PAG200 06025	Holly Farm Associates 1243 Easttown Road Warrington, PA 18976	Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Kennett Township Chester County	PAG200 1507081	William and Karen Parisi 203 Golding Court Hockessin, DE 19707	UNT East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Goshen Township Chester County	PAG200 1508011	Communications Test Design, Inc. 1373 Enterprise Drive West Chester, PA 19380	East Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG200 1508002	Rudolph A. Fedor 69 West Indian Lane Norristown, PA 19403	Valley Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Easttown Township Chester County	PAG200 1508008	Trico Construction Company 411 West Conestoga Road Unit 40 Devon, PA 19333	Darby Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG200 1507062A-1	PECO Energy Company 2301 Market Street S9-1 Philadelphia, PA 19103	West Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Goshen Township Chester County	PAG200 1508030	Citadel Federal Credit Union P. O. Box 1457 3030 Zinn Road Thorndale, PA 19372	East Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG200 2308013	Benson Companies 110 North Phoenixville Pike Malvern, PA 19355	Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chester Township Delaware County	PAG200 2308019	Chalmers and Kubeck, Inc. 150 Commerce Drive Aston, PA 19014	UNT Stoney Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG200 2308014	Edgemont Associates 2007, LP Madison Associates 2008, LP 832 Germantown Pike Suite 5 Plymouth Meeting, PA 19462	Chester Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108010	Inter-County Development Corp. 828 Red Lion Road Philadelphia, PA 19115-9171	Pennypack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
North Manheim Township Schuylkill County	PAG2005408001	Cressona Trucking, Inc. Attn: Bryan Hoover Box 5 Route 901 Cressona, PA 17929	West Branch of the Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Allen Township Northampton County	PAG2004808004	Allen Township Attn: Ilene Eckhart 4714 Indian Trail Road Northampton, PA 18067	Dry Run Creek CWF	Northampton County Conservation District (610) 746-1971

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Nazareth Township Nazareth Borough Northampton County	PAG2004808007	Essroc Cement Corp. Attn: Silvio Panseri, Sr. 3251 Bath Pike Nazareth, PA 18064	Shoeneck Creek WWF	Northampton County Conservation District (610) 746-1971
Mt. Penn Borough Berks County	PAG2000608029	Joseph E. Dolan Dolan Construction, Inc. 401 South 13th Street Reading, PA 19602	Schuylkill River WWF/MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Douglass Township Berks County	PAG2000608008	Brian K. Robinson 16 Edge Hill Road Boyertown, PA 19512	Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Lititz Borough Lancaster County	PAG2003603055-R	Oakfront Limited Partnership 508 Front Street Lititz, PA 17543	Lititz Run HQ-CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003608026	P & K Properties, LLC 444 Hereford Road Elizabethtown, PA 17022	UNT Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Penn Township Lancaster County	PAG2003608031	Rohrer's Quarry, Inc. P. O. Box 365 Lititz, PA 17543	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Lampeter Township Lancaster County	PAG2003608034	East Lampeter Township 2550 Old Philadelphia Pike Lancaster, PA 17601	UNT Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Lower Mifflin Township Cumberland County	PAG2002108019	Turnpike Fill Sites—Mixell Property New Enterprise, Inc. George Mitchell P. O. Box 77 New Enterprise, PA 16664	Back Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Columbia County Hemlock Township	PAG2001908003	Richard T. Hardy Geisinger Health System 100 North Academy Avenue Danville, PA 17822	Little Fishing Creek CWF Hemlock Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Northumberland County East Chillisquaque Township	PAG2004908002	John Griffith Grading Plan Cemetery Road and Mahoning Street Milton, PA 17847	West Branch of Susquehanna River WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northumberland County Point Township	PAG2004908003	John A. Kerschner Eastern Communities, L.P. 7300 Derry Street Harrisburg, PA 17111	Lithia Springs Creek CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Lewis Township	PAG2004908006	Orlin Martin Poultry Barns 215 Balliett Road Muncy, PA 17756	UNT of Warrior Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Tioga County Ward Township	PAG2005908002	Clifford Cross 140 Tanglewood Road Covington, PA 16917-9589	Tioga River CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) (724) 1801, Ext. 3
Fayette County North Union Township	PAG2002608010	Timothy Mahoney 320 Highland Drive Elizabeth, PA 15037	UNT to Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Butler County Butler Township	PAG2001008014	Butler Area School District Athletic Fields Keith Kaib Butler Area School District 110 Campus Lane Butler, PA 16001	UNT to Connoquenessing Creek WWF	Butler County Conservation District (724) 284-5270
Erie County Millcreek Township	PAG2002508007	Golden Living Center 1000 Fianna Way Fort Smith, AR 72901	Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
Erie County Girard Township	PAG2002508009	Fairview Evergreen Nursery 7463 West Ridge Road Fairview, PA 16415	Tributary to Elk Creek, Lake Erie Basin Watershed X CWF; MF	Erie County Conservation District (814) 825-6403
Erie County Lawrence Park Township	PAG2002508014	Iroquois School District Athletic Facilities Improvements, Iroquois School District 800 Tyndall Avenue Erie, PA 16511	Lake Erie Area Watershed CWF	Erie County Conservation District (814) 825-6403
McKean County Bradford City Foster Township	PAG2004208002	Department of Transportation District 2-0 1924 Daisy Street Extension Clearfield, PA 16830	Tunungwant Creek WWF, UNT to Tunungwant Creek CWF Foster Brook CWF Boliver Run CWF	McKean County Conservation District (814) 887-4001
Mercer County Hempfield Township	PAG2004308006(1)	Spiro L. Pappan Byzantine, Inc. P. O. Box 1567 Beaver Falls, PA 15010	UNT to Little Shenango River TSF	Mercer County Conservation District (724) 662-2242
Butler County Cherry Township	PAG2091008002	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	South Branch Glade Run WWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springdale Township Allegheny County	PAR236107	Watson Standard Company P. O. Box 11250 Pittsburgh, PA 15238	Swale Tributary of Tawney Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Freehold Township Warren County	PAR228328	Briggs Transport, Inc. 24 Huntley Road Bear Lake, PA 16402	UNT to Little Brokenstraw Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
City of Erie Erie County	PAR158305	BioPreserve, LLC 1540 East Lake Road Erie, PA 16511-1032	City of Erie stormwater sewers to Motsch Run and Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York County East Manchester Township	PAG043601	Adam Hostetter 115 Griffith Lane Manchester, PA 17345	Little Conewago Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Washington Township	PAG043876	Bermudian Church of the Brethren 279 Bermudian Church Road East Berlin, PA 17316	Bermudian Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Juniata County Delaware Township	PAG043877	Velma Kerstetter R. R. 1 Box 2680 McAlisterville, PA 17049	Delaware Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
LeBoeuf Township Erie County	PAG048699	Walter H. Miller 13578 US Route 19 Waterford, PA 16441-8204	UNT to French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Oakland Township Venango County	PAG049434	Mount Carmel Tabernacle 17283 Bugtown Road Pleasantville, PA 16341	UNT to East Branch Sugar Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAG048507	Gerald S. Pacifico 126 Shenango Park Road Transfer, PA 16154	UNT to Brush Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Delaware Township Mercer County	PAG049440	Karen Durst c/o Gordon McDowell 291 Bend Hill Road Fredonia, PA 16124	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Forward Township Butler County	PAG049439	Vicnor Farms, Inc. P. O. Box 227 Connoquenessing, PA 16027-0227	UNT to Connoquenessing Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-5</i>				
City of Williamsport Lycoming County	PAG054818	United Refining Company of Pennsylvania P. O. Box 668 Warren, PA 16365	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Lawrence Township Lycoming County	PAG054828	Paul Hall R. R. 2 Box 201 Tioga, PA 16946	Tioga River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Hepburn Township Lycoming County	PAG054831	Lycoming Realty Company 329 Pine Street Williamsport, PA 17701	Lycoming Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Millcreek Township Erie County	PAG058379	Shell Oil Products, US 3139 Village Drive Waynesboro, VA 22980	Marshall Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-8</i>				
Cumberland Township Adams County	PAG083524	Cumberland Township Authority 1270B Fairfield Road Gettysburg, PA 17325	Cumberland Township Authority South WWTF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Taylor Township Fulton County	PAG083602	Hustontown Joint Sewer Authority P. O. Box 606 Hustontown, PA 17229	Hustontown WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Spring Valley WWTP	PAG086103	Church Communities PA, Inc. P. O. Box 260 Farmington, PA 15437-0260	Wharton Township Fayette County	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-9**Facility Location & County/Municipality* Permit No.Brecknock Township PAG093506
Lancaster County*Applicant Name & Address*Shupp's Grove Antique Market
607 Willow Street
Reinholds, PA 17569*Site Name & Location*Shupp's Grove
Antique Market*Contact Office & Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Whiteley Township PAG096101
Greene CountyRonald H. Watters
1649 Kirby Road
Waynesburg, PA 15370Watters Farm
1649 Kirby Road
Waynesburg, PA
15370Southwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-10**Facility Location & Municipality* Permit No.Richhill Township PAG106118
Greene County*Applicant Name & Address*Texas Eastern Transmission, LP
890 Winter Street
Suite 300
Waltham, MA 02451*Receiving Water/Use*002 UNT of the
North Fork of the
Dunkard Fork of
Wheeling Creek
001 UNT of
Barney's Run*Contact Office & Phone No.*Southwest Regional
Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-12**Facility Location & Municipality* Permit No.Juniata County PAG123660
Monroe Township*Applicant Name & Address*John Lauver
R. R. 1
Box 2010
McAlisterville, PA 17049*Receiving Water/Use*UNT Stony Creek
TSF
12B*Contact Office & Phone No.*DEP—SCRO
Watershed Program
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4802Eldred Township PAG124826
Lycoming CountyPaul Katzmaier
521 Katzmaier Road
Montoursville, PA 17754Mill Creek (West)
TSFNorthcentral Regional
Office
Watershed Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-0529**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

Permit No. 0507501, Minor Amendment, Public Water Supply.

Applicant	Department of Conservation and Natural Resources (Shawnee State Park)
Municipality	Napier Township
County	Bedford
Type of Facility	New raw and finished water pumps, incline plate settlers, membrane filter
Consulting Engineer	Peter Lusardi, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	June 19, 2008

Source Water Protection Program Approval issued to **Red Lion Municipal Authority**, P. O. Box 190, Red Lion, PA 17356, PWSID 7670086, Red Lion Borough, York County on May 9, 2008.

Wellhead Protection Program Approval issued to **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530-1112, PWSID 3060041, Kutztown Borough, Berks County on June 11, 2008.

Wellhead Protection Program Approval issued to **Lyons Borough Municipal Authority**, P. O. Box 131, Lyons Station, PA 19536-0131, PWSID 3060096, Lyons Borough, Berks County on June 11, 2008.

Wellhead Protection Program Approval issued to **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530, PWSID 3060013, Maxatawny Township, Berks County on June 11, 2008.

Wellhead Protection Program Approval issued to **Blain Borough**, P. O. Box 9, Blain, PA 17006, PWSID 750018, Blain Borough, Perry County on June 20, 2008.

Wellhead Protection Program Approval issued to **Lake Meade Municipal Authority**, 49 Curtis Drive, East Berlin, PA 17316, PWSID 7010036, Reading Township, Adams County on June 20, 2008.

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

Permit No. 4107501—Operation, Public Water Supply.

Applicant	American Tempo Village Park
Township or Borough	Lycoming Township
County	Lycoming
Responsible Official	Jeff Stout American Tempo Village Park 528 Ruben Kehrer Road Muncy, PA 17756-8043
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Britt Bassett, P. E. Bassett Engineering 1440 Broad Street Montoursville, PA 17754

Permit Issued Date	June 20, 2008
Description of Action	Operation of the barium removal system for Well No. 2, including a dual tank ion exchange system, with Purolite C 100E FM resin. This permit also approves operation of four existing 325 gallon polyethylene finished water storage tanks and a booster pump.

Permit No. 1407503—Construction, Public Water Supply.

Applicant	Walker Township Water Association
Township or Borough	Walker Township
County	Centre
Responsible Official	M. David Foreman, President Walker Township Water Association P. O. Box 160 Mingoville, PA 16856
Type of Facility	Public Water Supply—Construction
Consulting Engineer	David McCullough, P. E. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued Date	June 20, 2008

Description of Action	Construction of Snyderstown Well No. 3, transmission line and related treatment building, including gas chlorination facilities.
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Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Operations Permit issued to **Conemaugh Township Municipal Authority**, 113 South Main Street, Davidsville, PA 15928, (PWSID #4560048) Conemaugh Township, Somerset County on June 10, 2008, for the operation of facilities approved under Construction Permit No. 5606503MA.

WATER ALLOCATIONS

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

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

WA-585, Water Allocation, Lower Bucks County Joint Municipal Authority, 7900 Route 13, Levittown, PA 19057. Tullytown Borough, Bucks County. This application is for Lower Bucks County Joint Municipal Authority Permit Renewal.

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: Located at 2470 Enola Road, Carlisle in North Middleton Township, **Cumberland County**.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2051 Spring Road Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The approved plan provides for a Small Flow Treatment Facility of 500 gpd to serve the existing Donald Adams property at 2470 Enola Road. The proposed SFTF is to repair a malfunctioning onlot sewage system with a treated discharge to a UNT of Conodoguinet Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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: Located on the east side of Old Stonehouse Road across from Shuman Drive in Monroe Township, **Cumberland County**.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	1220 Boiling Springs Road Mechanicsburg, PA 17055	Cumberland

Plan Description: The planning module, entitled Wynfields Subdivision, proposing 20 residential building lots proposing individual onlot sewage disposal systems, was disapproved because site investigations conducted by the Department of Environmental Protection revealed that closed depressions and sinkholes exist on the property and the plot plan did not clearly depict the location of these formations. Site suitability testing for Lots 4—7, 10, 12—15, and 17—20 appears to have been conducted within 100 feet of these features. Site suitability has not been established for this proposed subdivision as required by 25 Pa. Code § 71.2.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Proposed Interim Response

Forward Township Fly Ash Slide Site, Downstream Areas, Forward Township, Allegheny County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA), (35 P. S. §§ 6020.101—6020.1305) is proposing an interim response to address a release or threatened release of hazardous substances in areas downstream of the location of the fly ash slide that occurred at River Hill Road, Forward Township, Allegheny County on January 25, 2005.

As a result of the January 2005 slide, fly ash has been deposited in areas that lie downstream of the slide in and along a UNT of the Monongahela River, between the tributary's third waterfall and the Monongahela River. The third waterfall is located directly east of the clearing for the gas pipe line that runs through properties owned by David Gregory and MSR, LLC.

The proposed interim response will address whatever threat to human health and the environment is posed by the deposited fly ash.

In brief, the following response action alternatives have been evaluated:

1. *No Action:* This alternative involves no response action being taken by the Department; whatever threat is posed by the fly ash would be left unaddressed.

2. *Removal and offsite disposal of the fly ash:* This alternative involves removing fly ash from the stream's banks, properly disposing of the material and restoring the disturbed areas.

3. *Covering exposed fly ash with rock rip-rap:* This alternative involves covering any exposed fly ash on the stream's banks with rock rip-rap. Covering the fly ash would reduce the likelihood of human and environmental threat; however, the fly ash could once more be exposed if stream flow erodes or displaces the rock cover.

The Department is proposing Alternative No. 2 as its interim response, which the Department believes to be the option most protective of human health and the environment.

This notice is being published under section 506(b) of HSCA, (35 § 6020.506(b)). An Administrative Record (AR) contains the information that forms the basis and that documents the selection of the proposed interim response. The AR is available for public review and comment Monday through Friday, 8 a.m. to 4 p.m., at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

The AR will be open for public review and comment for 90 days only, from July 5, 2008, to October 3, 2008. Persons may submit written comments to the AR during this time by sending them to Terry Goodwald, 400 Waterfront Drive, Pittsburgh, PA 15222, or by delivering them to this office in person.

In addition, persons may present oral comments for inclusion in the AR at a public hearing. The Department has scheduled the hearing on Thursday August 14, 2008, at 6 pm. at the Gallatin Sunnyside Fire Hall along Route 136 (3325 Rainbow Run Road) in Forward Township, Allegheny County. Persons wishing to present comments must register with Helen Humphreys before noon on August 14, 2008, at (412) 442-4183 or in writing at 400 Waterfront Drive, Pittsburgh, PA 15222.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Helen Humphreys at (412) 442-4183, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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* notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Suburban Heating Oil Partners, City of Lancaster, **Lancaster County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Esther M. Goropoulos, 8 Foxglove Circle, Hershey, PA 17033-2619 and Suburban Energy Services, P. O. Box 4833, Syracuse, NY 13221, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to the Site-Specific Standard.

Tyco Electronics/Former AMP Elizabethtown Facility, Elizabethtown Borough, **Lancaster County**. Earth Tech, Inc., 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of PLF Properties, LLC, 1593 South Mount Joy Street, Suite A, Elizabethtown, PA 17022;

CEM Properties, LLC, 1595 South Mount Joy Street, Elizabethtown, PA 17022 and Tyco Electronics Corporation, P. O. Box 3608, MS 140-42, Harrisburg, PA 17105, submitted a combined remedial investigation report and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to a combination of Nonresidential Statewide Health and Site-Specific Standards.

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

David Strickler Residence, Old Lycoming Township, **Lycoming County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of David Strickler, 27 Hoover Road, Williamsport, PA 17701 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lowe's Home Centers, Inc., Monroe Township, **Snyder County**, UNT Consulting & Engineering, LLC, on behalf of Lowe's Home Centers, Inc., 1605 Curtis Bridge Road, Wilkesboro, NC 28697 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with leaded gasoline and diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

quired 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:

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

Boyertown Sheet Metal Fabricators, Inc., Amity Township, **Berks County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Boyertown Sheet Metal Fabricators, Inc., P. O. Box 102, Birdsboro, PA 19508 submitted a final report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 10, 2008.

Conestoga Wood Specialties, East Earl Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Conestoga Wood Specialties, 245 Reading Road, Earl, PA 17519, submitted a remedial investigation report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The applicant is seeking to remediate the site to a combination of Statewide Health and Site-Specific Standards. The remedial investigation report was approved by the Department of Environmental Protection on June 11, 2008.

Village at Laurel Run, Franklin Township, **Adams County**. Coventry Environmental Associates, Inc., 991 Ridge Road, Bucktown, PA 19465, on behalf of Village at Laurel Run, 6375 Chambersburg Road, Fayetteville, PA 17222, submitted Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 11, 2008.

Naval Support Activity Building No. 8, Hampden Township and Mechanicsburg Borough, **Cumberland County**. Department of the Navy, Naval Facilities Engineering Command Mid-Atlantic, Public Works Division, 5450 Carlisle Pike, Code 09M22, Mechanicsburg, PA 17055, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 12, 2008.

Former Trimen Industries/Eastco Enterprises, Oxford Township, **Adams County**. BL Companies, 213

Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of R & R Byproducts, Inc., P. O. Box 291, York, PA 17405, submitted a Final Report concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on June 12, 2008.

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

ARG Refinery, City of Bradford, **McKean County**. Conestoga-Rovers & Associates, 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2 on behalf of ARG Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701 has submitted a Cleanup Plan concerning the remediation of site soils contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, benzo(a)pyrene, arsenic, cadmium, lead and site groundwater contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, arsenic, iron, aluminum, cadmium, lead and chlorinated hydrocarbons. The Cleanup Plan was disapproved by the Department of Environmental Protection on May 12, 2008.

Titusville Wax Plant, Titusville Borough, **Crawford County**. MACTEC Engineering & Consulting, Inc., 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Honeywell Specialty Wax and Additives, 101 Columbia Road, Morristown, NJ 07962, has submitted a *Request for Determination of Nonuse Aquifer* concerning remediation of site soil with arsenic, lead, benzene, trichloroethene, tetrachloroethene, chrysene, polychlorinated biphenyl 1254, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, dibenzo(a,h)anthracene, indeno(1,2,3)pyrene and groundwater with aluminum, arsenic, iron, manganese, lead, nickel, antimony, benzene, cis-1,2-dichloroethene, trichloroethene, tetrachloroethene, vinyl chloride, chrysene, methylene chloride, polychlorinated biphenyl 1254, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene. The *Request for Determination of Nonuse Aquifer* was approved by the Department of Environmental Protection on June 11, 2008.

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, William R. Weaver, New Source Review Chief, (717) 705-4702.

GP3-06-03143: Simonds Excavating, Inc. (301 Shepard Road, Sayre, PA 18840-9103) on June 20, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Exeter Township, **Berks County**.

GP9-06-03143: Simonds Excavating, Inc. (301 Shepard Road, Sayre, PA 18840-9103) on June 20, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Exeter Township, **Berks County**.

GP9-06-05007I: Carpenter Technology Corp. (101 Bern Street, P. O. Box 14662, Reading, PA 19601-4662) on

June 20, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in the City of Reading, **Berks County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Mark Gorog and Barb Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

GP5-63-00935: Mountain V Oil and Gas, Inc. (712 Masonic Drive, P. O. Box 470, Bridgeport, WV 26330 on June 17, 2008, to install and operate a Caterpillar Model G3406TA 325-bhp compressor engine at their Hixenbaugh Compressor Site, West Bethlehem Township, **Washington County**.

GP5-63-00934: Range Resources—Appalachia, LLC (350 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317) on June 13, 2008, to install and operate two Caterpillar Model G3516LE 1,340-bhp compressor engines and a Natco Dehydrator rated at .275 mmBtu/hr at their Godwin Booster Compressor Station, Mount Pleasant Township, **Washington County**.

GP4-63-00462: Rice Electric Co. (P. O. Box 429, Eighty-Four, PA 15330 on June 19, 2008, to allow for operation of a Burn Off Oven at the Rice Electric Company, Washington County Plant. The facility works on electric motors and vents the fumes to the burn off oven.

GP14-26-00575: Green Ridge Cemeteries, Inc. (2901 Memorial Boulevard, Connellsville, PA 15425) as of June 18, 2008, (GP-14) is effective to install and operate one Matthews Cremation Division Model No. IE43-PPII human crematory rated at 150 pounds per hour at their facility in Bullskin Township, **Fayette County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0122C: Arkema, Inc. (100 PA Route 413, Bristol, PA 19007) on June 19, 2008, to install a new compounding line in Bristol Township, **Bucks County**. This facility is a Title V facility. This installation will result in VOC emissions increase of 1.6 tpy and PM emissions of 2.35 tpy. The Plan Approvals and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0266: Hanson Pipe and Products, Inc. (201 South Keim Street, Pottstown, PA 19464) on June 19, 2008, to construct a surface coating process in Pottstown Borough, **Montgomery County**. This facility is a State-only facility. The facility wide VOC emissions shall not exceed 24.9 tpy. Each HAP emissions shall be less than 10 tpy. The combined HAP emissions shall be less than 25 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

23-0003J: ConocoPhillips Co. (4101 Post Road, Trainer, PA 19061-3812) on June 20, 2008, to modify a previously issued Plan Approval No. PA-23-0003E for a clean fuel project and upgrade of an existing FCCU at

their Trainer facility in Trainer Borough, **Delaware County**. This facility is a Title V facility. This modification will result in NOx emission increase of 39 tpy. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0262A: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) in June 20, 2008, to install ten new pieces of equipment including: two high intensity mixers, two baker perkins', three premix dispersers, one extruder and three dust collectors (pigment manufacturing equipment) at the Penn Color, Inc., pigment dispersion manufacturing facility located at 2755 Bergey Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. The installation of pigment manufacturing equipment may result in the emissions of: 0.7 tpy of PM with an aerodynamic diameter of 2.5 micrometer or smaller, 0.7 tpy of PM and 6.3 tpy of VOCs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

06-05007H: Carpenter Technology Corp. (P. O. Box 14662, Reading, PA 19612-4662) on June 17, 2008, to install an additional fabric collector to control PM emissions for one of the Midwest grinders and to modify two annealing furnaces at their facility in the City of Reading, **Berks County**.

31-05013A: New Enterprise Stone and Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) on June 17, 2008, to combust waste derived liquid fuel in addition to propane at the batch asphalt plant in Warriors Mark Township, **Huntingdon County**.

36-03077A: ICM of Pennsylvania, Inc. (638 Lancaster Avenue, Malvern, PA 19355-1898) on June 16, 2008, to replace existing baghouses with an upgraded wet suppression system at the Cedar Hill Quarry in Fulton Township, **Lancaster County**.

36-05123D: Corixa Corp.,—d/b/a GlaxoSmithKline Biologicals, NA (325 North Bridge Street, Marietta, PA 17547-1134) on June 16, 2008, for their pharmaceutical research and development manufacturing facility in East Donegal Township, **Lancaster County**.

67-05009B: York Plant Holding, LLC (P. O. Box 3492, York, PA 17402-0492) on June 16, 2008, for Turbine No. 1 core replacement at their electrical generating facility in Springettsbury Township, **York County**.

67-05112B: Kinsley Construction, Inc. (1110 East Princess Street, York, PA 17403) on June 16, 2008, to construct two portable spray paint units with dry panel filters for control of PM emissions at its steel fabrication shop (East York Facility) in Springettsbury Township, **York County**.

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

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

09-0031: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on June 17, 2008, to operate a replacement asphalt plant in Wrightstown Township, **Bucks County**.

09-0031A: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on June 17, 2008, to operate a dust suppression system in Wrightstown Township, **Bucks County**.

46-0237A: Numonic Corp. (101 Commerce Drive, Montgomeryville, PA 18936) on June 17, 2008, to operate a spray booth w/top exhaustion in Montgomery Township, **Montgomery County**.

46-0166: M & M Stone Co. (P. O. Box 189, Telford, PA 18969-0189) on June 17, 2008, to operate a batch asphalt plant in Lower Salford Township, **Montgomery County**.

09-0032: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on June 17, 2008, to operate a dust suppression system in Warrington Township, **Bucks County**.

09-0102A: Clean Earth of Southeast Pennsylvania, Inc. (7 Steel Road East, Morrisville, PA 19067) on June 17, 2008, to operate a diesel driven screen in Falls Township, **Bucks County**.

15-0004E: Reynolds Packaging, LLC. (520 Lincoln Avenue, Downingtown, PA 19335) on June 17, 2008, to operate a rotogravure press No. 9 in Downingtown Borough, **Chester County**.

09-0050D: Hanson Aggregates-BMC, Inc. (4900 Sullivan Trail, Easton, PA 18040) on June 17, 2008, to operate a drum mix asphalt plant in Wrightstown Township, **Bucks County**.

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

22-05007B: The Harrisburg Authority (One Keystone Plaza, Suite 104, Harrisburg, PA 17101) on June 18, 2008, to construct the Harrisburg Materials, Energy, Recycling and Recovery Facility in the City of Harrisburg, **Dauphin County**. This plan approval was extended.

36-03137A: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) on April 27, 2008, to add a new primary crushing plant circuit at the Burkholder plant in Earl Township, **Lancaster County**. This plan approval was extended.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

63-00550: USA South Hills Landfill, Inc. (625 Cherrington Parkway, Coraopolis, PA 15108) on June 16, 2008, to renew an Operating Permit for their municipal solid waste landfill in Union Township, **Washington County**. Company operates landfill, gas control system and soil processing system at this site. The Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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.

15-00086: Bakery Feeds (97 Westbrook Drive, Honey Brook, PA 19344) on June 18, 2008, for an animal feed processing facility just west of Honey Brook Township, **Chester County**. The renewal permit is for a non-Title V (State-only) facility. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00237: Numonics Corp. (101 Commerce Drive, Montgomeryville, PA 18936-9628) on June 20, 2008, for issuance of a State-only Operating Permit to manufacture computer peripheral equipment in Montgomery Township, **Montgomery County**. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

48-00033: CRAYOLA, LLC (1100 Church Lane, P. O. Box 431, Easton, PA 18044) on June 20, 2008, to operate a crayons and artist materials facility in Forks Township, **Northampton County**. This is a State-only Natural Minor operating permit.

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

S07-003: Southern Gaphics Systems (2781 Roberts Avenue, Philadelphia, PA 19129) for manufacturing of printing plates for the flexographic printing industry in the City of Philadelphia, **Philadelphia County**. The synthetic minor facility's air emission sources include three photo processing units, two plate dryers, two distillation stills and a film processing and proofing process.

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.

46-00011: ArcelorMittal Plate, LLC (900 Conshohocken State Road, Conshohocken, PA 19428) on June 18, 2008, a Title V facility located in the Plymouth Township, **Montgomery County**. The Title V Operating Permit has been amended to incorporate conditions from Plan Approval No. 46-0011D, for a replacement Camfil Farr Dust Collector (Source ID: C13) on a Shot Blasting Machine (identified as Source ID 109 in the facility's existing Title V Operating Permit No. 46-00011). Under Plan Approval No. 46-0011D, emissions of PM from the Shot Blasting Machine shall be limited to 0.02 grain per dry standard cubic foot. The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the Shot Blasting Machine and Camfil Farr Dust Collector operating within the allowable emission rate and all applicable air quality requirements. All revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450.

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.

32000105 and NPDES No. PA0235326. D J & W Mining, Inc., P. O. Box 425, Indiana, PA 15701, revision of an existing bituminous surface and auger mine to change land use from cropland to pastureland/land occasionally cut for hay in Washington Township, **Indiana County**, affecting 121.0 acres. Receiving streams: South Branch Plum Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 10, 2008. Permit issued June 19, 2008.

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

03830116 and NPDES Permit No. PA0599727. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215). Transfer of permit formerly issued to Walter L. Houser Coal Co., Inc. for continued operation and reclamation of a bituminous surface/auger mine, coal preparation and processing facility located in Kittanning Township, **Armstrong County**, affecting 830 acres. Receiving streams: UNTs of Mill Run to Cowanshannock Creek to the Allegheny River. Application received July 25, 2007. Transfer permit issued May 9, 2008. This notice is resubmitted to show the correct permit acreage.

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

10-06-02 and NPDES Permit No. PA0258369. Quality Aggregates, Inc. (200 Neville Road, Neville Island, PA 15225-0347). Issuance of NPDES Permit for discharge of treated mine drainage from the Government Financed Reclamation Construction Contract (Marett GFCC) in Allegheny Township, **Butler County**. Receiving streams: UNT to North Branch Bear Creek. Application received June 14, 2007. Permit issued June 10, 2008.

The North Branch Bear Creek TMDL, originally approved by USEPA in 2007, has been revised to reflect modeled water quality scenarios based on the temporary addition of the discharge from the NPDES discharge associated with the Marett GFCC.

The data and all supporting documentation used to develop the revised TMDLs are available from the De-

partment of Environmental Protection (Department). To request a copy of the proposed TMDL, contact:

Bill Brown, Chief
TMDL, Development Section
Watershed Protection Division
Department of Environmental Protection
P. O. Box 8555
Harrisburg, PA 17105-8555
Phone: (717) 783-2951, Email: Willbrown@state.pa.us

The TMDLs can be accessed through the Department's web site (www.dep.state.pa.us) by clicking on the Water Topics link, then the TMDL link. Note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed.

Written and Email comments will be accepted at the previous addresses and must be received by August 5, 2008. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

33960108 and NPDES Permit No. PA0227315. Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215) Transfer of an existing bituminous strip operation from Opal Industries, Inc. in Ringgold Township, **Jefferson County** affecting 54.1 acres. Receiving streams: UNTs to Painter Run. Application received April 16, 2008. Permit issued June 16, 2008.

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

17010111 and NPDES No. PA0243141. W. Ruskin Dressler (P. O. Box 39, Rockton, PA 15856), revision of an existing bituminous surface mine to change land use in Brady Township, **Clearfield County**, affecting 58.7 acres. Receiving streams: East Branch Mahonning Creek and Beech Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 8, 2008. Revision issued June 13, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

11084003. Spangler Explosives Company, 740 Brush Creek Road, Fairhope, PA 15528, blasting activity permit issued for windmill site development in Adams Township, **Cambria County**. Blasting activity permit end date is December 30, 2008. Permit issued June 16, 2008.

28084112. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for cemetery development

in Guilford Township, **Franklin County**. Blasting activity permit end date is June 4, 2013. Permit issued June 9, 2008.

28084114. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Southampton Township, **Franklin County**. Blasting activity permit end date is June 6, 2009. Permit issued June 9, 2008.

28084113. Warrens Excavating & Drilling, Inc., P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in Southampton Township, **Franklin County**. Blasting activity permit end date is June 1, 2009. Permit issued June 9, 2008.

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

10084002. Kesco, Inc., 115 Kesco Lane, Kittanning, PA 16201, blasting activity permit for stone removal in Lancaster Township, **Butler County**. This blasting activity permit will expire on October 31, 2008. Application received June 17, 2008. Permit issued June 19, 2008.

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

35084113. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Greenwood Estates in Moosic Borough, **Lackawanna County** with an expiration date of July 31, 2009. Permit issued June 17, 2008.

40084112. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for College Crest Colony in Sugarloaf Township, **Luzerne County** with an expiration date of July 31, 2009. Permit issued June 17, 2008.

06084114. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Grainger Compressor Station in Caernarvon Township, **Berks County** with an expiration date of December 31, 2008. Permit issued June 18, 2008.

06084115. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Bethel Pump Station in Bethel Township, **Berks County** with an expiration date of June 15, 2009. Permit issued June 18, 2008.

22084108. Dyno-Nobel, Inc., (567 Main Street, Tremont, PA 17981), construction blasting for Stone Ridge Commerce Park in Lower Swatara Township, **Dauphin County**, with an expiration date of June 30, 2009. Permit issued June 18, 2008.

38084114. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Frystown Pump Station in Bethel Township, **Lebanon County**, with an expiration date of June 18, 2009. Permit issued June 18, 2008.

36084178. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for New Holland Recreation Center in New Holland Borough and Earl Township, **Lancaster County**, with an expiration date of August 30, 2008. Permit issued June 19, 2008.

38084115. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Hawk Valley Development in South Lebanon Township, **Lebanon County**, with an expiration date of December 30, 2009. Permit issued June 19, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

E51-108. Pier 25 North Associates, LP, 116 Arch Street, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**.

To perform the following water obstruction and encroachment activities at Pier 25 North, within and along the Delaware River (WWF) to accommodate a proposed residential development-involving 28 townhouses, a 38-story building and associated appurtenances:

1. To relocate and maintain a combined sewer outfall (CSO) adjacent to Christopher Columbus Avenue.

2. To expand the existing footprint of the pier. The project will occupy the previous footprint of Pier 25 North, which includes a 1.18-acre portion, which was severely damaged by a fire in the mid-1970s.

- a. To remove 940 existing wooden pilings.
- b. To install and maintain 815 new pilings and associated decking.
- c. To expand the pier to including a fishing pier constructed of timber piles and that will be approximately 12' wide by 130' long.

This project is located approximately 250 feet northwest of the intersection Spring Garden Street and Christopher Columbus Avenue (Delaware Avenue) (Philadelphia, PA USGS Quadrangle N: 15.1 inches; W: 1.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. 1341(a)).

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

E67-828: Izaak Walton League of America, York County Chapter 67, 7131 Ironstone Hill Road, Dallastown, PA 17313, Springfield and North Hopewell Townships, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain six agricultural crossings, a stream restoration project on 3,400 feet of the East Branch Codorus Creek (HQ-CWF) (Glen Rock, PA Quadrangle N: 18.4 inches; W: 4.1 inches, Latitude: 39° 50' 46"; Longitude: 76° 39' 12" to N: 19.9 inches; W: 4.3 inches, Latitude: 39° 51' 12"; Longitude: 76° 39' 19"), 117 feet of Seaks Run (HQ-CWF) (Glen Rock, PA Quadrangle N: 18.4 inches; W: 4.2 inches, Latitude: 39° 50' 47"; Longitude: 76° 39' 14" to N: 18.5 inches; W: 4.1 inches, Latitude: 39° 50' 47"; Longitude: 76° 39' 13") and 467 feet

of a UNT to the East Branch Codorus Creek (HQ-CWF) (Glen Rock, PA Quadrangle N: 19.2 inches; W: 4.0 inches, Latitude: 39° 50' 60"; Longitude: 76° 39' 10" to N: 19.2 inches; W: 4.1 inches, Latitude: 39° 50' 60"; Longitude: 76° 39' 14"), including rock and log structures and bank grading for the purpose of correcting the stream pattern, improving streambank stabilization, sediment transport and aquatic habitat and establishing a riparian buffer. The project is located near the intersection of Line Road and Route 216 in Springfield and North Hopewell Townships, York County. No direct wetland impacts are proposed.

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

E62-415, Sheffield Land & Timber Company, P. O. Box 54, Sheffield, PA 16347. Gas Pipeline, in Sheffield Township, **Warren County**, United States Army Corps of Engineers, Pittsburgh District (Sheffield, PA Quadrangle N: 47.70571°; W: 79.01974°).

The applicant proposes to replace approximately 1.65 miles of existing 8-inch diameter steel gas line with 10-inch diameter plastic natural gas pipeline starting at a point approximately 2,000 feet north of the intersection of SR 6 and Tollgate Road on the east side of Tollgate Road and continuing south, southeast to an endpoint across SR 666 and the West Branch of Tionesta Creek involving: 1) to construct and maintain five wetland crossings by horizontal directional boring having lengths of 250 feet (PSS), 20 feet (exceptional value, PEM), 180 feet (exceptional value, PSS), 70 feet (exceptional value, PEM) and 50 feet (exceptional value, PEM) respectively; and 2) to construct and maintain stream crossings of Deer Lick Run, Two Mile Creek, West Branch Tionesta Creek and a UNT to West Branch Tionesta Creek by directional boring. Deer Lick Run and Two Mile Run are perennial streams classified as HQ-CWF and West Branch Tionesta Creek and the UNT are perennial streams classified as CWF.

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08-35-005	McLane PA 43 Valley View Business Park Jessup, PA 18434 Attn: Steve Stacey	Lackawanna	Jessup Borough	2 ASTs storing diesel fuel	25,000 gallons total

SPECIAL NOTICES

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for Watershed of Patterson Creek in Armstrong County

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

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL

developed for the Watershed of South Branch South Fork Pine Creek in Armstrong County. The TMDL was established in accordance with the requirements of Section 303(d) of The Clean Water Act. Streams within this watershed were listed in Pennsylvania's 2006 Integrated Water Quality Monitoring and Assessment Report as being impaired due to sedimentation and excessive nutrient runoff resulting from agricultural activities.

There currently are no State or Federal in-stream numerical water quality criteria for sediment or nutrients. Therefore, the Department utilized a reference watershed approach to implement the applicable narra-

tive criteria. The proposed TMDL sets allowable loadings of sediment and phosphorus in the watershed of South Branch South Fork Pine Creek. Sediment and phosphorus loadings were allocated among all land use categories present in the watershed. Data used in establishing this TMDL were generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact Joe Boylan at jboylan@state.pa.us, or by mail at 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be received by August 1, 2008. A public meeting to discuss the technical merits of the TMDL will be held on Tuesday, July 1, 2008, at 6:30 p.m. at the Armsdale Administration Building; 1st Floor, Room No. 103, 124 Armsdale Road, Kittanning, PA 16201.

[Pa.B. Doc. No. 08-1262. Filed for public inspection July 3, 2008, 9:00 a.m.]

Air Quality Technical Advisory Committee Ad-hoc Subcommittee on Monitoring Technical Workgroup Meeting

The Air Quality Technical Advisory Committee Ad-hoc Subcommittee on Monitoring Technical Workgroup will hold meeting on July 10, 2008, in the 12th Floor Large Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Interim Technical Guidance to support the Pennsylvania Mercury Rule contained in Title 25 Pa. Code §§ 123.201—123.215 (relating to standards for contaminants mercury emissions) and other minor administrative corrections to the Continuous Source Monitoring Manual, Revision No. 8 (Manual, 274-0300-001) will be discussed. The meeting will take place from 9 a.m.—2 p.m.

Questions concerning the meeting can be directed to Tony A. Pitts at (717) 772-3973 or tpitts@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-7816 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1263. Filed for public inspection July 3, 2008, 9:00 a.m.]

Air Quality Technical Advisory Committee; Meeting Cancellation

The Air Quality Technical Advisory Committee (Committee) meeting scheduled for July 24, 2008, has been cancelled. The next meeting is scheduled to occur at 9:15 a.m. on September 18, 2008, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the July 24, 2008, meeting should be directed to Martin T. Felion, Bureau of Air Quality, (717) 772-3939, mfelion@state.pa.us. The agenda and materials for the September 18, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5688 or through AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1264. Filed for public inspection July 3, 2008, 9:00 a.m.]

Bid Opportunity

AMD 54(3695)101.1, Abandoned Mine Reclamation Project, Mary D. East, Schuylkill Township, Schuylkill County. The principal items of work and approximate quantities include 15,410 cubic yards of Excavation, 2,785 cubic yards of Embankment and 1,170 cubic yards of Impervious Soil. This project issues on July 3, 2008, and bids will be opened on July 31, 2008, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control and Reclamation Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1265. Filed for public inspection July 3, 2008, 9:00 a.m.]

Solar Workgroup Meeting

The Solar Workgroup will hold a meeting on August 7, 2008, at 10 a.m. in the Second Floor Auditorium of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Solar Workgroup consists of members from the solar industry and local government officials. The purpose of the meeting is to provide a forum for the industry members and local government officials to discuss potential issues that may arise as solar installations become more prevalent Statewide. The meeting will

stimulate information sharing and possible development of tools and resources to facilitate the deployment of solar installations.

The agenda and materials for the August 7, 2008, meeting will be available at the meeting. Questions concerning this meeting should be directed to Libby Dodson, Office of Energy and Technology Deployment, Division of Energy Promotion, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, ldodson@state.pa.us.

Persons with a disability who require accommodations to attend the August 7, 2008, meeting should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-1266. Filed for public inspection July 3, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Paoli Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Paoli Surgery Center has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Person 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. 08-1267. Filed for public inspection July 3, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exceptions

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 201.18(e) (relating to management).

Grove City Medical Center
Transitional Care Center
631 North Broad Street
Grove City, PA 16127
FAC ID 210802

UPMC Horizon Transitional
Care Center Shenango
2200 Memorial Drive
Farrell, PA 16121
FAC ID 196702

UPMC Horizon Transitional
Care Center Greenville
110 North Main Street
Greenville, PA 16125
FAC ID 071902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a), 205.25(a), 205.36(h) and 205.38(c).

Fox Subacute at Mechanicsburg
120 South Filbert Street
Mechanicsburg, PA 17055

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.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille) should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1268. Filed for public inspection July 3, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Diamond Dash Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Diamond Dash.
2. *Price:* The price of a Pennsylvania Diamond Dash instant lottery game ticket is \$1.
3. *Play Symbols:* Each Pennsylvania Diamond Dash instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Cash symbol (CASH), Chest symbol (CHEST), Coins symbol (COINS), Crown symbol (CROWN), Gift

symbol (GIFT), Money Bag symbol (MNYBAG), Money symbol (MONEY), Necklace symbol (NCKLACE), Piggy Bank symbol (PIGBNK), Rainbow symbol (RNBOW), Star symbol (STAR), Diamond symbol (DMND) and a Ring symbol (RING).

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$500 and \$1,000. The player can win up to 6 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,600,000 tickets will be printed for the Pennsylvania Diamond Dash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$1,000 (ONE THO) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$500 (FIV HUN) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$40\$ (FORTY) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$10^{.00} (TEN DOL) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$5^{.00} (FIV DOL) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(i) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$2^{.00} (TWO DOL) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of \$1^{.00} (ONE DOL) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets with a Ring (RING) play symbol, and a prize symbol of FREE (TICKET) appears in the prize area under that Ring (RING) play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Diamond Dash instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A "Ring" Symbol, Win With Prizes Of:</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets</i>
FREE	FREE \$1 TICKET	11.54	832,000
\$1	\$1	60	160,000
\$1 × 2	\$2	33.33	288,000
\$2	\$2	33.33	288,000
\$1 × 5	\$5	75	128,000
\$5	\$5	75	128,000
\$2 × 5	\$10	300	32,000
\$5 × 2	\$10	300	32,000
\$10	\$10	300	32,000
(\$2 × 5) + \$10	\$20	1,500	6,400
\$5 × 4	\$20	1,500	6,400
\$10 × 2	\$20	1,500	6,400
\$20	\$20	750	12,800
\$10 × 4	\$40	2,400	4,000
\$20 × 2	\$40	2,400	4,000
\$40	\$40	2,400	4,000
(\$10 × 5) + \$50	\$100	8,000	1,200
\$50 × 2	\$100	8,000	1,200
\$100	\$100	7,500	1,280
\$100 × 5	\$500	20,000	480
\$500	\$500	18,462	520
\$500 × 2	\$1,000	120,000	80
\$1,000	\$1,000	120,000	80

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Diamond Dash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Diamond Dash, prize money from winning Pennsylvania Diamond Dash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Diamond Dash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Diamond Dash or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1269. Filed for public inspection July 3, 2008, 9:00 a.m.]

Pennsylvania Neon 9's Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Neon 9's.

2. *Price:* The price of a Pennsylvania Neon 9's instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Neon 9's instant lottery game ticket will contain one play area. The play symbols and their captions, printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and 9 (BKNIN). The play symbols and their captions, printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 20 (TWENT) and 9 (RNIN).

4. *Prize Symbols:* The prize symbols and their captions, located in the 10 "prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$90\$ (NINTY), \$100 (ONE HUN), \$500 (FIV HUN), \$900 (NIN HUN) and \$29,000 (TWNINTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$3, \$5, \$9, \$10, \$20, \$30, \$50, \$90, \$100, \$500, \$900 and \$29,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,640,000 tickets will be printed for the Pennsylvania Neon 9's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$29,000 (TWNINTHO) appears in the "prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$29,000.

(b) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$900 (NIN HUN) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$900.

(c) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$900.

(d) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$450.

(f) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$90\$ (NINTY) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(h) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$90.

(i) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$9⁰⁰ (NIN DOL) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$81.

(j) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$45.

(l) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$30\$ (THIRTY) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(m) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$3^{.00} (THR DOL) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$27.

(n) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$18.

(p) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$10^{.00} (TEN DOL) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$9^{.00} (NIN DOL) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(r) Holders of tickets with a play symbol of 9 (RNIN), with the symbol and caption printed in red ink, and a prize symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area to the right of that 9 (RNIN) play symbol, on a single ticket, shall be entitled to a prize of \$9.

(s) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$3^{.00} (THR DOL) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$2^{.00} (TWO DOL) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a play symbol of 9 (BKNIN), with the symbol and caption printed in black ink, and a prize symbol of \$1^{.00} (ONE DOL) appears in the "Prize" area to the right of that 9 (BKNIN) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A Black "9" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 8,640,000 Tickets</i>
\$1 x 2	\$2	21.43	403,200
\$2	\$2	23.08	374,400
\$1 x 3	\$3	33.33	259,200
\$3	\$3	33.33	259,200
\$1 x 5	\$5	75	115,200
\$5	\$5	75	115,200
\$1 x 9	\$9	300	28,800
\$1 w/RED 9	\$9	150	57,600
\$9	\$9	300	28,800
\$1 x 10	\$10	750	11,520
\$2 x 5	\$10	750	11,520
(\$1 w/RED 9) + \$1	\$10	375	23,040
\$10	\$10	750	11,520
\$2 x 10	\$20	750	11,520
(\$2 w/RED 9) + \$2	\$20	500	17,280
\$5 x 4	\$20	1,500	5,760
\$10 x 2	\$20	1,500	5,760
\$20	\$20	500	17,280
\$5 x 6	\$30	2,182	3,960
(\$1 w/RED 9) + (\$3 x 7)	\$30	2,000	4,320
(\$2 w/RED 9) + (\$3 x 4)	\$30	2,000	4,320
(\$3 w/RED 9) + \$3	\$30	2,000	4,320
\$10 x 3	\$30	2,182	3,960
\$30	\$30	2,000	4,320
\$5 x 10	\$50	1,846	4,680
(\$5 w/RED 9) + \$5	\$50	1,714	5,040
\$10 x 5	\$50	1,846	4,680

<i>Find A Black "9" Symbol, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 8,640,000 Tickets</i>
\$50	\$50	1,846	4,680
\$9 × 10	\$90	6,000	1,440
\$10 × 9	\$90	6,000	1,440
(\$9 w/RED 9) + \$9	\$90	6,000	1,440
\$10 w/RED 9	\$90	6,000	1,440
\$30 × 3	\$90	6,000	1,440
\$90	\$90	6,000	1,440
\$10 × 10	\$100	6,316	1,368
(\$10 w/RED 9) + (\$5 × 2)	\$100	6,316	1,368
(\$10 w/RED 9) + \$10	\$100	6,667	1,296
\$50 × 2	\$100	6,667	1,296
\$100	\$100	6,667	1,296
\$50 × 10	\$500	60,000	144
\$100 × 5	\$500	60,000	144
(\$50 w/RED 9) + \$50	\$500	40,000	216
\$500	\$500	40,000	216
\$90 × 10	\$900	60,000	144
\$100 w/RED 9	\$900	40,000	216
\$900	\$900	40,000	216
\$29,000	\$29,000	720,000	12

RED 9 (RNIN) = Win 9 times the prize shown to the right of that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Neon 9's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Neon 9's, prize money from winning Pennsylvania Neon 9's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Neon 9's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Neon 9's or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1270. Filed for public inspection July 3, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Jefferson County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 2002(b)), the Director of the Bureau of Design, as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to replace the bridge that carries SR 2015 (Graffius Avenue) over Elk Run in the Borough of Punxsutawney, Jefferson County.

The FHWA has determined that this project will have a minor involvement with a public park. The project will require the acquisition of 0.018 acre from Chris Mills Park, which is a local park managed by the Borough of Punxsutawney that qualifies as section 4(f)/section 2002 resource.

Therefore, a "Nationwide/Programmatic Section 4(f) Evaluation for Minor involvement with Public Parks, Recreation Lands and Wildlife and Waterfowl Refuges" checklist has been prepared and approved to evaluate the potential environmental impacts caused by the subject project. It also serves as the section 2002 Evaluation to evaluate the potential impacts to the section 4(f)/section 2002 resource caused by the subject project.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the CEE and the "Nationwide/Programmatic Section 4(f) Evaluation for Minor involvement with Public Parks, Recreation Lands and Wildlife and Waterfowl Refuges" checklist.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Director, Bureau of Design

[Pa.B. Doc. No. 08-1271. Filed for public inspection July 3, 2008, 9:00 a.m.]

Meetings Scheduled

State Transportation Commission's Scheduled Meeting

The next quarterly business meeting of the State Transportation Commission (STC) will be held on August 7, 2008, in Towanda, PA, with Chairperson Allen Biehler, P. E. presiding. For more information, contact the Office of the STC at (717) 787-2913 or nritchie@state.pa.us.

State Transportation Advisory Committee's Scheduled Meeting

The next scheduled meeting of the State Transportation Advisory Committee will be held on July 10, 2008, at 10 a.m. on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Office of the STC at (717) 787-2913 or nritchie@state.pa.us.

Rail Freight Advisory Committee's Scheduled Meeting

The next scheduled meeting of the Rail Freight Advisory Committee (RFAC) will be held on July 23, 2008, at 1 p.m. on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Executive Secretary of RFAC at (717) 783-8567 or acromleigh@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-1272. Filed for public inspection July 3, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Under 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education), the Executive Director of the Fish and Boat Commission may approve, by notice, boating safety education courses that meet the course criteria established under this section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education, effective July 1, 2008:

Nautical Know How (classroom course)
Safe Boating America (classroom course)
Janet M. Teller, d/b/a America Boating Classes
(classroom course)
Kalkomey Enterprises, Inc., d/b/a Boat Ed
(correspondence course)
BoaterExam America, Inc. (Internet course)
Kalkomey Enterprises, Inc., d/b/a Boat Ed
(Internet course)

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

[Pa.B. Doc. No. 08-1273. Filed for public inspection July 3, 2008, 9:00 a.m.]

Temporary Changes to Fishing Regulations; Leaser Lake, Lehigh County

The Executive Director of the Fish and Boat Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Leaser Lake, Lehigh County, in anticipation of a complete drawdown of the lake this winter make repairs to the dam. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective July 1, 2008, and until fish salvage operations are complete. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until further notice but in no event will they remain in place after January 1, 2009.

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

[Pa.B. Doc. No. 08-1274. Filed for public inspection July 3, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, June 19, 2008, and announced the following:

Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective June 18, 2008

Pennsylvania Gaming Control Board #125-81: Slot Machine Licensing (amends 58 Pa. Code § 441a.16)

Environmental Quality Board #7-410: Stream Redesignations, Big Brook, et al. (amends 25 Pa. Code Chapter 93)

Regulations Approved:

Environmental Quality Board #7-414: Coal Mines (deletes 25 Pa. Code Chapter 209 and adds Chapter 209a in its place)

Environmental Quality Board #7-400: Mine Opening Blasting (amends 25 Pa. Code Chapters 77, 87, 88, 89 and 210)

Approval Order

Public Meeting held
June 19, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—Coal Mines;
Regulation No. 7-414 (#2632)*

On August 16, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking deletes 25 Pa. Code Chapter 209 and adds Chapter 209a in its place. The proposed regulation was published in the September 1, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 15, 2008.

This regulation updates health and safety requirements for surface coal mines and surface noncoal mines.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. §§ 1396.4b and 3311(e)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
June 19, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—
Mine Opening Blasting;
Regulation No. 7-400 (#2560)*

On August 17, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 77, 87, 88, 89 and 210. The proposed regulation was published in the September 2, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 15, 2008.

This regulation amends surface blasting requirements for mine openings in five existing chapters governing noncoal mining, surface mining of coal, anthracite coal, underground mining of coal and blasters licensing.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. §§ 1396.4b and 3311(e)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1275. Filed for public inspection July 3, 2008, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
14-508	Department of Public Welfare Clinical Laboratory Improvements Amendments	6/20/08	7/24/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1276. Filed for public inspection July 3, 2008, 9:00 a.m.]

**PENNSYLVANIA
INFRASTRUCTURE
INVESTMENT AUTHORITY
AND
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

Clean Water and Drinking Water State Revolving Fund Programs; Public Meeting on Federal Fiscal Year 2008 Intended Use Plans

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Federal Fiscal Year (FY) 2008 Intended Use Plans (IUPs). These plans include a list of drinking water, wastewater treatment

and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from the Federal FY 2008 Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs.

In accordance with United States Environmental Protection Agency guidelines on the development of the IUPs, a public meeting has been scheduled for July 14, 2008, at 1 p.m. in the Second Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is scheduled for the purpose of receiving comments from the public regarding the Federal FY 2008 IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs, the set-aside work plan or the priority rating or ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Division of Technical and Financial Assistance at the address or telephone number listed at the end of this notice or by e-mail to vbkasi@state.pa.us by 4 p.m. on July 13, 2008. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan from the DWSRF and CWSRF programs must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable to use the DWSRF and CWSRF loan funds. Projects listed in the FY 2008 IUPs are on the Commonwealth's FY 2008/2009 Project Priority Lists (PPLs) and are expected to proceed with design and engineering or construction within the next 2 years. A project must appear on a PENNVEST-approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The DWSRF will be capitalized with approximately \$32.9 million of Federal FY 2008 funds and approximately \$6.58 million of State funds. Approximately \$7.9 million of these funds will be set aside for technical assistance to small systems, operator training and certification and source water assessment and protection, as authorized under the Safe Drinking Water Act. Another \$1.3 million will be set-aside for program administration. The DWSRF IUP also includes a narrative work plan that describes how these set-aside funds will be used.

The CWSRF will be capitalized with approximately \$26.9 million of Federal funds and approximately \$5.4 million of State funds. Approximately \$1.3 million of a combination of State and Federal funds will be set aside for program administration costs.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs, the set-aside work plan or the PPLs. Interested persons may also submit written comments to the Department at the address indicated as follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Division of Technical and Financial Assistance by close of business, July 14, 2008.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Veronica Kasi at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs, the Federal FY 2008/2009 PPLs, and the DWSRF set-aside work plan may be obtained by contacting the Division of Technical and Financial Assistance at (717) 787-0122 or through the Department's web site at www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=|30198

Department of Environmental Protection
Bureau of Water Standards and Facility Regulation
Division of Technical and Financial Assistance
P. O. Box 8467
11th Floor
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101
(717) 787-0122

PENNVEST
22 South Third Street
4th Floor, Keystone Building
Harrisburg, PA 17101
(717) 787-8137

KATHLEEN A. MCGINTY,
Secretary
Department of Environmental Protection
Vice-Chairperson
Pennsylvania Infrastructure Investment Authority
PAUL K. MARCHETTI,
Executive Director
Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 08-1277. Filed for public inspection July 3, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 21, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

A-2008-2040338. Waheed Haidri t/a A2Z Airport Shuttle (2126 Morrell Street, Philadelphia, Philadelphia County, PA 19115), persons, in airport transfer service, from points in the Borough of Newton Square and the Township of Edgemont, Delaware County, and the Boroughs of West Chester, Malvern, Exton and Uwchlan and the Townships of Uwchlan, Upper Uwchlan, West Whiteland, East Whiteland and Tredyffrin, Chester County, to the Philadelphia International Airport, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.

A-2008-2046298. Express Limo, Inc. (7410 Lapwig Place, Philadelphia, Philadelphia County, PA 19154)—a corporation of the Commonwealth—in limousine service, which is to be a transfer of all rights authorized under the certificate issued at A-00114535 to Showtime Limousine, Inc., subject to the same limitations and conditions. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1278. Filed for public inspection July 3, 2008, 9:00 a.m.]

Telecommunications

A-2008-2047245. Comcast Business Communications, LLC and Consolidated Communications of Pennsylvania Company. Joint petition of Comcast Business Communications, LLC and Consolidated Communications of Pennsylvania Company for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Comcast Business Communications, LLC and Consolidated Communications of Pennsylvania Company, by its counsel, filed on June 20, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Comcast Business Communications, LLC and Consolidated Communications of Pennsylvania Company 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

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