

PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts

Department of Banking

Department of Community and Economic
Development

Department of Conservation and Natural
Resources

Department of Environmental Protection

Department of Health

Department of Public Welfare

Department of Revenue

Fish and Boat Commission

Independent Regulatory Review Commission

Insurance Department

Liquor Control Board

Milk Marketing Board

Pennsylvania Gaming Control Board

Pennsylvania Public Utility Commission

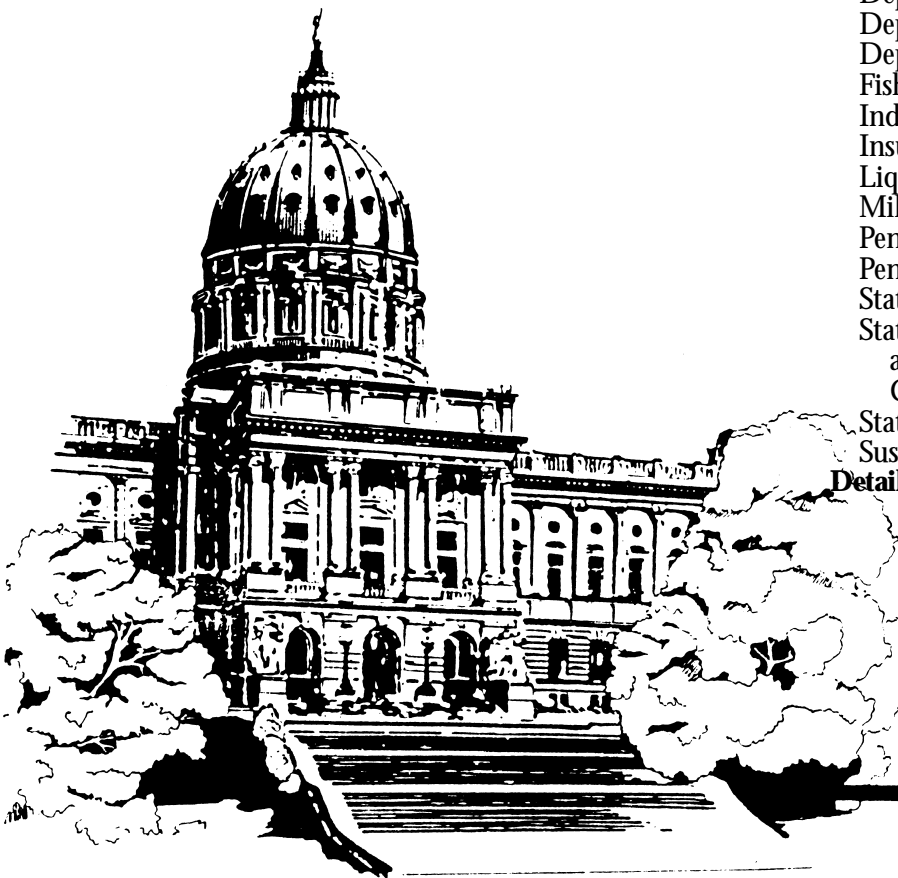
State Board of Cosmetology

State Board of Social Workers, Marriage
and Family Therapists and Professional
Counselors

State Employees' Retirement Board

Susquehanna River Basin Commission

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporter
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No. 404, July 2008

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CONTENTS

THE COURTS

APPELLATE PROCEDURE

Order adopting amendments to Pa.R.A.P. 2116;
no. 192; appellate procedural rules; doc. no. 1..... 3970

RULES OF CIVIL PROCEDURE

Amendment of rule 226 governing points for charge;
no. 494; civil procedural rules; doc. no. 5 3970

RULES OF CRIMINAL PROCEDURE

Order approving the amendment of rules of criminal
procedure 135, 504, 510, 543 and 547 and revisions
to the comments to rules 109, 512 and
527; criminal procedural rules; no. 365; doc.
no. 2 3971

SUPREME COURT

Duty assignment schedule for emergency petitions
in the year 2008; no. 321; judicial administration;
doc. no. 1 3976

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Actions on applications (2 documents) 3985
Maximum lawful rate of interest for residential
mortgages for the month of August 2008 3986
Notice to those engaging or considering engaging in
nonmortgage consumer lending to Pennsylvania
residents 3986

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Notices

Consolidated plan public meeting notice and
Regional Housing Advisory Committee meetings .. 3987

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Proposed exchange of lands 3988

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 3989
Bid opportunity (2 documents) 4035
Mine Families First Response and Communications
Advisory Council meeting 4035
State Board for Certification of Sewage Enforcement
Officers 2008 examination announcement 4036
Stream redesignation evaluation; water quality
standards review 4036

DEPARTMENT OF HEALTH

Notices

Application for exception:
Crossroads Surgery Center 4037
Excelsa Health—Latrobe Hospital 4037
Excelsa Health—Westmoreland Hospital 4037

UMPC Northwest 4038
York Hospital 4038
Organ Donation Advisory Committee meeting 4038

DEPARTMENT OF PUBLIC WELFARE

Notices

Medical Assistance Program; prior authorization
list 4038

DEPARTMENT OF REVENUE

Notices

Pennsylvania Lucky Numbers '08 instant lottery
game 4039
Pennsylvania Wild Winnings instant lottery game .. 4041

FISH AND BOAT COMMISSION

Notices

Triploid grass carp permit application 4045

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Actions taken by the Commission 4045
Notice of comments issued 4046
Notice of filing of final rulemakings 4050

INSURANCE DEPARTMENT

Notices

Alleged violation of insurance laws; Thomas C.
Helbig; doc. no. SC08-07-013 4050
LTC rate increase filing for Several Time Insurance
Company policies and Fortis Benefits Insurance
Company policies assumed by John Hancock Life
Insurance Company; rate filing 4050

LIQUOR CONTROL BOARD

Notices

Expiration of leases 4051

MILK MARKETING BOARD

Notices

Hearing and presubmission schedule; milk market-
ing area no. 6 4051

PENNSYLVANIA GAMING CONTROL BOARD

Rules and Regulations

Slot machine licensing 3978

Proposed Rulemaking

Preliminary provisions; onsite shopkeeper certifica-
tion, labor organizations; and slot machine
licenses 3980

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications 4051
Water service (2 documents) 4053, 4054

STATE BOARD OF COSMETOLOGY

Notices

Bureau of Professional and Occupational Affairs v.
Hung Van Le; doc. no. 0756-45-2007 4054

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

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE
AND FAMILY THERAPISTS AND PROFESSIONAL
COUNSELORS**

Notices

Bureau of Professional and Occupational Affairs v.
Linda E. Ringel, SW; doc. no. 1582-69-2007..... 4054

STATE EMPLOYEES' RETIREMENT BOARD

Notices

Hearing schedule 4055

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Public hearing and meeting 4055

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

4 Pa. Code (Administration)

Adopted Rules

6 741, 2146, 2148, 2231, 2234, 2236, 2647
7 474, 2230

Proposed Rules

241 613, 614
247 612, 615, 2062
255 2268

Statements of Policy

9 2659, 2660, 2661, 3360, 3660

7 Pa. Code (Agriculture)

Adopted Rules

145 2654
146 2654
147 2654

Proposed Rules

21 2268
23 2268
25 2268
27 2268
111 2256
113 2253
115 2262
139 1830
143 3819

19 Pa. Code (Corporations and Business Associations)

Notices 2199

22 Pa. Code (Education)

Adopted Rules

4 872, 1148
14 3575
36 339
338 76
339 2485
711 3593

Proposed Rules

4 2270
42 1961
171 2052

Statements of Policy

52 1727

25 Pa. Code (Environmental Protection)

Adopted Rules

93 1357
121 1705
127 2365
129 1705
145 1705
215 2243
221 2243
225 2243
230 2243
240 2243
271 1357
279 1357
287 1357

293 1357
806 610
808 610

Proposed Rules

86 80
93 (correction) 236, 612, 976
121 229, 1831, 1838
126 229
129 1831, 1838
130 (correction) 1150
145 1838
218 1246
240 1246

Statements of Policy

16 258
83 889

28 Pa. Code (Health and Safety)

Adopted Rules

101 573
117 573

Proposed Rules

23 750, 1150
27 750, 1150

31 Pa. Code (Insurance)

Proposed Rules

84b 1949
139 1960

37 Pa. Code (Law)

Adopted Rules

23 1587

Proposed Rules

221 1486

40 Pa. Code (Liquor)

Adopted Rules

3 2250
5 2250
7 2250
13 2250

Proposed Rules

5 499

43 Pa. Code (Military Affairs)

Adopted Rules

9 1823

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

13 3794
21 3656, 3796, 3806
39 3811
40 1829, 3658
43b 3654
47 484
49 484

Proposed Rules

18 2059
 21 344, 3246
 27 350, 351
 39 1168
 47 3253
 48 3253
 49 3253

Statements of Policy

16 2661

51 Pa. Code (Public Officers)

Proposed Rules

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

52 Pa. Code (Public Utilities)

Adopted Rules

63 488

Proposed Rules

54 776, 1843
 62 776, 1843
 63 758, 2056
 64 2658
 76 776, 1843
 Unclassified 3245, 3246

55 Pa. Code (Public Welfare)

Adopted Rules

3270 2437
 3280 2437
 3290 2437
 3300 2437

Proposed Rules

2380 1937
 2390 1937
 6400 1937
 6500 1937

Statements of Policy

3270 2469
 3280 2469
 3290 2469

58 Pa. Code (Recreation)

Adopted Rules

53 1584
 63 1584
 65 1468
 91 1725
 111 1468
 137 3490, 3499
 139 3490, 3491
 141 1471, 1472, 3489

143 1469, 1470, 3489
 147 1472, 1473, 3497
 405a 1474
 421a 1585, 1965
 423a 1585
 437a 2251
 441a 3978
 461a 1474

Proposed Rules

29 2155
 63 3241
 65 1588
 69 1589
 137 1484
 139 1591, 1597, 3243
 141 1482, 1590, 3242, 3243
 143 1477, 1482
 147 1477, 1483, 3244
 401a 1151, 2053, 3980
 405a 2054
 421a 2054
 433a 2054
 434a 3980
 435a 1151, 2054, 3505
 438a 3980
 439a 1151
 441a 1039, 1041, 1151, 2269, 3505, 3980
 443a 3820
 461a 343, 1151, 3507
 461b 1151
 463a 1151, 3507
 465a 1151, 3505, 3507
 467a 3507

Statements of Policy

57 1965
 421b 977
 436b 2279
 461b 354

61 Pa. Code (Revenue)

Adopted Rules

32 1148
 113 1476

Statements of Policy

60 977

67 Pa. Code (Transportation)

Proposed Rules

71 3501
 83 3503

201 Pa. Code (Judicial Administration)

Adopted Rules

2 220
 5 3613
 7 220

Proposed Rules

30 1924

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

83 1701
 85 1812
 87 1812
 91 1812
 93 1812

Proposed Rules

213	1438
303	9

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

33	1445
61	1445

Proposed Rules

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

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

15	2359
17	2359
21	3355, 3970

Proposed Rules

3	2480
17	1445
21	1446

225 Pa. Code (Rules of Evidence)**Proposed Rules**

803	3789
-----------	------

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

200	1349, 3970
1000	3481
1915	1815

Proposed Rules

200	337, 3236, 3650
1000	1701
1910	1447, 3617
1915	3614
2950	3236
3000	3650
4000	1814

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

1	745, 3971
2	3651
5	3971

Proposed Rules

1	61, 865
6	1816

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

1	2360
2	2360
5	3238
11	2360
13	2360
100	1142
150	1146
300	1142
600	1146
800	1142

Proposed Rules

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

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

400	3356
500	3239, 3355
1000	2040

Proposed Rules

200	1817, 2046, 2151
-----------	------------------

249 Pa. Code (Philadelphia Rules)

Unclassified	223, 868, 1241, 2046, 2049, 2481, 3896
--------------------	--

252 Pa. Code (Allegheny Rules)

Unclassified	64, 3483, 3488
--------------------	----------------

255 Pa. Code (Local Court Rules)

Unclassified	72, 223, 225, 338, 481, 482, 596, 748, 975, 1037, 1241, 1354, 1449, 1458, 1466, 1583, 1702, 1704, 1819, 1931, 2050, 2152, 2240, 2242, 2363, 2364, 2483, 2484, 2652, 3240, 3652, 3790, 3791, 3793
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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 21]

Order Adopting Amendments to Pa.R.A.P. 2116;
No. 192; Appellate Procedural Rules; Doc. No. 1

Order

Per Curiam

And Now, this 11th day of July, 2008, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 38 Pa.B. 1446 on March 29, 2008;

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rule of Appellate Procedure 2116 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective 30 days after adoption and shall apply to all briefs filed after the effective date.

Annex A

TITLE 210. APPELLATE PROCEDURE

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2116. Statement of Questions Involved.

(a) *General rule.*—The statement of the questions involved must state [**the question or questions in the briefest and most general terms, without names, dates, amounts or particulars of any kind.**] **concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. The statement shall be no more than two pages and will be deemed to include every subsidiary question fairly comprised therein. [It should not ordinarily exceed 15 lines, must never exceed one page, and must always be on a separate page, without any other matter appearing thereon. This rule is to be considered in the highest degree mandatory, admitting of no exception; ordinarily no point] No question will be considered [which] unless it is [not set forth] stated in the statement of questions involved or is fairly suggested thereby. [Whenever possible each] Each question [must] shall be followed [immediately] by an answer stating simply whether [it was affirmed, negated, qualified or not answered by the court or government unit below] the court or government unit agreed, disagreed, did not answer, or did not address the question. If a qualified answer was given to the question, appellant shall indicate[, most briefly,] the nature of the qualification, or if the question was not answered**

or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below.

* * * * *

Official Note:

* * * * *

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

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

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

[Pa.B. Doc. No. 08-1362. Filed for public inspection July 25, 2008, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 200]

Amendment of Rule 226 Governing Points for Charge; No. 494; Civil Procedural Rules; Doc. No. 5

Order

Per Curiam

And Now, this 10th day of July, 2008, Pennsylvania Rule of Civil Procedure 226 is amended to read as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective September 1, 2008.

Annex A

TITLE 231. RULE OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 200. BUSINESS OF THE COURTS

Rule 226. Points for Charge. Motion for Directed Verdict.

(a) Points upon which the trial judge is requested to charge the jury shall be so framed that each may be completely answered by a simple affirmation or negation. Attorneys shall hand copies of requested points for charge to the trial judge and to the opposing attorneys before the closing addresses to the jury are begun. **A requested point for charge that was presented to the trial judge becomes part of the record when the point is read into the record, or filed in the office of the prothonotary prior to filing a motion for post-trial relief regarding the requested point for charge.**

Official Note: An appellate court will not review an objection to a ruling of a trial court regarding a point for charge unless the point for charge was (1) presented to the court and (2) made a part of the record by either reading the point into the record or filing it in the office of the prothonotary prior to filing a motion for post-trial relief.

(b) At the close of all the evidence, the trial judge may direct a verdict upon the oral or written motion of any party.

[**Official Note:** Subdivision (b) changes the historic practice under the Act of April 22, 1905, P. L. 286, as amended, and the Act of April 20, 1911, P. L. 70, § 1, as amended, repealed by JARA, requiring the filing of a written request for binding instructions as a condition precedent to the filing of a motion for judgment notwithstanding the verdict or after disagreement of a jury.]

Explanatory Comment

Rule 226 governing points for charge has been amended to cure the problem of making points for charge part of the record for appellate review. The amendment is in response to the case of *Bennyhoff v. Pappert*, 790 A.2d 313 (Pa. Super. 2001), petition for allowance of appeal denied, 573 Pa. 682, 823 A.2d 143 (2003), in which the Superior Court concluded that although a point for charge had been raised by counsel and addressed by the trial court, the text of the point had not been made part of the certified record on appeal. The amendment specifies the methods by which points for charge may be placed on the record. It is important to note that all points for charge must be presented to the court in accordance with the rule regardless of the method by which they are made part of the record.

By the Civil Procedural Rules Committee

R. STANTON WETTICK, Jr.,
Chair

[Pa.B. Doc. No. 08-1363. Filed for public inspection July 25, 2008, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 5]

Order Approving the Amendment of Rules of Criminal Procedure 135, 504, 510, 543 and 547 and Revisions to the Comments to Rules 109, 512 and 527; Criminal Procedural Rules; No. 365; Doc. No. 2

Order

Per Curiam

Now, this 10th day of July, 2008, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 37 Pa.B. 1303 (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 Order pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Rules of Criminal Procedure 135, 504, 510, 543 and 547 are amended, and

(2) the revisions of the *Comments* to Rules 109, 512 and 527 are approved,

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

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

PART I. GENERAL

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

PART A. BUSINESS OF THE COURTS

Rule 109. Defects in Form, Content, or Procedure.

* * * * *

Comment

* * * * *

Ordinarily, if a defendant does not raise a defect at the summary trial or before the conclusion of the preliminary hearing, the defendant cannot thereafter raise the defect as grounds for dismissal or discharge at a later stage in the proceedings. See *Commonwealth v. Krall*, 452 Pa. 215, 304 A.2d 488 ([Pa.] 1973). In a summary case, however, the provisions of this rule do not preclude a defendant from raising a defect for the first time after the summary trial when the interests of justice require it, as for example, when the defendant was not represented by counsel during the proceedings before the district justice or when the defendant could not reasonably have discovered the defect until after the conclusion of the summary trial.

* * * * *

If the issuing authority determines that a defect is prejudicial, it is intended that the decision recorded on the docket pursuant to Rule 135(B)[(12)] (13) shall be "discharge of the defendant" or "dismissal of the case," rather than "not guilty."

Official Note: Former Rule 90 adopted July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 109. Former Rule 150, formed from former Rule 114 (Informal Defects), and former Rule 115 (Substantive Defects), both adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970; both revised January 31, 1970, effective May 1, 1970; combined, renumbered Rule 150 and amended September 18, 1973, effective January 1, 1974; amended April 8, 1982, effective July 1, 1982, Comment revised July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; rescinded March 1, 2000, effective April 1, 2001, and replaced by Rule 109. New Rule 109 adopted March 1, 2000, effective April 1, 2001; **Comment revised July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 revisions to the Comment related to the cross-reference to Rule 135, published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

PART C. VENUE, LOCATION, AND RECODING OF PROCEEDINGS BEFORE ISSUING AUTHORITY

Rule 135. Transcript of Proceedings Before Issuing Authority.

* * * * *

(B) The transcript shall contain the following information, where applicable;

* * * * *

(9) a notation that the defendant has or has not been fingerprinted;

[(9)] (10) a specific description of any defect properly raised in accordance with Rule 109;

[(10)] (11) a notation that the defendant was advised of the right to apply for the assignment of counsel;

[(11)] (12) the defendant's plea **[or]** of guilty or not guilty, the decision that was rendered in the case and the date thereof, and the judgment of sentence and place of confinement, if any;

[(12)] (13) any other information required by the rules to be in the issuing authority's transcript.

Comment

The requirement of a docket was deleted from this rule in 1985 because dockets are now routinely maintained under the supervision of the Administrative Office of Pennsylvania Courts. It is expected that issuing authorities will continue to keep dockets of criminal proceedings. The transcript requirements presuppose an accurate docket to supply the information necessary to prepare **[an]** a transcript.

* * * * *

The requirement that there be a notation indicating whether the defendant has been fingerprinted as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is to alert the district attorney and the court whether it is necessary to have the defendant fingerprinted after the case is held for court.

Official Note: Formerly Rule 125 adopted June 30, 1964, effective January 1, 1965; suspended effective May 1, 1970, revised January 31, 1970, effective May 1, 1970; renumbered Rule 26 and subparagraphs (b)(5) and (b)(10) amended September 18, 1973, effective January 1, 1974; subparagraph (b)(10) amended April 8, 1982, effective July 1, 1982; previous subparagraph (b)(7) deleted January 28, 1983, effective July 1, 1983; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 135 and amended March 1, 2000, effective April 1, 2001; **amended July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 amendment adding new paragraph (9) requiring a notation of fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART B(1). Complaint Procedures

Rule 504. Contents of Complaint.

Every complaint shall contain:

* * * * *

(9) a notation that the defendant has or has not been fingerprinted;

[(9)] (10) a request for the issuance of a warrant of arrest or a summons, unless an arrest has already been effected;

[(10)] (11) a verification by the affiant that the facts set forth in the complaint are true and correct to the affiant's personal knowledge, or information and belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and

[(11)] (12) the signature of the affiant and the date of the execution of the complaint.

Comment

This rule sets forth the required contents of all complaints whether the affiant is a law enforcement officer, a police officer, or a private citizen. When the affiant is a private citizen, the complaint must be submitted to an attorney for the Commonwealth for approval. See Rule 506. When the district attorney elects to proceed under Rule 507 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—**Local Option**), the police officer must likewise submit the complaint for approval by an attorney for the Commonwealth.

Ordinarily, whenever a misdemeanor, felony, or murder is charged, any summary offense in such a case, if known at the time, should be charged in the same complaint, and the case should proceed as a court case under Chapter 5 Part B. See *Commonwealth v. Cauffman*, 541 Pa. 299, 662 A.2d 1050 (1995) and *Commonwealth v. Campana*, 455 Pa. 622, 304 A.2d 432 (**[Pa.]** 1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 454 Pa. 233, 314 A.2d 854 (1974) (compulsory joinder rule). In judicial districts in which there is a traffic court established pursuant to 42 Pa.C.S. §§ 1301—1342, when a summary motor vehicle offense within the jurisdiction of the traffic court arises in the same criminal episode as another summary offense or a misdemeanor, felony, or

murder offense, see 42 Pa.C.S. § 1302 and *Commonwealth v. Masterson*, 275 Pa. Super. 166, 418 A.2d 664 (1980).

* * * * *

The requirement that the affiant who prepares the complaint indicate whether the defendant has been fingerprinted as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is included so that the issuing authority knows whether it is necessary to issue a fingerprint order with the summons as required by Rule 510.

Official Note: Original Rule 104 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 104 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 132 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended July 25, 1994, effective January 1, 1995; renumbered Rule 104 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 504 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; **amended July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 amendments adding new paragraph (9) requiring a notation concerning fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

PART B(2). SUMMONS PROCEDURES

Rule 510. Contents of Summons; Notice of Preliminary Hearing.

* * * * *

(C) [A copy of the complaint shall be attached to the summons.]

The following items shall be attached to the summons:

- (1) a copy of the complaint; and
- (2) an order directing the defendant to submit to fingerprinting in all cases in which the defendant has not been fingerprinted, except cases initiated by private complaint.

Comment

For the summons procedures in non-summary cases in the Municipal Court of Philadelphia, see Rule 1003(C).

[When a defendant appears for a preliminary hearing pursuant to a summons under this rule and is held for court, the issuing authority should require the defendant to submit to administrative processing and identification procedures (such as fingerprinting) as authorized by law. It is suggested that these processing procedures be made a condition of bail or release. See Criminal History Record Information Act, 18 Pa.C.S. § 9112.]

When a case proceeds by summons, the issuing authority also must issue an order requiring the defendant to submit to the administrative processing and identification procedures as authorized by law (such as fingerprinting) that ordinarily occur following an arrest.

Paragraph (C)(2), added in 2008, requires that the fingerprint order be sent to the defendant with the summons. The purpose of this change is to ensure that the fingerprinting process in summons cases is completed. See the Criminal History Record Information Act, 18 Pa.C.S. § 9112.

The requirement in paragraph (C)(2) that a fingerprint order be attached to the summons does not apply to cases that have been initiated by private complaint or cases in which the defendant has been processed for fingerprinting and other identification procedures prior to being released pursuant to Rule 519.

If a defendant has not complied with the fingerprint order by the time of the preliminary hearing, the issuing authority must make compliance a condition of release on bail.

* * * * *

Official Note: Original Rule 109 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 109 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 110 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended August 9, 1994, effective January 1, 1995; renumbered Rule 510 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 amendments to paragraph (C) concerning the fingerprint order published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

Rule 512. Procedure in Court Cases Following Issuance of Summons.

The defendant shall appear before the issuing authority for a preliminary hearing on the date, and at the time and place specified in the summons. If the defendant fails to appear, the issuing authority shall proceed as provided in Rule 543(D).

Comment

For the proper time for the preliminary hearing, see Rule 510.

[When a defendant appears for a preliminary hearing pursuant to a summons and is held for court, the issuing authority should require that the defendant submit to administrative processing and identification procedures (fingerprinting, for example) as authorized by law. It is recommended that this requirement be made a condition of bail or release. See Criminal History Record Information Act, 18 Pa.C.S. § 9112.]

When a case proceeds by summons, the issuing authority must require that the defendant submit to the administrative processing and identification procedures as authorized by law (such as fingerprinting) that ordinarily occur following an arrest. See, e.g., Criminal History Record Information Act, 18 Pa.C.S. § 9112. If these processing procedures

are not completed by the time of the preliminary hearing, they must be made a condition of bail or release. Concerning fingerprinting, see Rule 510(C)(2) that requires the issuing authority to send the fingerprint order with the summons.

* * * * *

Official Note: Rule 113 adopted September 18, 1973, effective January 1, 1974; amended August 9, 1994, effective January 1, 1995; renumbered Rule 512 and Comment revised March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **Comment revised July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 Comment revisions concerning administrative processing and identification procedures published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

PART C(1). RELEASE PROCEDURES

Rule 527. Nonmonetary Conditions of Release on Bail.

* * * * *

(B) The bail authority shall state with specificity on the bail bond any nonmonetary conditions imposed pursuant to this rule.

Comment

* * * * *

The following sets forth a few examples of conditions that might be imposed to address specific situations. In some circumstances, a combination of such conditions might also be considered. This is not intended to be an exhaustive list of appropriate conditions.

* * * * *

(6) When a case proceeds by summons, the issuing authority must require that the defendant submit to required administrative processing and identification procedures, such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, that ordinarily occur following an arrest. Rule 510(C)(2) requires an order directing the defendant to be fingerprinted be issued with the summons. If the defendant has not completed fingerprinting by the date of the preliminary hearing, completion of these processing procedures must be made a condition of release.

Official Note: Former Rule 4006 adopted July 23, 1973, effective 60 days hence, replacing prior Rules 4008 and 4010; amended January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and replaced by Rules 524 and 528. Present Rule 4006 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; renumbered Rule 527 and amended March 1, 2000, effective April 1, 2001; **Comment revised July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 Comment revisions adding paragraph (6) concerning administrative processing and identification procedures published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

PART D. PROCEEDINGS IN COURT CASES BEFORE ISSUING AUTHORITIES

Rule 543. Disposition of Case at Preliminary Hearing.

* * * * *

(C) When the defendant has appeared and has been held for court, the issuing authority shall:

(1) set bail as permitted by law if the defendant did not receive a preliminary arraignment; or

(2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529[.](A.); and

(3) if the defendant has not submitted to the administrative processing and identification procedures as authorized by law, such as fingerprinting pursuant to Rule 510(C)(2), make compliance with these processing procedures a condition of bail.

(D) In any case in which the defendant fails to appear for the preliminary hearing:

* * * * *

(3) If the issuing authority finds that the defendant's absence is without good cause and after notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority.

* * * * *

(b) If the preliminary hearing is conducted and the case held for court, the issuing authority shall

* * * * *

(ii) pursuant to Rule 547, transmit the transcript to the clerk of courts with a request that a bench warrant be issued by the court of common pleas **and, if the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2), with a notice to the court of common pleas of the defendant's non-compliance.**

* * * * *

Comment

Paragraph (C) reflects the fact that a bail determination will already have been made at the preliminary arraignment, except in those cases in which, pursuant to a summons, the defendant's first appearance is at the preliminary hearing. See Rules 509 and 510.

* * * * *

If the administrative processing and identification procedures as authorized by law, such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, that ordinarily occur following an arrest are not completed previously, when bail is set at the conclusion of the preliminary hearing, the issuing authority must order the defendant to submit to the administrative processing and identification procedures as

a condition of bail. See Rule 527 for nonmonetary conditions of release on bail.

If a case initiated by summons is held for court after the preliminary hearing is conducted in the defendant's absence pursuant to paragraph (D)(2) and the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2), the issuing authority must include with the transmittal of the transcript a notice to the court of common pleas that the defendant has not complied with the fingerprint order. See Rule 547.

* * * * *

Official Note: Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 amendments to paragraphs (C) and (D)(2)(c) concerning administrative processing and identification procedures published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

Rule 547. Return of Transcript and Original Papers.

* * * * *

(C) In addition to this transcript the issuing authority shall also transmit the following items:

* * * * *

(4) the appearance or bail bond for the defendant, if any, or a copy of the order committing the defendant to custody; [and]

(5) a request for the court of common pleas to issue a bench warrant as required in Rule 543(D)(3)(b) [.]; and

(6) notice informing the court of common pleas that the defendant has failed to comply with the fingerprint order as required in Rule 543(D)(3)(b)(ii).

Comment

* * * * *

When the case is held for court pursuant to Rule 543(D)(3), the issuing authority must include with the transcript transmittal a request for the court of common pleas to issue a bench warrant.

When the case is held for court pursuant to Rule 543(D)(3)(b)(ii), the issuing authority must include with the transcript transmittal a notice to the court of common pleas that the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2). The court of common pleas must take whatever actions deemed appropriate to address this non-compliance.

Official Note: Formerly Rule 126, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970; revised January 31, 1970, effective May 1, 1970; renumbered Rule 146 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1982, effective January 1, 1982; amended July 12, 1985, effective January 1, 1986; effective date extended to July 1, 1986; renumbered Rule 547 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; **amended July 10, 2008, effective February 1, 2009.**

Committee Explanatory Reports:

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Final Report explaining the July 10, 2008 amendments to paragraph (C)(6) concerning the fingerprint order published at 37 Pa.B. 3975 (July 26, 2007).

FINAL REPORT¹

Proposed Amendments to Pa.Rs.Crim.P. 135, 504, 510, 543, and 547 and Revisions of the Comments to Pa.Rs.Crim.P. 109, 512, and 527

FINGERPRINT ORDERS IN SUMMONS CASES

On July 10, 2008, effective February 1, 2009, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 135 (Transcript of Proceedings Before Issuing Authority), 504 (Contents of Complaint), 510 (Contents of Summons; Notice of Preliminary Hearing), 543 (Disposition of Case at Preliminary Hearing), and 547 (Return of Transcript in Court Cases) and approved the revision of the *Comments* to Rules 109 (Defects in Form, Content, or Procedure), 512 (Procedures in Court Cases Following Issuing of Summons), and 527 (Nonmonetary Conditions of Release on Bail) to provide procedures for ensuring compliance with identification procedures, including fingerprinting, in summons cases.

These changes are in response to numerous communications received by the Committee, especially from magisterial district judges, questioning how the fingerprint requirements of the Criminal History Records Information Act (CHRIA), 18 Pa.C.S. § 9112, are to be accomplished in cases initiated by summons.² Section 9112(B)(2) requires that, in cases initiated by summons, "the court...shall order the defendant to submit within five days of such order for fingerprinting . . ."

In summons cases, the defendant does not undergo the same type of identification processing that occurs in arrest cases since the defendant is not in custody and no preliminary arraignment is held. The first occasion in which the defendant comes before an issuing authority is usually at the preliminary hearing.

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*.

² Unlike summons cases, in cases initiated by arrest with or without a warrant, compliance with the fingerprinting requirements of CHRIA is relatively straightforward, with the defendant's fingerprints being taken as part of the usual administrative processing following arrest.

The Committee received reports that there is a divergence of practice regarding this question running the gamut from issuing authorities sending out fingerprint orders with the summons to issuing authorities who believe that, based on language in the *Comment* to Rule 510, fingerprints may only be ordered after the case is held for court at the preliminary hearing.

Initially, the Committee considered permitting an issuing authority the discretion to chose the procedure for the issuance of the fingerprint order. However, because the fingerprint requirements of CHRIA apply regardless of whether a case was bound over for court, the Committee concluded that permitting such discretion does not adequately address the problem. In other words, in those cases started by summons that are not held for court at the preliminary hearing, unless the fingerprint order has been issued with the summons, there would be no mechanism to have the defendant fingerprinted. Therefore, the Committee concluded that the rules should require that in all cases, when a summons is issued, the issuing authority also would be required to send out a fingerprint order and would not have the option of waiting until the preliminary hearing to issue the order. To accomplish this, Rule 510 has been amended to provide that the fingerprint order be attached to the summons, along with the copy of the complaint. Additionally, the language in the *Comments* to Rules 510 and 512 that suggests that the issuing authority must wait until the preliminary hearing to issue the fingerprint order has been deleted.

In developing this proposal and after reviewing the publication comments, the Committee recognized that there are circumstances that are exceptions to the requirement that the fingerprint order be sent out with the summons. First, when the defendant already has been processed, for example, when a defendant has been released following an arrest without a warrant as provided in Rule 519(B), the fingerprint order would not need to be sent with the summons.³ Another exception is when a case is initiated by private complaint, since CHRIA provides that in such cases the fingerprints would only be taken upon conviction. Therefore, language has been added to Rule 510 indicating that these exceptions exist with further elaboration about the exceptions in the *Comment*.

In considering the exception when the fingerprinting has already been completed, the Committee was concerned about how this information would be conveyed to the magisterial district judge so he or she will know that the fingerprint order is unnecessary. It was concluded that the police should provide this information at the time the complaint is filed. Accordingly, the content of complaints rule, Rule 504, is amended to require that a notation be added to complaints to indicate whether fingerprints have been taken.

Another issue that arose during the development of this proposal concerns the enforcement of the fingerprint order. Recognizing that, if the defendant fails to comply with the fingerprint order, the primary mechanism to enforce the fingerprint order is making compliance a bail condition following the preliminary hearing, new paragraph (C)(3) has been added to Rule 543 making it clear that compliance should be made a condition of bail. The *Comments* to Rules 510, 512, 527, and 543 have been revised to emphasize this required bail condition as well.

³ Rule 519 provides that the defendant should be processed, which includes fingerprinting, prior to being released.

Finally, during the Committee's discussions on this issue, several members expressed concern about compliance with the fingerprint order in the situation when a case is held for court and transferred from the issuing authority to the court of common pleas. In these cases, there is a possibility that the fingerprint requirement might "get lost," especially in the situation in which the case is held for court in the defendant's absence as provided in Rule 543(D)(3). To address this situation, a provision has been added to Rules 543(D)(3)(b)(ii) and 547(C) that requires the issuing authority to send notice of the defendant's non-compliance to the court of common pleas. It is contemplated that the court of common pleas, once notified, will take whatever actions would be appropriate in the circumstances to ensure future compliance. To further assist in ensuring that such cases do not "fall through the cracks" when transferred to the court of common pleas, the transcript content rule, Rule 135, is amended to include a requirement that the transcript form include a notation that fingerprints have not been taken. Since all district attorney's offices receive copies of the transcript, the district attorney's office is put on notice of the noncompliance and could pursue the matter further. A correlative change has also been made to the *Comment* to Rule 109 to reflect this additional Rule 135 requirement.

[Pa.B. Doc. No. 08-1364. Filed for public inspection July 25, 2008, 9:00 a.m.]

SUPREME COURT

Duty Assignment Schedule for Emergency Petitions in the Year 2008; No. 321; Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 9th day of July, 2008, the emergency duty assignment order of December 20, 2007, is herewith amended as follows:

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

August	Justice Thomas G. Saylor Justice Jane C. Greenspan	(Eastern District) (Western District)	November	Justice Thomas G. Saylor Justice Jane C. Greenspan	(Eastern District) (Western District)
September	Justice Debra Todd Justice Seamus P. McCaffery	(Eastern District) (Western District)	December	Justice J. Michael Eakin Justice Seamus P. McCaffery	(Eastern District) (Western District)
October	Justice Max Baer Justice Debra Todd	(Eastern District) (Western District)			

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 08-1365. Filed for public inspection July 25, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 441a]

Slot Machine Licensing

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1202(b)(12) and 1326 (relating to license renewals) amends Chapter 441a (relating to slot machine licenses) to read as set forth at 38 Pa.B. 1041 (March 1, 2008).

Purpose of the Final-Form Rulemaking

This final-form regulation amends the provisions related to renewal of slot machine licenses.

Explanation of Amendment to Chapter 441a

Most licenses issued by the Board expire 1 year from the date that the license application is approved by the Board. However, for slot machine licenses, the Board tied the term of the initial licenses to the date that the licenses were issued. This was done for two reasons. First, because the statements of conditions for each of the successful applicants are unique and licenses are not issued until all of the conditions are met, the term of the initial licenses would have been for much less than 12 months. For example, Pocono Downs, which was the first licensed facility to open, did not receive its permanent license until October of 2007. If the December 20, 2006, approval date had been used for the starting date for the term of its license, Pocono Downs would have had to file its renewal application in the same month it received its license. This would have placed an unreasonable administrative burden on Pocono Downs and the rest of the slot machine licensees.

The second reason the Board elected to use the issuance date instead of the approval date was to stagger the due dates of the slot machine license renewals. This allows the Board to more effectively allocate the staff that are needed to conduct the comprehensive renewal application reviews.

Now that the renewal dates have been staggered, the Board is tying the 12-month term of slot machine licenses that are renewed to the date that the Board approves the renewal application. This will allow the Board to continue take advantage of the staggered renewal dates and to coordinate the renewal date of a slot machine licensee's license with the renewal dates of its principals and key employees licenses. Additionally, the Board does not anticipate that there will be major changes in the statements of conditions for the renewals, so the time period between approval and issuance should be much shorter.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 1041.

The Board received no comments from the public during the public comment period. By letter dated April 30, 2008, the Independent Regulatory Review Commission (IRRC) notified the Board that IRRC had no objections, comments or recommendations to offer on this rulemaking. No changes have been made to the proposed regulation in this final-form regulation.

Affected Parties

The renewal dates for all slot machine licenses will be affected by this rulemaking.

Fiscal Impact

Commonwealth

There will be no new costs or savings to the Board or other Commonwealth agencies as a result of this rulemaking.

Political Subdivisions

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

Private Sector

The due dates for renewals of slot machine licenses will change but the costs associated with completing a renewal application will not change.

General Public

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

Paperwork Requirements

There are no new paperwork or reporting requirements associated with this final-form rulemaking.

Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 15, 2008, the Board submitted a copy of this proposed rulemaking, published at 38 Pa.B. 1041 and a copy of the Regulatory Analysis Form to IRRC and to the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development Committee (Committees).

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

Under section 5.1(j.2) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the Committees on June 18, 2008. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective, June 18, 2008.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

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

(a) The regulations of the Board, 58 Pa. Code Chapter 441a, are amended by amending § 441a.16 to read as set forth at 38 Pa.B. 1041.

(b) The Chairperson of the Board shall certify this order and 38 Pa.B. 1041 and deposit them with the Legislative Reference Bureau as required by law.

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

MARY DIGIACOMO COLINS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 3726 (July 5, 2008).)

Fiscal Note: Fiscal Note 125-81 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1366. Filed for public inspection July 25, 2008, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 401a, 434a, 438a AND 441a] Preliminary Provisions; Onsite Shopkeeper Certification, Labor Organizations; and Slot Machine Licenses

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the authority in 4 Pa.C.S. §§ 1102(8) and (9), 1202(23) and 1313 (relating to legislative intent; general and specific powers; and slot machine license application financial fitness requirements), proposes to amend Chapters 401a, 438a and 441a (relating to preliminary provisions; labor organizations; and slot machine licenses) and add Chapter 434a (relating to onsite shopkeeper certification) to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking replaces the permitting requirements for individuals in labor organizations with registration requirements and adds a new chapter that sets forth the requirements for certification of onsite shopkeepers and their regulatory responsibilities. Onsite shopkeepers are businesses that engage in commercial activities at a licensed facility which typically may include restaurants, bars or retail shops. This chapter also specifies the duties and responsibilities of slot machine licensees concerning their relationship with onsite shopkeepers. It also makes minor revisions to provisions in Chapter 441a relating to agreements.

Explanation of Amendments to Chapters 401a, 438a and 441a and the Addition of Chapter 434a

Section 401a.3 (relating to definitions) adds a definition of the term "onsite shopkeeper" as a person that engages in any commercial activity at a licensed facility. The definition of vendor is also being amended by deleting the list of examples. This list had generated some confusion amongst businesses that thought the list was all inclusive, instead of illustrative.

The new Chapter 434a (relating to onsite shopkeeper certification) has been modeled on the existing Chapter 437a (relating to vendor certification and registration). Most of the application forms and procedures for processing applications for onsite shopkeepers will be the same as those used for vendors.

Section 434a.1 (relating to general onsite shopkeeper requirements) requires onsite shopkeepers to obtain certification.

Section 434a.2 (relating to onsite shopkeeper certification applications) contains the application process for certification, general requirements that applicants must comply with and the requirement that an applicant must pay all fees and investigation costs before they will be issued a certification.

Section 434a.3 (relating to individual certifications and investigations) specifies which individuals associated with a certified onsite shopkeeper will be required to obtain individual certifications and the form that these individuals will be required to file.

Section 434a.4 (relating to certification term and renewal) specifies that the term of onsite shopkeeper certifications shall be 4 years and outlines the process for renewal of certifications.

Section 434a.5 (relating to certified onsite shopkeeper responsibilities) lists general responsibilities of certified onsite shopkeepers and specifies which employees of certified onsite shopkeepers will be required to obtain nongaming employee registrations.

Section 434a.6 (relating to approved onsite shopkeepers list; prohibited onsite shopkeepers) requires the Board to maintain a list of approved and prohibited onsite shopkeepers, bars slot machine licensees from entering in to an agreement with a onsite shopkeeper on the prohibited onsite shopkeeper list, and sets forth the criteria the Board will use when determining whether or not a onsite shopkeeper should be placed on the prohibited onsite shopkeeper list. It also outlines the process an onsite shopkeeper on the prohibited onsite shopkeeper list must use to seek removal from the prohibited onsite shopkeeper list.

Section 434a.7 (relating to permission to conduct business prior to certification) sets forth the requirements that must be met by an onsite shopkeeper applicant if they desire to conduct business with a slot machine licensee prior to receiving their certification.

Section 434a.8 (relating to slot machine licensees' duties and responsibilities) lists the responsibilities of slot machine licensees relating to conducting business with a certified onsite shopkeeper. These include: investigating the background and qualifications of onsite shopkeepers; avoiding relationships with onsite shopkeepers of questionable character; requiring agreements to have a cancellation clause if the agreement does not meet Board standards; requiring slot machine licensees to report actions by a onsite shopkeeper that may be a violation of the Act or the Board's regulations; and reporting revenues received from certified onsite shopkeepers.

Chapter 438a is being amended to replace the permitting requirement for labor organization officers, agents and management employees with a requirement that these individuals seek registration. These individuals typically do not work in a licensed facility and rarely would need to be in a restricted area. Accordingly, the Board has determined that registration, rather than obtaining a permit, is more appropriate for these individuals.

More specifically, § 438a.3 (relating to registration of labor organization officers, agents and management employees) has been amended to replace all references to permits with references to registration. Additionally, since registrations do not require renewals, subsection (d) has been revised to reflect that a registration will be valid for as long as the individual holds their current position and subsections (e) and (f) have been deleted.

Minor revisions were made to Chapter 441a in §§ 441a.12 and 441a.13 (relating to maintaining agreements; filing of agreements; and Board review of agreements and records of agreements). The amendments to § 441a.12 will require slot machine licensees to submit to the Board copies of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of \$500,000 or more per year to a slot machine licensee. This will allow the Board

to review the appropriateness of these significant financial transactions to determine their impact on the slot machine licensees and the integrity of gaming. The addition to § 441a.13 will require slot machine licensees to include a provision in all contracts requiring that a person who has contracted with a slot machine applicant or licensee comply with 4 Pa.C.S. Part II (relating to gaming) and regulations promulgated thereunder, including obtaining all required licenses, permits, certifications and registrations. This will allow slot machine licensees to void contracts with parties that should, but refuse to, file an application for a license, permit, certification or registration.

Affected Parties

This proposed rulemaking will affect labor organization officers, agents and management employees, all onsite shopkeepers and slot machine licensees that have onsite shopkeepers at their licensed facility or who provide goods or services valued at \$500,000 or more per year.

Fiscal Impact

Commonwealth

These amendments will eliminate the requirement that annual renewal applications be filed for labor organization officers, agents and management employees. This will reduce the number of permit renewal applications that will have to be processed by the Bureau of Licensing and the Bureau of Investigations and Enforcement of the Board.

By now requiring certification of onsite shopkeepers, these amendments will also increase the number of applications and renewals that are processed by the Bureau of Licensing and the BIE.

However, because applicants must reimburse the Board for all costs incurred associated with the processing of their applications and renewals, this proposed rulemaking will have no fiscal impact on the Board or other agencies of the Commonwealth.

Political Subdivisions

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

Private Sector

Labor organization officers, agents and management employees will experience some cost savings because the application fee and investigation costs for registrations are less than they are for permits and registrations do not require annual renewals.

Onsite shopkeepers will bear the cost of filing applications and paying any additional costs related to the review of the applications that are not covered by the application fee.

General Public

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

Paperwork Requirements

Labor organization officers, agents and management employees will no longer have to file annual renewal applications.

Onsite shopkeepers and some of their employees will have to complete applications for certification.

Slot machine licensees will have to file monthly reports of income received from onsite shopkeepers with the Board and provide copies of agreements concerning the

provision of goods and services by the slot machine licensee that equal or exceed \$500,000 per year.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Mickey Kane, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-91.

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 16, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,
Chairperson

Fiscal Note: 125-91. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

* * * * *

Onsite shopkeeper—A person, other than a slot machine licensee, who engages or proposes to engage in any commercial activity at the licensed facility and who is not otherwise required to be licensed, certified or registered.

* * * * *

Vendor—

[(i)] A person who provides goods or services to a slot machine licensee or applicant, but who is not required to

be licensed as a manufacturer, manufacturer designee, supplier, management company or junket enterprise.

[(ii) The term includes:

(A) Suppliers of alcoholic beverages (if not otherwise regulated by the Pennsylvania Liquor Control Board), food and nonalcoholic beverages.

(B) Refuse handlers.

(C) Vending machine providers and service personnel.

(D) Linen and uniform suppliers.

(E) Janitorial and maintenance companies, not relating to the repair of slot machines or associated equipment.

(F) Tenant businesses or franchises located within licensed facilities.

(G) Providers of transportation services.

(H) Companies, subcontractors and professionals involved in the construction of a facility for a slot machine licensee or applicant.

(I) Lessors of real property or goods.

(J) Other entities which the Board will determine based on detailed analyses by the Board of vendor contracts.]

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Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

CHAPTER 434a. ONSITE SHOPKEEPER CERTIFICATION

- Sec. 434a.1. General onsite shopkeeper requirements.
- 434a.2. Onsite shopkeeper certification applications.
- 434a.3. Individual certifications and investigations.
- 434a.4. Certification term and renewal.
- 434a.5. Certified onsite shopkeeper responsibilities.
- 434a.6. Approved onsite shopkeepers list; prohibited onsite shopkeepers.
- 434a.7. Permission to conduct business prior to certification.
- 434a.8. Slot machine licensees' duties and responsibilities.

§ 434a.1. General onsite shopkeeper requirements.

An onsite shopkeeper shall apply to the Board for certification.

§ 434a.2. Onsite shopkeeper certification applications.

(a) An onsite shopkeeper seeking certification shall complete and the slot machine licensee of the licensed facility where the onsite shopkeeper is located shall submit the following to the Bureau of Licensing:

(1) An original and four copies of an On-site Shopkeeper Certification Application and Disclosure Information Form unless otherwise directed by the Board.

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

(3) An On-site Shopkeeper Certification Form—Private Holding Company for each intermediary and holding company of the applicant unless the onsite shopkeeper seeking certification is, directly or indirectly, wholly owned by a publicly traded company.

(4) Applications and release authorizations for each individual as required under § 434a.3 (relating to individual certifications and investigations).

(b) In addition to the materials required under subsection (a), an applicant for an onsite shopkeeper certification shall:

(1) Promptly provide information requested by the Board relating to its application or regulation and cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions.

(2) Comply with the general application requirements in Chapters 421a and 423a (relating to general provisions; and applications).

(c) An applicant for an onsite shopkeeper certification will be required to reimburse the Board for costs incurred by the Board in conducting the review of the application.

(d) An onsite shopkeeper certification will not be issued until all fees have been paid.

§ 434a.3. Individual certifications and investigations.

(a) If a certified onsite shopkeeper or onsite shopkeeper seeking certification is a publicly traded company or a subsidiary of a publicly traded company, the officers of the certified onsite shopkeeper or onsite shopkeeper seeking certification who are responsible for the conduct of business with the slot machine licensee shall be required to apply for certification by filing with the Board a Pennsylvania Personal History Disclosure Form and the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(b) If a certified onsite shopkeeper or onsite shopkeeper seeking certification is not a publicly traded company or a subsidiary of a publicly traded company, each officer and director of the entity shall be required to apply for certification by filing with the Board a Pennsylvania Personal History Disclosure Form and the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us). For the purposes of this subsection, the term "officer" means a president, chief executive officer, a chief financial officer and a chief operating officer, and any person routinely performing corresponding functions with respect to an organization whether incorporated or unincorporated.

(c) If a certified onsite shopkeeper or onsite shopkeeper seeking certification is a privately held entity, each individual who has a direct or indirect ownership or beneficial interest of 5% or more in the privately held entity shall be required to apply for certification by filing with the Board a Pennsylvania Personal History Disclosure Form and the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(d) An individual who is a trustee of a trust that is required to file an On-site Shopkeeper Certification Form—Private Holding Company under § 434a.2 (relating to onsite shopkeeper certification applications) shall be required to apply for certification by filing with the Board a Pennsylvania Personal History Disclosure Form and the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us).

(e) Each officer and director of a privately held holding company of a certified onsite shopkeeper or onsite shopkeeper seeking certification may be required to apply for certification by filing with the Board a Pennsylvania Personal History Disclosure Form and the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us) if the Board determines that certification of the individual is necessary to protect the public or to enhance the integrity of gaming in this Commonwealth.

(f) Employees of a certified onsite shopkeeper who have entered into an agreement with a slot machine licensee on behalf of their certified onsite shopkeeper employer shall be required to file a Pennsylvania Personal History Disclosure Form if the Board determines that certification of the individual is necessary to protect the public or to enhance the integrity of gaming in this Commonwealth.

§ 434a.4. Certification term and renewal.

(a) Certifications and renewals issued under this chapter will be valid for 4 years from the date of Board approval.

(b) A renewal application and renewal fee shall be submitted to the Board at least 60 days prior to the expiration of an onsite shopkeeper certification.

(c) An onsite shopkeeper certification for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the holder of the certification that the Board has approved or denied the certification.

§ 434a.5. Certified onsite shopkeeper responsibilities.

(a) A holder of an onsite shopkeeper certification shall have a continuing duty to:

(1) Provide information requested by the Board relating to certification; cooperate with the Board in investigations, hearings, and enforcement and disciplinary actions; and comply with conditions, restrictions, requirements, orders and rulings of the Board in accordance with the act.

(2) Report a change in circumstances that may render the holder of an onsite shopkeeper certification ineligible, unqualified or unsuitable to hold a certification under the standards and requirements of the act and of this part.

(b) Employees of a certified onsite shopkeeper shall be required to obtain a nongaming employee registration under § 435a.5 (relating to nongaming employee registration) if their job duties require any contact with patrons of the licensed facility.

(c) Employees of a certified onsite shopkeeper who are not required to obtain a nongaming employee registration under subsection (b) may be required to obtain a nongaming employee registration if the Board determines, after a review of the work being performed, that obtaining a nongaming employee registration is necessary for the protection of the integrity of gaming.

§ 434a.6. Approved onsite shopkeepers list; prohibited onsite shopkeepers.

(a) The Board will maintain a list of approved certified onsite shopkeepers and a list of prohibited onsite shopkeepers.

(b) A slot machine licensee may not enter into an agreement or continue to do business with an onsite shopkeeper on the prohibited onsite shopkeeper list.

(c) The Board will consider the following factors in determining whether an onsite shopkeeper will be listed as a prohibited onsite shopkeeper:

(1) The failure of an onsite shopkeeper to apply for certification after notice from the Board that certification is required.

(2) The failure of an onsite shopkeeper to cooperate with the Board in the Board's review of the application for certification.

(3) The onsite shopkeeper's certification is suspended, revoked or denied.

(4) The onsite shopkeeper is restricted from reapplication by action of the Board.

(5) The onsite shopkeeper is temporarily prohibited from doing business with slot machine licensees by action of the Board.

(d) A person or entity seeking to be removed from the list of prohibited onsite shopkeepers shall file a petition for removal in accordance with § 493a.4 (relating to petitions generally). The petitioner must state the specific grounds believed by the petitioner to constitute good cause for removal from the prohibited onsite shopkeepers list and how the onsite shopkeeper has cured the deficiencies that led to the onsite shopkeeper being placed on the prohibited onsite shopkeepers list.

§ 434a.7. Permission to conduct business prior to certification.

(a) Notwithstanding § 434a.1 (relating to general onsite shopkeeper requirements), the Board may allow an applicant for an onsite shopkeeper certification to conduct business at a licensed facility prior to the certification of the onsite shopkeeper applicant if the following criteria are met:

(1) A completed On-site Shopkeeper Certification Application and Disclosure Information Form and the nonrefundable application fee posted on the Board's web site (www.pgcb.state.pa.us) has been filed by the slot machine licensee in accordance with § 434a.2 (relating to onsite shopkeeper certification applications).

(2) The slot machine licensee certifies that it has performed due diligence on the onsite shopkeeper.

(b) Permission to conduct business under this section will be for 6 months.

(c) The Board may extend the relief for additional 6-month periods upon a showing of good cause by the slot machine licensee.

§ 434a.8. Slot machine licensees' duties and responsibilities.

(a) A slot machine licensee shall investigate the background and qualifications of the applicants for onsite shopkeeper certification that intend to operate at the slot machine licensee's licensed facility.

(b) A slot machine licensee shall have an affirmative duty to avoid agreements or relationships with applicants for onsite shopkeeper certification whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth, who threaten the integrity of gaming in this Commonwealth or who discredit or tend to discredit the gaming industry in this Commonwealth or the Commonwealth.

(c) An agreement or contract between a slot machine licensee and an applicant for or holder of a onsite shopkeeper certification shall contain a cancellation clause that allows termination of the agreement or contract in the event that the Board or the slot machine licensee finds that the agreement or contract fails to meet the requirements of subsection (b). This provision applies to written and oral agreements and contracts.

(d) Slot machine licensees shall have a duty to inform the Bureau of an action by an applicant for or holder of

an onsite shopkeeper certification which the slot machine licensee believes would constitute a violation of the act or the Board's regulations.

(e) Slot machine licensees shall file a monthly report listing all payments received from onsite shopkeepers. The report shall be submitted to the Bureau of Licensing no later than the 15th calendar day of the following month. The report must include an alphabetical listing of onsite shopkeepers and the following information next to the name of each onsite shopkeeper:

- (1) The onsite shopkeeper's certification number.
- (2) The amount of the individual payments to the slot machine licensee.
- (3) The date of the individual payments to the slot machine licensee.
- (4) The grand total of all payments to the slot machine licensee made during the reporting period.
- (5) The total summarizing all previous payments to the slot machine licensee in the last 12 months beginning from the first payment date.

CHAPTER 438a. LABOR ORGANIZATIONS

§ 438a.3. **[Permitting] Registration** of labor organization officers, agents and management employees.

(a) Every labor organization officer, agent and management employee shall be **[permitted] registered** in accordance with this section.

(b) Every labor organization officer, agent and management employee shall file **an original and 2 copies** of a completed Labor Organization **[Permit] Registration Application Form** with the **[permit] registration** fee posted on the Board's web site (www.pgcb.state.pa.us).

(c) Applicants and **[permittees] registrants** under this section shall be subject to the general application requirements of Chapters 421a and 423a (relating to general provisions; and applications).

(d) **[Permits] Registrations** issued under this section will be valid for **[1 year from the date on which the permit is approved by the Board] as long as the individual holds the position which required the individual to seek registration.**

[(e) Renewals will be valid for 1 year and shall be filed no later than 60 days prior to the expiration of the current permit.

(f) A permit for which a completed renewal application and fee has been received by the Board will continue in effect until the Board sends written notification to the permittee that the Board has approved or denied the renewal of the permit.]

Subpart C. SLOT MACHINE LICENSING

CHAPTER 441a. SLOT MACHINE LICENSES

§ 441a.12. Maintaining agreements; filing of agreements.

* * * * *

(c) *Filing agreements.* Each slot machine licensee shall submit the following to the Board:

* * * * *

(4) A fully signed copy of all written agreements or a written description of any oral agreement with a person which involves or may involve payments of \$500,000 or more per year to a slot machine licensee.

* * * * *

(f) *Oral agreements.* A written description submitted under this section must provide, at a minimum, the following:

(1) The nature of the goods or services to be provided to **or by** the slot machine licensee or applicant.

* * * * *

§ 441a.13. Board review of agreements and records of agreements.

* * * * *

(d) Each agreement maintained or filed under § 441a.12 must include a provision requiring that the person who has contracted with the slot machine applicant or licensee comply with the act and this part, including obtaining required licenses, permits, certifications and registrations.

[Pa.B. Doc. No. 08-1367. Filed for public inspection July 25, 2008, 9:00 a.m.]

NOTICES

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 July 8, 2008.

BANKING INSTITUTIONS

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-30-2008	Peoples State Bank of Wyalusing Wyalusing Bradford County	3 Colonial Drive Towanda Bradford County	Opened
7-3-2008	Graystone Bank Lancaster Lancaster County	1759 West Main Street Clay Township Lancaster County	Opened

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-25-2008	CNB Bank Clearfield Clearfield County	7200 Peach Street Erie Erie County	Closed
6-27-2008	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	401 Kennedy Boulevard Pittston Luzerne County	Closed

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. 08-1368. Filed for public inspection July 25, 2008, 9:00 a.m.]

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 July 15, 2008.

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-10-2008	Integrity Bank, Camp Hill, and Integrity Interim Bank, Camp Hill Surviving Institution: Integrity Bank, Camp Hill	Camp Hill	Effective

As a result of the merger, Integrity Bank, Camp Hill, has become a wholly-owned subsidiary of Integrity Bancshares, Inc., Camp Hill, a newly-formed bank holding company.

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-14-2008	Embassy Bank for the Lehigh Valley Bethlehem Northampton County	Route 378 and Colesville Road Bethlehem Northampton County	Filed
7-14-2008	Firsttrust Savings Bank Conshohocken Montgomery County	Shoppes at Valley Square Building No. 15 Street and Easton Roads Warrington Township Bucks County	Filed

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. 08-1369. Filed for public inspection July 25, 2008, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of August 2008

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of August 2008, is 7%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.42 to which was added 2.50 percentage points for a total of 6.92 that by law is rounded off to the nearest quarter at 7%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1370. Filed for public inspection July 25, 2008, 9:00 a.m.]

Notice to those Engaging or Considering Engaging in Nonmortgage Consumer Lending to Pennsylvania Residents

This notice is to advise interested persons that it is the position of the Department of Banking (Department) that engaging in nonmortgage consumer lending¹ to Pennsylvania residents by any means, including by means of the internet or by mail, constitutes engaging in such business "in this Commonwealth" as contemplated by section 3.A of the Consumer Discount Company Act (CDCA) (7 P. S. § 6203.A). As such, any person² engaged in the business of negotiating or making nonmortgage loans or advances of money or credit of \$25,000 or less as principal, employee, agent or broker to consumers in this Commonwealth in which the aggregate interest, discount, bonus, fees, fines, commissions, charges or other considerations (together, the "Charges") exceed 6% simple interest per annum³ is required to obtain a license from the Department under the CDCA. A person licensed under the CDCA is authorized to negotiate or make loans to Pennsylvania residents under the rates, terms and conditions contained in the CDCA.

¹ Mortgage lending activity involving Pennsylvania residents is governed generally by the Mortgage Bankers and Brokers and Consumer Equity Protection Act (63 P. S. §§ 456.101—456.524), and the Secondary Mortgage Loan Act (7 P. S. §§ 6601—6626), unless the lender is a depository institution. Certain kinds of secured nonmortgage consumer loans are governed by the Pawnbrokers License Act (63 P. S. §§ 281-1—281-32).

² A "person" is defined in the CDCA as including "an individual, partnership, association, business corporation, nonprofit corporation, common law trust, joint-stock company or any other group of individuals however organized." 7 P. S. § 6202. The term, for purposes of the coverage of the CDCA, does not include depository institutions. See 7 P. S. § 6217.

³ Unless licensed under the CDCA, a lender that is not a depository institution is restricted to charging the general usury rate of 6% simple interest per annum on nonmortgage loans of \$50,000 or less found in Section 201 of the Loan Interest and Protection Law (LIPL) (41 P. S. § 201).

Nondepository entities engaged in nonmortgage consumer lending to Pennsylvania residents in which the Charges exceed 6% simple interest per annum that are not already licensed under the CDCA must be licensed under the CDCA by February 1, 2009, or cease the lending to Pennsylvania residents. This allowance of time to become licensed under the CDCA or to cease the lending practices is in consideration of existing customer relationships and to provide the consumer lending industry with sufficient time to adjust to the Department's expectations.

Nondepository entities that are not engaged in nonmortgage consumer lending to Pennsylvania residents as of the date of this letter, and who are not currently licensed by the Department under the CDCA, but who wish to become eligible to engage in nonmortgage consumer lending to Pennsylvania residents in which the Charges will exceed 6% simple interest per annum, must immediately apply to the Department for a license under the CDCA and must refrain from making any consumer loans to Pennsylvania residents that include Charges which will exceed 6% simple interest per annum unless and until such application is approved and a license is granted.

As a matter of background, the Department previously took the position that a nondepository entity that did not have any offices of any kind in Pennsylvania or people physically present in this Commonwealth acting as principal, employee, agent or broker was not "in this Commonwealth" as that term is used in section 3.A of the CDCA. Thus, under the prior position, such an entity would not be required to obtain a license under the CDCA to originate nonmortgage consumer loans by means of the Internet or mail to residents of this Commonwealth in which the charges exceeded 6% simple interest per annum, provided that the entity was licensed or otherwise authorized under the entity's home state law to engage in this type of lending activity. However, with the prevalence of Internet-based lending activity, it has become clear to the Department that the prior position has resulted in Pennsylvania consumers being exposed to the very lending practices that the CDCA was enacted to protect them from.

Based upon the foregoing, the Department is convinced that a change in policy is warranted, and licensing under the CDCA should be required for all nondepository entities engaging in nonmortgage consumer lending to Pennsylvania residents in which the charges exceed 6% simple interest per annum. This will provide Pennsylvania consumers with the protections available under the CDCA regardless of whether lenders are located in Pennsylvania or other states. Therefore, the Department's prior position regarding the licensing requirements for out-of-State consumer lenders under the CDCA is discontinued and any supportive Department precedent regarding the prior position will no longer be followed. The licensing under the CDCA for nondepository entities is now required to engage in nonmortgage lending to Pennsylvania residents in which the charges exceed 6% simple interest per annum by any means, including by mail or by means of the Internet.

As noted previously, a transition period is provided for any nondepository entity currently engaging in the practice of nonmortgage consumer lending to Pennsylvania

residents in which the charges exceed 6% simple interest per annum, although those entities interested in beginning to engage in nonmortgage consumer lending to Pennsylvania residents in which the Charges exceed 6% simple interest per annum must immediately apply for a CDCA license and be approved by the Department before beginning the practice. Be advised that any nondepository entity that engages in consumer lending to Pennsylvania residents in violation of the CDCA may be subject to enforcement action under the CDCA and section 201 of the Loan Interest and Protection Law (41 P. S. § 201).

Any questions regarding this Notice may be addressed to the Compliance Division of the Bureau of Compliance, Investigation and Licensing at (717) 772-3889 or you may send inquiries by means of the Department's web site at www.banking.state.pa.us.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1371. Filed for public inspection July 25, 2008, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Consolidated Plan Public Meeting Notice and Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (DCEd) is preparing the Commonwealth's Five Year Consolidated Plan 2009-2013 and Action Plan for Federal Fiscal Year (FFY) 2009. The Program Year begins January 1, 2009. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within the State to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth's 2009-2013 Consolidated Plan will address how the Commonwealth intends to allocate funds under the following programs: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant and Housing Opportunities for People with AIDS.

Public Meeting

A public meeting will be conducted electronically by means of the Internet. The format will be more accessible than in an in-person meeting because those who wish to make a comment or discuss policy may participate directly from their personal computer or from a computer location at their public library on Monday, August 18, 2008. Access to the discussion by means of the Internet will occur between 9 a.m. and 11 a.m. This more widely available personal computer access will replace the usual public meeting.

Individuals or organizations may give testimony or comments by means of the Internet. Comments will be accepted about topics related to community development, housing, the content of the Commonwealth's Plan and the process by which the public input is gathered. The Commonwealth encourages public participation in this process.

Persons who want to participate must register in advance, online by means of the Internet at www.state.pa.us/chat/. If additional assistance is needed, call Karen Overly Smith at (717) 214-5340 to receive registration instructions for the Internet meeting at least 24 hours prior to the meeting date. Internet public meeting access will be open from 9 a.m. to 11 a.m. on Monday, August 18, 2008.

Written Comments

Written testimony, in lieu of Internet testimony, must be submitted by 5 p.m., Friday, August 22, 2008. Submit comments to Karen Overly Smith, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225.

Regional Housing Advisory Committee Meetings

The Commonwealth has five Regional Housing Advisory Committees across the State comprised of appointed members. Meetings of these committees are open to the public under 65 Pa.C.S. Chapter 7 (relating to the Sunshine Act). These committees advise the DCED regarding housing and community development needs, as well as assist in fair housing planning. These meetings will be held as follows:

July 22, 2008

Chester County Government
Services Center—Room 149
601 Westtown Road
West Chester, PA 19380
9:30 a.m. to 12:30 p.m.

July 23, 2008

State College Borough Office
Room 201
243 South Allen Street
State College, PA 16801
9:30 a.m. to 12:30 p.m.

July 24, 2008

Lehigh County Government Center
Room 43-A
17 South 7th Street
Allentown, PA 18101
9:30 a.m. to 12:30 p.m.

July 29, 2008

Cranberry Municipal Center
Council Chambers
2525 Rochester Road
Cranberry Township, PA 16066
1 p.m. to 4 p.m.

July 30, 2008

Erie-Western PA Port Authority
Conference Room
208 East Bayfront Parkway
Erie, PA 16507
9:30 a.m. to 12:30 p.m.

Persons who has a disability and wishes to attend any of the advisory committee meetings and requires an auxiliary aid, service or other accommodation to participate in the meetings, should contact Karen Overly Smith, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, (717) 214-5340, to discuss how the Department may best accommodate their needs. Text telephone calls can be placed through the Pennsylvania AT&T Relay system at (800) 654-5984. Calls will be relayed to the DCED's number listed previously.

DENNIS YABLONSKY,
Secretary

[Pa.B. Doc. No. 08-1372. Filed for public inspection July 25, 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 Forestry (Bureau) and Mountain Meadows, LLC are proposing to negotiate an exchange of easement interests Tuscarora Township, Perry County, PA.

The Bureau is proposing to exchange easement interests with Mountain Meadows, LLC near PA Route 17. Mountain Meadows, LLC will convey a permanent easement to the Bureau of 3,436.17 ft. in length and 30 ft. in width. In return, the Bureau proposes to convey to Mountain Meadows, LLC a current easement of 4,950.22 ft. in length and 30 ft. in width. The purpose of this proposed exchange in easement interests is to allow for better access to the Tuscarora State Forest.

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 26, 2008, and ending August 25, 2008. Oral or written comments or questions concerning this proposed exchange may be addressed to Dan Devlin, State Forester, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-4837. 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. 08-1373. Filed for public inspection July 25, 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 Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061263-A1	Wheelabrator Frackville Energy Company 475 Morea Road Frackville, PA 17931	Schuylkill County Mahanoy Township	Mill Creek CWF Watershed 3A Schuylkill	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>
PA0247421 (Sew)	Rodney M. and Francine Groff 7729 Wertzville Road Carlisle, PA 17013	Cumberland County Middlesex Township	UNT Conodoguinet Creek 7B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113034 Sewerage	Penn Township 4600 Beaver Lake Road Hughesville, PA 17737	Penn Township Lycoming County	Beaver Run 10-D	Y
PA0115207 Sewerage	Borough of Orangeville P. O. Box 176 Orangeville, PA 17859	Orangeville Borough Columbia County	Fishing Creek 5C	Y

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

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

PA0020290, Sewage, SIC 4952, **Quakertown Borough**, 35 North Third Street, Quakertown, PA 18951-0727. This proposed facility is located in Richland Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 3.1 mgd of treated sewage into Tohickon Creek.

The receiving stream, Tohickon Creek, is in the State Water Plan Watershed Three Mile—2D and is classified for: TSF. The nearest downstream public water supply intake for PA Water Company is located on the Delaware River and is 29 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.1 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	8	12	16
(11-1 to 4-30)	15	23	30
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	2.0		4.0
(11-1 to 4-30)	6.0		12.0
Phosphorus (as P)	0.5		1.0
Total Residual Chlorine	0.035		0.063
Fecal Coliform	200 colonies/100 ml as a Geometric Average		1,000 #/100 ml
Dissolved Oxygen	Minimum of 6.0 mg/l at all times		
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Chlorobromomethane	Monitor and Report		
Dichlorobromomethane	Monitor and Report		

The proposed effluent limits for stormwater from Monitoring Point MP101:

<i>Parameters</i>	<i>Annual Average (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD ₅	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Total Suspended Solids	Monitor and Report	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report

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

1. The EPA waiver is not in effect.
2. Special Test Methods.
3. Implementation of Pretreatment Program Requirements.
4. Effective Disinfection.
5. Stormwater Requirements.

NPDES Permit No. PA0042021, Amendment No. 1, Sewage, SIC 4952, **Milford-Trumbauersville Area Sewer Authority Wastewater Treatment Plant**, 1825 Rosenberger Road, P. O. Box 126, Spinnerstown, PA 18968. This proposed facility is located in Milford Township, **Bucks County**.

Description of Activity: Renewal of sewage treatment plant's NPDES permit to discharge effluent to Unami Creek.

The receiving water, Unami Creek, is in the State Water Plan Watershed 3E—Perkiomen and is classified for: HQ-TSF. The nearest downstream public water supply intake is located on the Schuylkill River and is approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an approved annual average flow of 0.8 mgd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	20	30		40
Total Suspended Solids	20	30		40
Ammonia as N				
(5-1 to 10-31)	2.3	3.5		4.6
(11-1 to 4-30)	6.9	10.4		13.8
Phosphorus as P	1.0	1.5		2.0
Copper, Total				
(Issuance through end of year 3)	Monitor and Report			Monitor and Report
(Year 4 through expiration)	0.012			0.019
Total Residual Chlorine	0.04			0.13
Fecal Coliform	200 #/100 ml			
	(as Geometric Mean)			1,000 #/100 ml
Dissolved Oxygen	6.0 (Minimum)			
pH (Standard Units)	6.0 (Minimum)			9.0 (Maximum)

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

1. Small Stream Discharge.
2. Proper Sludge Disposal.
3. Certified Operator.
4. No Stormwater into Sanitary Sewers.
5. Operations and Maintenance Plan.
6. No Chlorine Impact to Receiving Stream.
7. WER for Copper.

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

Application No. PA 0088935, CAFO, **Green Valley Farm**, 2266 Junction Road, Seven Valleys, PA 17360-8605.

Barley Farms has submitted an NPDES permit application for the Green Valley Farm, an existing swine operation in North Codorus Township, **York County**. The CAFO is situated near South Branch Codorus Creek, which is classified as a WWF. The CAFO has a target animal population of approximately 1,893 animal equivalent units consisting of 3,700 gestating sows, 432 sows with litters, 15 boars and 1,400 gilts.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

Application No. PA 0087769, Industrial Waste, SIC Code 4922, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056. This facility is located in Carroll Township, **Perry County**.

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

The receiving stream, UNT to Shermans Creek, is in Watershed 7-A, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is United Water of Pennsylvania located on the Susquehanna River, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0023 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>
Flow	Report	Report	XXX	XXX	XXX
Total PCBs	XXX	XXX	0.000687	0.00137	0.00172

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

The EPA waiver is in effect.

Application No. PA 0041505, Sewage, **Berks Properties, Inc., t/a Hereford Estates Mobile Home Park**, 3613 Seisholtzville Road, Hereford, PA 18056. This facility is located in Hereford Township, **Berks County**.

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

The receiving stream, Perkiomen Creek, is in Watershed 3-E, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on the Perkiomen Creek, approximately 13 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.125 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Total Suspended Solids	30	60
NH ₃ -N		
(5-1 to 10-31)	14	28
(11-1 to 4-30)	20	40
Total Residual Chlorine	0.5	1.5
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a Geometric Average	
(10-1 to 4-30)	2,000/100 ml as a Geometric Average	

Green Lane Reservoir TMDL Requirements

<i>Parameters</i>	<i>Concentration (mg/l)</i> <i>Monthly Average</i>
Total Phosphorus	0.5

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

The EPA waiver is not in effect.

Application No. PA 0031135, Sewage, **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530. This facility is located in Maxatawny Township, **Berks County**.

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

The receiving stream, Sacony Creek, is in Watershed 3-B, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Reading Area Water Authority is located on Maiden Creek, approximately 14 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 1.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
Total Residual Chlorine	0.29		0.95
Total Phosphorus	Report		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Lake Ontelaunee Requirements

<i>Parameters</i>	<i>Monthly</i>	<i>Mass (lbs)</i>	<i>Annual</i>
Total Suspended Solids	Report		Report
Total Phosphorus	Report		Report

The proposed final effluent limits for Outfall 001 for a design flow of 1.5 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31)	5		10
(11-1 to 4-30)	15		30
Total Residual Chlorine	0.13		0.44
Total Phosphorus	Report		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

Lake Ontelaunee Requirements

<i>Parameters</i>	<i>Monthly</i>	<i>Mass (lbs)</i>	<i>Annual</i>
Total Suspended Solids	Report		136,984
Total Phosphorus	Report		4,566

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

The EPA waiver is not in effect.

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

PA0240214, Sewage. **Glenn Kosmatine SFTF**, 6630 Maple Lane, Tinley Park, IL 60477-2842. This proposed facility is located at 7671 East Lake Road in Harborcreek Township, **Erie County**.

Description of Proposed Activity: The applicant requests an NPDES permit for the discharge of treated domestic sewage from an SFTF serving a single dwelling. Treatment consists of a septic tank with Zabel effluent filter, ECO FLO STB 650 peat filter and ultraviolet disinfection.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply affected by this discharge.

The receiving stream, Scott Run, is in the Lake Erie Watershed and classified for: CWF, MF.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	Monitor and Report		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		
Ultraviolet Light	Monitor and Report		

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)

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

WQM Permit No. 4508403, Sewerage, **Mount Pocono Municipal Authority**, 303 Pocono Boulevard, Mt. Pocono, PA 18344. This proposed facility is located in Mount Pocono Borough, **Monroe County**.

Description of Proposed Action/Activity: This project is for the replacement of the existing Route 940 pump station. The replacement will include installation of a manhole, a new 8 ft. diameter wet well, an at grade pump station enclosure to house pumps and emergency power.

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

WQM Permit No. 1708403, Sewerage, SIC 4952, **Karthaus-Burnside Joint Sewer Authority**, P. O. Box 97, Karthaus, PA 16845. The proposed facilities are located in Karthaus Township, **Clearfield County** and Burnside Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes a wastewater treatment facility and sewage collection/conveyance system serving Karthaus Township, Clearfield County and Burnside Township, Centre County. The proposed system will discharge 0.115 mgd of treated sewage effluent to the West Branch Susquehanna River.

WQM Permit No. 0808201, CAFO Operation, SIC 0241, **Glenn D. Gorrell**, R. D. 1, Box 220, Milan, PA 18831. This proposed facility is located in Smithfield Township, **Bradford County**.

Description of Proposed Action/Activity: Gorrell Dairy, an existing dairy farm, proposes the issuance of a WQM permit for the construction and operation of a sand flush manure handling system consisting of a sand separator, pump tank, mechanical solids separator and two HDPE-lined lagoons. The proposed system will handle manure from an existing freestall barn and milking parlor. The two lagoons will provide a total holding capacity, minus 2 feet of freeboard, of approximately 5 million gallons.

WQM Permit No. 5508403, Sewerage, **Eastern Snyder County Regional Authority**, South Front Street, Selinsgrove, PA 17870. This facility is located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: The permit application is for the organic re-rate of the existing facility.

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

WQM Permit No. 2688413-A4, Sewerage, **NWL, Inc.**, Route 40 East, P. O. Box 188, Farmington, PA 15437-0188. This existing facility is located in Wharton Township, **Fayette County**.

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

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

WQM Permit No. 2508404, Sewerage, **Glenn Kosmatine**, 6630 Maple Lane, Tinley Park, IL 60477-2842. This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant replacing a malfunctioning onlot system.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0908010	Dan Todd 3211 Sugan Road New Hope, PA 18938	Bucks	Solebury Township	UNT Cuttalossa Creek HQ-CWF
PAI01 1503105-R	DCW, Inc. 214 Kirkbrae Road Kennett Square, PA 19348	Chester	Oxford Borough	Little Elk Creek HQ-TSF-MF
PAI01 1503034-2	Chester Valley Golf Club 430 Swedesford Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI01 1508044	Main Line I Associates, LP and Main Line II Associates, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Chester	East Whiteland Township	Little Valley Creek EV
PAI01 1508045	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Upper Uwchlan Township	Marsh Creek HQ-TSF-MF
PAI01 4608003	Glen Springs Holding, Inc. 375 Armand Hammer Boulevard Pottstown, PA 19464	Montgomery	Lower Pottsgrove Township	Schuylkill River WWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908013	Parkland School District Attn: Dale Reitz 2219 North Cedar Crest Boulevard Allentown, PA 18104	Lehigh	Upper Macungie Township	Spring Creek HQ-CWF
PAI023908012	CSGM Development, LLC Attn: Gary Menzies 4972 Medical Center Circle Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032808004	B2M2, LLC Steve Minnich 226 Walnut Street Waynesboro, PA 17268	Franklin	Washington Township	Antietam Creek CWF
PAI032808003	Mike Gillespie Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Franklin	Antrim, Greene and Guilford Townships Chambersburg Borough	Falling Springs HQ-CWF Conococheague Creek CWF

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

Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041708002	Thomas Stojek The Clearfield Foundation 125 East Market Street Clearfield, PA 16830	Clearfield	Lawrence Township	West Branch Susquehanna River 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)

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

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

Application No. 2508503, Public Water Supply.

Applicant **Summit Township Water Authority**

Township or Borough Summit Township
Erie County

Responsible Official John Troutman, Authority Manager

Consulting Engineer August E. Maas, P. E.
Hill Engineering, Inc.
8 Gibson Street
North East, PA 16428

Application Received Date July 11, 2008

Description of Action Construction of new building to house 3 pressure filters with adsorptive media for Arsenic treatment for the Mitchell Well Field.

MINOR AMENDMENT

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

Application No. 667W024MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**
Wind Gap Borough
Northampton County

Responsible Official David R. Kaufman
Pennsylvania American Water
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Daniel Rickard, P. E.
Pennsylvania American Water
100 North Pennsylvania Avenue
Wilkes-Barre, PA 18701

Application Received Date June 25, 2008

Description of Action Applicant proposes the conversion from gas chlorination to liquid sodium hypochlorite feed facilities for disinfection purposes at the Dietz Well site which is part of Pennsylvania American Water's Blue Mountain/Nazareth Division (PWS ID No. 3480055).

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

Application No. 1108502MA, Minor Amendment.

Applicant **Nanty Glo Water Authority**
827 Chestnut Street
Nanty Glo, PA 15943

Township or Borough Cambria Township

Responsible Official Diane Holby, Chairperson
Nanty Glo Water Authority
827 Chestnut Street
Nanty Glo, PA 15943

Type of Facility Water treatment plant

Consulting Engineer Stiffler, McGraw & Associates, Inc.
19 North Juniata Street
P. O. Box 462
Hollidaysburg, PA 16648

Application Received Date July 14, 2008

Description of Action Interconnection of the Ebensburg Borough Municipal Authority and Nanty Glo Water Authority transmission main.

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.

Roaring Spring Bottled Water, Roaring Spring Borough, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Roaring Spring Bottling, 740 Spang Street, Roaring Spring, PA 16673, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from a leaking unregistered underground storage tank. The site will be remediated to a combination of Statewide Health and Site-Specific Standards, and will continue to be used by the applicant for commercial purposes.

Blair Marketing/Former Katie Waters Residence, Allegheny Township, **Blair County**. Groundwater & Environmental Services, Inc., 6 Sheraton Drive, Suite 2, Altoona, PA 16601, on behalf of Blair Marketing, R. D. 2, Box 582, Altoona, PA 16601, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil. The site will be remediated to the Statewide Health Standard. Future use of the site is unknown at this time.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Region: Regional Solid Waste Manager, 208 West 3rd Street, Suite 101, Williamsport, PA 17701-6448.

Permit Application No. 301355. Eagle Environmental II, LP, 345 Alexander Spring Road, Suite 3, Carlisle, PA 17015. The application for the proposed Harmony Residual Waste Landfill, located on Township Road 409 in Chest Township, **Clearfield County**, was deemed administratively complete on July 9, 2008 by the Williamsport regional office. A Local Municipal Involvement Process meeting was held on June 19, 2008, and at that time an alternate review timeline of 630 days was negotiated between the applicant, the host county, the host township and the Department of Environmental Protection (Department).

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the general permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

PLAN APPROVALS

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

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

46-0221A: Upper Moreland-Hatboro Joint Sewer Authority (2875 Terwood Road, Willow Grove, PA 19090) for modification of three odor scrubbers at the wastewater

treatment plant, at their facility in West Upper Moreland Township, **Montgomery County**. This facility is a minor facility. There will not be an increase in emissions due to this modification. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

65-01003: Phoenix Services, LLC (1717 West Doe Run Road, P. O. Box 659, Unionville, PA 19375-0659) for construction of a plant to process slag generated from the electric arc furnace and existing slag and sand onsite at Latrobe Specialty Steel Company in Latrobe Borough, **Westmoreland County**.

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

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

09-0204: Biofuel Advanced Research and Development, LLC (Sinter Road, Fairless Hills, PA 19030) for installation and operation of a biodiesel processing plant in Falls Township, **Bucks County**. BARD is in the business of producing biodiesel as an alternative fuel. A chemical process is employed to extract oil from soybeans and process the soybean oil for production as biodiesel. The pollutants of concern from the proposed operation include PM, hexane and methanol emissions. These emissions will have the potential to exceed Title V thresholds, however, the facility will utilize air pollution control devices to maintain emissions below major levels. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

09-0173: P & R Industries, Inc. (3826 Old Easton Road, Doylestown, PA 18901) for modification of an existing paint spray booth to exhaust to an existing afterburner at its Arbonite facility in Buckingham Township, **Bucks County**. The facility is a non-Title V facility.

The modification is being performed to reduce the overall weight of VOCs emitted into the outdoor atmosphere from the usage of a noncompliant coating to below the applicable standard specified in 25 Pa. Code § 129.52, Table I. The VOC emissions from usage of the noncompliant coating figure to be approximately 300 lbs/yr. The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

46-0200B: John Middleton Co. (475 North Lewis Road, Limerick, PA 19468) for installation of a tobacco flavoring process (top dressing) with a total enclosure emission capture system and regenerative thermal oxidizer at their facility in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V State-only facility. The facility will be removing one of three existing uncontrolled rotary drums and replacing it with this new process. VOC emissions will be emissions con-

trolled and reduced by 98%. The process will increase production capacity by 8 times and the potential VOC emissions from this new dryer shall not exceed 3.1 tpy. Aggregate annual VOC emissions from the three rotary drums are currently permitted at 18.83 total tpy as an aggregate for the top dressing processes and will not change. NOx emissions will increase by less than 1 tpy. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

35-318-094: Gentex Optics, Inc. (P. O. Box 336, Carbondale, PA 18407) for installation of a Regenerative Thermal Oxidizer 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 35-00047. 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 Ray Kempa at (570) 826-2511 within 30 days after publication date.

66-315-046A: Procter & Gamble Paper Products Co. (P. O. Box 32, Route 87, Mehoopany, PA 18629) for the upgrade of their existing 2M paper machine at the facility in Washington Township, **Wyoming County**. The VOC emissions from the facility will remain unchanged, never to equal or exceed 285.5 tpy of VOC, based on a 12-month rolling sum as stated in the company's Title V Permit. The VOC emissions from the 2M paper machine shall not exceed 52.2 tpy of VOC, based on a 12-month rolling sum. The company has proposed no other changes. The Procter & Gamble Paper Products Company is a major facility subject to Title V permitting requirements. The company currently has a Title V Permit 66-00001. 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.

01-05036A: Recycling Technologies International, LLC (76 Acco Drive, York, PA 17404) for construction of a processing facility to recycle rubber tires controlled by two dust collection systems for rubber particulate collection during rubber tire reclamation in Conewago Township, **Adams County**. The facility's potential annual emissions for PM are estimated to be 21.6 tpy. The plan

approval will contain monitoring, testing, recordkeeping, reporting and work practice conditions to ensure the facility complies with the applicable air quality requirements.

06-03141: UGI LNG, Inc. (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) to install three new vaporizers and one LNG storage tank at their Temple site (5665 Leesport Road, Reading, PA 19605) in Ontelaunee Township, **Berks County**. Each vaporizer will not exceed 1,000 hours per year of operation. The vaporizers are subject to the New Source Performance Standards prescribed in 40 CFR Part 60, Subpart Dc. Overall potential NOx and CO emissions from the operation are 6.46 and 23.63 tons per 12-month rolling total. All other criteria pollutants are considered trivial.

36-03175A: US Boiler Company, Inc.—Old Tree Drive Plant (P. O. Box 3079, Lancaster, PA 17604) for construction of two dip coating tanks at their heating equipment manufacturing facility in East Hempfield Township, **Lancaster County**. The primary emissions from the sources are VOCs, with potential emissions of less than 10 tpy. The plan approval will be incorporated into an operating permit. The permit will have work practice conditions, and monitoring, recordkeeping and reporting requirements.

36-05153A: Richard E. Pierson Construction Co., Inc. (P. O. Box 430, 1455 Old Waynesboro Road, Woodstown, NJ 08098-0430) for replacement of the existing crushers, screens, conveyors and other associated equipment at the existing Rheems Stone Quarry in West Donegal Township, **Lancaster County**. These sources will be controlled by the use of water spray suppression. The emissions from this facility are estimated to be 28.1 tpy of PM that includes 10.3 tpy of PM10. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

17-00060A: Penfield Collieries, LLC (301 Market Street, Kittanning, PA 16201) for the modification of a coal preparation plant and associated coal stockpiling and railcar/truck loading operations in Huston Township, **Clearfield County**.

The proposed modification is a change in the manner by which incoming coal may be stockpiled at the facility. Incoming coal is currently required to be stockpiled by means of a stacking tube. The proposed modification is the stockpiling of a portion of the incoming coal by dumping it from trucks directly onto the ground or a stockpile.

The total combined PM/PM10 emissions from the entire facility are not expected to be greater than 81.9 and 27.7 tons, respectively, in any 12-consecutive month period following modification. The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Penfield Collieries, LLC indicates that the modified coal preparation plant and associated coal stockpiling and railcar/truck loading operations will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the proposed modification. Additionally,

if the Department determines that the coal preparation plant and associated coal stockpiling and railcar/truck loading operations are operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following modification, the Department intends to incorporate the plan approval conditions into State-only Operating Permit 17-00060 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

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

1. All conditions contained in State-only Operating Permit 17-00060 remain in effect unless amended or superseded by a condition contained herein. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in State-only Operating Permit 17-00060, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in State-only Operating Permit 17-00060.

2. The facility shall not receive more than 2,600,000 tons of coal, nor produce more than 2,000,000 tons of product coal, in any 12-consecutive month period.

3. All incoming coal shall be stockpiled by means of a stacking tube, except that no more than 800,000 tons of incoming coal may be stockpiled by dumping directly onto the ground or stockpile from a truck bed in any 12-consecutive month period.

4. The freefall distance from the end of the truck bed to the ground or stockpile shall be minimized at all times.

5. An operable water truck equipped with a pressurized spray bar and pressurized hose or nozzle connection shall be maintained onsite at all times and shall be used as needed to control the fugitive dust from plant roadways, stockpiles, stockpile areas and truck dumping operations.

6. All coal placed onto stockpiles shall have a moisture content of at least 5%, by weight, as shall all coal removed from the stockpiles and loaded into railcars and trucks. The permittee shall demonstrate compliance with this requirement each month by collecting a gross sample from each coal stockpile in accordance with ASTM D6882, "Standard Practice for Manual Sampling of Stationary Coal from Railroad Cars, Barges, Trucks, or Stockpiles," preparing these samples for analysis in accordance with ASTM D2013, "Standard Method of Preparing Coal Samples for Analysis," and determining the moisture content of each sample in accordance with ASTM D3302, "Standard Test Method for Total Moisture in Coal," or an alternate method determined by the Department to be equivalent.

7. The permittee shall maintain accurate and comprehensive records of the number of tons of incoming coal stockpiled by dumping directly onto the ground or stockpile from a truck bed each month and the results of all coal moisture analyses performed. All such records shall be retained for at least 5 years and shall be made available to the Department upon request.

8. The requirements of Source P102 Condition No. 011 of State-only Operating Permit 17-00060 are hereby rescinded.

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-11-00523A: Jigging Technologies, LLC (1008 Club Drive, Johnstown, PA 15905) for construction and operation of a steel slag processing facility at the 220-acre Tecumseh Redevelopment, Inc., Riders Disposal Area in the City of Johnstown and East Taylor Township, **Cambria County**.

Under 25 Pa. Code § 127.44(a), the Department of Environmental Protection (Department) intends to issue a Plan Approval to Jigging Technologies, LLC (1008 Club Drive, Johnstown, PA 15905) to allow the construction and operation of a steel slag processing facility at the 220-acre Tecumseh Redevelopment, Inc., Riders Disposal Area (formerly owned and operated by Bethlehem Steel Corporation), located in the City of Johnstown and East Taylor Township, Cambria County. The facility will process up to 480,000 tons of steel slag annually, and has the potential to emit 70 tons of total PM, 16 tons of PM10 and 0.3 tons of total HAPs per year.

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

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 General and Special Conditions on the Plan Approval:

General Conditions

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (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 or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), 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 sections 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 25 Pa. Code §§ 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, Subchapters 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 Section 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 Section 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 Section 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 onsite 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

3. This Plan Approval is for the construction and operation of the Riders Slag Processing Plant by Jigging Technologies, LLC (permittee) at the 220-acre Tecumseh Redevelopment, Inc., Riders Disposal Area (formerly owned and operated by Bethlehem Steel Corporation), located in the City of Johnstown and East Taylor Township, Cambria County. (25 Pa. Code § 127.12b)

4. Air contamination sources at the facility include the following (25 Pa. Code § 127.12b):

One Grizzly Screen
 One Jaw Crusher
 One Primary Screen
 One Cone Crusher
 11 Conveyors
 One Surge Stockpile
 Three Processed Slag Stockpiles
 Fugitive Emissions-Roadways

5. The following air cleaning devices shall be used at the facility (25 Pa. Code § 127.12b):

Pressurized Water Truck
 Road Sweeper
 Water Sprays on Processing Equipment

6. The permittee shall not allow the emission of any malodorous air contaminants from any source to the outdoor atmosphere in a manner that the malodors are detectable outside the property of the facility. (25 Pa. Code § 123.31)

7. The permittee shall comply with the fugitive emission regulations. (25 Pa. Code §§ 123.1 and 123.2)

8. Slag throughput at the facility shall not exceed 480,000 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

9. The permittee shall maintain records of annual slag throughput at the facility. (25 Pa. Code § 127.12b)

10. All front-end loaders used to stockpile, transfer, and load slag shall maintain minimal drop height from the bucket to the receiving surface at all times to prevent fugitive emissions. (25 Pa. Code § 127.12b)

11. Slag shall be stockpiled such that it may be adequately watered by the onsite pressurized water truck to control fugitive emissions. (25 Pa. Code § 127.12b)

12. All slag shall be adequately wetted as necessary prior to and during processing to control fugitive emissions. (25 Pa. Code § 127.12b)

13. Water sprays shall be installed on all screens, crushers and transfer points for use as needed to prevent fugitive emissions from the process. (25 Pa. Code § 127.12b)

14. At a minimum, the first 500 feet of access roads to the site shall be paved and maintained as such. The remainder of in-plant roads shall be paved or periodically lined and maintained with gravel or slag so as to prevent

fugitive emissions. A pressurized water truck shall be maintained onsite for dust suppression purposes. All in-plant roads and areas of vehicle traffic shall be watered on a preventative basis or as needed such that fugitive emissions do not cross the property line. (25 Pa. Code § 127.12b)

15. Alternative dust control methods shall be used when weather conditions make in-plant road watering hazardous, as necessary to prevent visible fugitive emissions from crossing the property line. (25 Pa. Code §§ 123.1 and 123.2)

16. A road sweeper shall be available for use at the site. All paved in-plant roads shall be swept on a preventative basis or as needed to prevent material build-up and fugitive emissions. (25 Pa. Code § 127.12b)

17. A set travel pattern shall be established and maintained for all vehicles entering and exiting the plant. (25 Pa. Code § 127.12b)

18. All loaded trucks entering or exiting the facility shall be tarped prior to being granted access to the weigh station and a notice of tarping requirements shall be clearly posted onsite. (25 Pa. Code § 127.12b)

19. The permittee shall perform a daily inspection of the facility for the presence of fugitive emissions and malodors. Records of the inspections shall be maintained in a log and include any corrective action taken. (25 Pa. Code § 127.12b)

20. For paved roads, a road sweeper shall be used for dust control in conjunction with a pressurized water truck, oils or other dust surfactants including 250 feet of public roadway on either side of the plant access roads. (25 Pa. Code § 127.12b)

21. All logs and required records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request. (25 Pa. Code § 127.12b)

22. Plan Approval authorizes the temporary operation of the sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

a. The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation no less than 5 days prior to the completion of construction. The Notice shall include the date on which 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.

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown as follows. 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:

Devin P. Tomko
Air Quality Engineering Specialist
(412) 442-5231

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

20-040E: Advanced Cast Products, Inc. (18700 Mill Street, Meadville, PA 16335) for construction of a new casting line at their facility in Vernon Township, **Crawford County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 20-040E to Advanced Cast Products, Inc. for the installation of a casting line at the company's facility located at 18700 Mill Street, Vernon Township, Crawford County. The facility currently has a Title V permit No. 20-00040. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 20-040E is for the installation of a casting line, consisting of a molding machine, holding furnace, pouring stations, mold handling system and shakeout conveyor. Based on the information provided by the applicant and Department's own analysis, the proposed source will emit 2.4 tons of PM per year, 1.68 tons of which will be PM10, 90 tons of CO per year, 23.85 tons of VOCs per year, 0.3 ton of SOx per year and 0.15 ton of NOx per year. Additionally, this plan approval will reduce the facility's permitted annual throughput from its current limit of 60,000 tons of metal charged to 30,000 tons of metal charged.

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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

for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown as follows. To make an appointment, contact Records Management at (814) 332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval No. 20-040E.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

V05-010: Philadelphia Gas Works—Richmond Plant (3100 East Venango Street, Philadelphia, PA 19134) to remove one 2,350 horsepower compressor firing natural gas from the operating permit. The operating permit was originally issued April 4, 2007, and amended July 17, 2007.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 21 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

AMS 08086: SunGard Availability Services, Inc. (1500 Spring Garden Street, Philadelphia, PA 19130) for installation of six 2,000-kw emergency generators firing diesel fuel oil in the City of Philadelphia, **Philadelphia County**. There will be a potential annual emission increase of 6.3 tons of NOx, 6.4 tons of SOx, 7.7 tons of PM10 and 40.8 tons of CO for the facility. The Plan Approval will contain operating, testing, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

AMS 08095: Temple University—Main Campus (1009 West Montgomery Avenue, Philadelphia, PA 19122) to combine the fuel restriction limits and the NOx emission limits of Plan Approval 06001 for five boilers to a single 12-month rolling period NOx emission limit; and to restrict one boiler to burn only natural gas. After the

modification, there will be a potential annual decrease of 4.32 tons of NO_x and 6.13 tons of SO_x from the facility. The plan approval will contain operating, testing, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

23-00017: Exelon Generation Co.—Eddystone Generating Station (One Industrial Highway, Eddystone, PA, 19022) for a renewal of their Title V Operating Permit in Eddystone Borough, **Delaware County**. The initial permit was issued on December 31, 2001. The facility is primarily used for providing electrical energy from two fossil-fuel steam generating units. As a result of potential emissions of NO_x, SO_x and PM, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The facility is subject to Compliance Assurance Monitoring under 40 CFR Part 64 for PM for Sources 031 and 032, and this has been addressed in the renewal permit. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

16-00021: OEM Enterprises, Inc. (2465 Penn Street, Fairmount City, PA 16224-1335) for reissuance of a Title V Operating Permit to operate a wood furniture manufacturing and coating facility in Redbank Township, **Clarion County**. The primary emission sources include three boilers, five paint booths, miscellaneous wood working equipment and flash off ovens.

43-00270: CCL Container—Advanced Monobloc Aerosol Division (One Llodio Drive, Hermitage, PA 16148) for a Title V Operating Permit Re-issuance to operate a can manufacturing facility in the City of Hermitage, **Mercer County**. This re-issuance also incorporates Plan Approval Number 43-270F which authorized the installation of two additional can making lines and the replacement of Catalytic Incinerator No. 2 with a Regenerative Thermal Oxidizer.

61-00004: Electralloy—GO Carlson, Inc. (175 Main Street, Oil City, PA 16301-1038) for re-issuance of a Title V Operating Permit to operate a specialty steel mill in Oil City, **Venango County**. The primary emission sources include an electric arc furnace, two argon oxygen refiners, furnace tapping and charging, mold pouring, three annealing furnaces, a tumbleblast, five vacuum arc remelt units, a granular metal process, ladle preheaters for the melt shop, a parts washer and miscellaneous natural gas combustion.

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

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

46-00200: John Middleton Co. (418 West Church Road, King of Prussia, PA 19406) for renewal of a non-Title V (State-only) facility in Upper Merion Township, **Montgomery County**. The facility has elected to cap VOC emissions to less than 25 tpy each; therefore the facility is a Synthetic Minor. The facility operates two steam-heated tobacco dryers, a thermal oxidizer equipped with a 20 mmBtu/hr waste heat (recovery) boiler, a Top Dressing Storage and Mixing area, a Top Dressing Application and Flavor Retention area, and a 200-horsepower Boiler. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00048: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) for operation of a Batch Asphalt Plant in Hilltown Township, **Bucks County**. This action is a renewal of the original State-only Operating Permit (Synthetic Minor), which was issued on June 6, 2003, and was amended on June 27, 2007. Several typographical changes have been made to the permit. Otherwise, there have been no other changes made to the permit since it was last amended on June 27, 2007. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

07-05025: Sunoco Partners Marketing & Terminals LP—Altoona Terminal (5733 Butler Street, Pittsburgh, PA 15201) for a gasoline terminal in Allegheny Township, **Blair County**. The primary pollutant is VOC which is limited to less than 50 tpy. Actual HAP emissions are less than 1 tpy. This is a renewal of the synthetic minor operating permit issued in March 2003.

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

24-00133: North American Hoganas (210 Ceramic Street, St. Marys, PA 15857) for a Natural Minor Operating Permit to operate the facility's air contamination source consisting of: 0.7 mmBtu/hr natural gas boiler and a metal powder blending and packaging system in St. Marys Borough, **Elk County**.

25-00951: Bay City Forge—Division of Patriot Forge (1802 Cranberry Street, Erie, PA 16502) for reissuance of Natural Minor Permit to operate a forging shop using carbon, alloy and stainless steels in City of Erie, **Erie County**. The major emitting sources are three forge furnaces, two heat treat furnaces, forge furnace No. 3, oxyacetylene cutting operation and two cold cleaning degreasers. The facility is natural minor because the emission of pollutants is less than Title V emission threshold.

37-00162: Precision Plating Co. (407 Summit View Drive, New Castle, PA 16105) for a Natural Minor Operating Permit to operate the facility's air contamination source consisting of: 1.1 mmBtu/hr natural gas usage, hard chromium plating systems (seven tanks and nine rectifiers), sandblasting cabinet and hand wiping solvent usage in Neshannock Township, **Lawrence County**. The facility is subject to 40 CFR Part 63 subpart N-Emission Standards for Chromium Emissions from

Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, classified as a "small" facility.

**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.

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

Permit Number 30031601 and NPDES Permit No. PA0235474, AMD Reclamation, Inc., (85 Wells Avenue, Suite 300, Newton, MA 02459-3215), to renew the permit for the Shannopin Mine Dewatering Project in Dunkard and Perry Townships, **Greene County** and related NPDES permit. No additional discharges. Application received March 10, 2008.

Permit Number 30081302 and NPDES Permit No. NA, Dana Mining Company of PA, LLC, (308 Dents

Run Road, Morgantown, WV 26501), to operate the Prime No. 1 Deep Mine in Perry Township, **Greene County** a new underground mine. Underground Acres Proposed 469.8, Subsidence Control Plan Acres Proposed 469.8. No additional discharges. Application received April 16, 2008.

Permit Number 30810703 and NPDES Permit No. PA0092894, Consol Pennsylvania Coal Company, LLC, (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill Township, **Greene County** to add acreage to install the conveyor corridor extension. Coal Refuse Disposal Acres Proposed 88.8. No additional discharges. Application received May 23, 2008.

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

56813005 and NPDES No. PA0605697. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in

Southampton Township, **Somerset County**, affecting 121.9 acres. Receiving streams: UNT to North Branch of Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2008.

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

63020102 and NPDES Permit No. PA0250309. Muligan Mining, Inc. (5945 Pudding Stone Lane, Bethel Park, PA 15102). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Smith Township, **Washington County**, affecting 147.6 acres. Receiving streams: UNTs to Little Raccoon Run and Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received July 11, 2008.

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

33030107 and NPDES Permit No. PA0242403. Falls Creek Energy Co., Inc. (568 Silvis Hollow Road, Kittanning, PA 16201). Renewal of an existing bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 20.4 acres. Receiving streams: UNT to Soldier Run to Soldier Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received July 7, 2008.

33970105 and NPDES Permit No. PA0227447. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface strip operation in Washington Township, **Jefferson County** affecting 84.0 acres. Receiving streams: UNT to File Mile Run and UNT to Horm Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received July 7, 2008.

33030108 and NPDES Permit No. PA0242420. Falls Creek Energy Co., Inc. (568 Silvis Hollow Road, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Beaver Township, **Jefferson County** affecting 97.8 acres. Receiving streams: UNT to Little Sandy Creek, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Hawthorn Area Water Authority and Redbank Valley Municipal Authority. Application for reclamation only. Application received July 7, 2008.

16070103 and NPDES Permit No. PA0258326. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255). Revision to an existing bituminous surface strip and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 145.0 acres. Receiving streams: Two UNTs to the Clarion River, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the West Freedom Water Association. Revision to add 13.0 acres. Application received July 7, 2008.

24820107 and NPDES Permit No. PA0605085. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Renewal of a bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 134.0 acres. Receiving streams: UNTs to Brandy Camp Run, Brandy Camp Run and Johnson Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10

miles downstream. Application for reclamation only. Application received July 11, 2008.

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

17080108 and NPDES No. PA0256820. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface and auger mine in Beccaria Township and Glen Hope Borough, **Clearfield County**, affecting 127.2 acres. Receiving streams: Clearfield Creek and Cofinan Run, classified for the following uses: WWF (Clearfield Creek) and CWF (Cofinan Run). There are no potable water supply intakes within 10 miles downstream. Application received June 20, 2008.

17663037 and NPDES No. PA0611328. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Decatur and Woodward Townships, **Clearfield County**, affecting 405.5 acres. Receiving streams: Goss and Little Beaver to Beaver Run to Moshannon Creek to West Branch of Susquehanna, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 3, 2008.

17060104 and NPDES No. PA0256358. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine, and to add 14.6 acres, from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 132.0 acres. Receiving streams: Hawk Run to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 1, 2008.

17930124 and NPDES No. PA0219649. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine with an Insignificant Boundary Correction, from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Woodward and Decatur Townships, **Clearfield County**, affecting 346.0 acres. Receiving streams: North Branch to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River; and Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek, Moshannon Creek to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 3, 2008.

17070101 and NPDES No. PA0256471. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 112.1 acres. Receiving stream: UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 30, 2008.

17040902 and NPDES No. PA0243752. Larry Fahr Coal Company (2062 Ashland Road, Osceola Mills, PA 16666), revision of an existing bituminous surface mine to change land use in Decatur Township, **Clearfield County**, affecting 11.9 acres. Receiving stream: Morgan Run, classified for the following use: CWF. There are no

potable water supply intakes within 10 miles downstream. Application received June 23, 2008.

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

54910205R3. Blaschak Coal Corp., (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: Little Mahanoy Creek, classified for the following use: CWF. Application received June 27, 2008.

54830102R5. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County**, affecting 263.0 acres, receiving stream: none. Application received July 3, 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. 44080801. Peachey's Shale Quarry, 39 Betty Circle, Reedsville, PA 17084, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Menno Township, **Mifflin County**, affecting 5 acres, receiving stream: Little Kishacoquillas Creek. Application received July 3, 2008.

01080301 and NPDES No. PA0262668, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201, commencement, operation and restoration of a bituminous surface mine in Cumberland Township, **Adams County**, affecting 9.4 acres. Receiving stream: Rock Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received June 24, 2008.

Permit No. 01740601 and NPDES Permit No. PA0594407, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201, renewal of NPDES Permit, Cumberland Township, **Adams County**. Receiving stream: Rock Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 27, 2008.

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

37800303. Slippery Rock Materials, Inc. (704 Golf Course Road, Volant, PA 16156). Renewal of NPDES Permit No. PA0122734, Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run to Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received July 10, 2008.

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

49030301C2 and NPDES Permit No. PA0224316. Meckley's Limestone Products, Inc., (R. R. 1, Box

1682, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County**, receiving stream: Upper Fidler Run, classified for the following use: WWF. Application received June 20, 2008.

39880302A1C6. Coplay Aggregates, Inc., (P. O. Box 58, Northampton, PA 18067), boundary correction and postmining land use update to an existing quarry operation in Whitehall Township, **Lehigh County** affecting 34.08 acres, receiving stream: Coplay Creek, classified for the following use: CWF. Application received July 2, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-784. Department of Transportation, PA Route 52, East Marlborough, Kennett and Pennsbury Townships, **Chester County**. United States Army Corps of Engineers, Philadelphia District

This project is to relocate, construct, and maintain the proposed approximately 1-mile segment of the existing Lenape Road (SR 0052). The limit for the entire project is between Baltimore Pike (SR 0001) in Kennett Township and Street Road (SR 0926) in Pennsbury Township. The construction work will include the following activities associated with the proposed roadway relocation:

To perform the following activities located in, along, or across, or projecting into the UNT to Pocopson Creek (TSF, MF):

1. To remove a 295-foot long enclosure; and to construct and maintain an approximately 400-foot long, 48-inch diameter enclosure impacting 0.05 acre of a watercourse (Unionville, PA USGS Quadrangle N: 1.1 inch; W: 5.8 inches).
2. To place fill in 0.09 acre of wetlands (PEM) (Unionville, PA USGS Quadrangle N: 1.0 inch; W: 5.8 inches).
3. To place fill in 0.04 acre of wetlands (PEM) (Unionville, PA USGS Quadrangle N: 1.1 inch; W: 5.7 inches).
4. To place fill in 0.02 acre of wetlands (PEM) (Unionville, PA USGS Quadrangle N: 1.2 inch; W: 5.6 inches).
5. To remove an approximately 40-foot long culvert, and to construct and maintain, in its place, an approximately 60-foot long, 45-inch wide, 29-inch rise culvert (Unionville, PA USGS Quadrangle N: 1.1 inch; W: 5.1 inches).
6. To place fill in 0.01 acre of a watercourse (Unionville, PA USGS Quadrangle N: 1.2 inch; W: 5.6 inches).

To perform the following activities located in, along, or across, or projecting into the Bennett's Run (WWF, MF):

1. To construct and maintain a proposed four-span bridge by placing fill in 0.004 acre of an existing pond (POW), permanently impacting 0.003 acre of wetlands (PSS/PEM) and temporarily impacting 0.01 acre of wetlands (PEM) (Unionville, PA USGS Quadrangle N: 0.1 inch; W: 5.2 inches).
2. To construct and maintain a stormwater management facility impacting 0.03 acre of wetlands (PSS/PEM) (Kennett Square, PA USGS Quadrangle N: 22.6 inch; W: 5.2 inches).

To perform the following activities located in, along, or across, or projecting into the UNT to Bennett's Run (WWF, MF):

1. To place fill in 0.02 acre of wetlands (Kennett Square, PA USGS Quadrangle N: 21.9 inches; W: 5.3 inches).
2. To place fill in 0.11 acre of a watercourse (Kennett Square, PA USGS Quadrangle N: 21.8 inches; W: 5.2 inches).
3. To construct and maintain a stormwater management facility impacting 0.01 acre of wetlands (Kennett Square, PA USGS Quadrangle N: 21.5 inch; W: 4.9 inches).

This project proposes approximately 531 feet of stream restoration to compensate for 444 feet of perennial stream impacts. This work also includes 0.39 acre of emergent wetland creation to compensate for approximately 0.19 acre of permanent wetland impact.

E15-785. Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, New Garden Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing truss bridge and to construct and maintain, in its place, a 79-foot long single span pony truss bridge across the East Branch of White Clay Creek associated with the roadway improvements for Landenberg Road (SR 3024 section 28S). The proposed bridge will have a clear span of 19 feet and a minimum underclearance of 8 feet.

The site is located approximately 100 feet east of the intersection of Penn Green Road (SR 3009) and Landenberg Road (SR 3024) (West Grove, PA-DEL USGS Quadrangle N: 5.1 inches; W: 3.00 inches).

E46-1031. 131 & 151 Rock Hill Associates, LP, 2701 Renaissance Boulevard, 4th Floor, King of Prussia, PA 19406, Lower Merion Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities across Gully Run (WWF) associated with the proposed Rock Hill residential development project:

1. To relocate, construct and maintain an approximately 300-foot section of an existing open concrete flume.
2. To relocate construct and maintain an approximately 500-foot section of an existing closed concrete flume. This work includes enclosing an approximately 100-foot section of an existing open concrete flume.

The proposed concrete flume will have a 14-foot minimum span and an 8-foot minimum underclearance. The site is located approximately 700 feet northeast of the intersection of Conshohocken State Road (SR 0023) and Rock Hill Road (Germantown, PA USGS Quadrangle N: 4.03 inches; W: 15.50 inches).

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

E40-691. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Luzerne and Pringle Boroughs, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a single-span prestressed concrete box beam bridge having a clear span of 59 feet and a minimum underclearance of 10 feet across Toby Creek (TSF). The project is located on SR 1054 (Evans Street), Section 370, Segment 0010 (Kingston, PA Quadrangle Latitude: 41° 16' 51"; Longitude: 75° 53' 44").

E45-531. Department of Transportation, Engineering District 5-0, 1001 Hamilton Street, Allentown, PA 18101, in Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a single-span prestressed concrete box beam bridge having a clear span of 90 feet and a minimum underclearance of 7 feet across Tobyhanna Creek (HQ-CWF). The project is located along SR 423, Section 01B, Segment 0010 (Tobyhanna, PA Quadrangle Latitude: 41° 09' 43"; Longitude: 75° 27' 21").

E45-523. Segundo Fernandez, 1207 Waring Avenue, Bronx, NY 10469, in Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To temporarily impact 0.02 acre of PFO wetlands for the construction of a single-family dwelling. The project is located within the residential development at Arrowhead Lake, Lot 39, Block 64, Section 11 at the intersection of North Arrow Drive and Yuma Place (Thornhurst, PA Quadrangle Latitude: 41° 9' 41"; Longitude: 75° 34' 11").

E39-487. Double D. Lehigh, LP, Attention: John L. Daddona, Jr., 7785 Spring Creek Road, Macungie, PA 18062, in Upper Milford Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two channel changes of tributaries to Saucon Creek (CWF). One change will consist of realigning the tributary along the Department of Transportation right-of-way. The other change will consist of a stream enclosure to carry the flow around the site. The project is located on the west side of Brunner Road, approximately 3.0 miles east and 1.6 miles north of the intersection of SR 0029 and SR 0100 (Allentown East, PA Quadrangle Latitude: 40° 31' 13"; Longitude: 75° 28' 16").

E45-530. Thomas R. Wilkins, 304 Park Avenue, Stroudsburg, PA 18360, in Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.058 acre of wetlands for the purpose of constructing a driveway. The crossing will consist of a pair of 24-inch diameter, 29 foot long culverts. The project is located on the north side of Alpine Road, approximately 0.5 mile west and 1.6 miles north of the intersection of SR 0191 and SR 0715 (Mount Pocono, PA Quadrangle Latitude: 41° 07' 06"; Longitude: 75° 15' 09").

E52-211. Drew Whitacre and Margie Gilbert, 701 Fourth Street, P. O. Box 538, Milford, PA 18337, in Milford Borough, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 1,368 square foot home addition in the floodway of Vandermark Creek (HQ-CWF). The project is located approximately 0.43 mile northeast of the intersection of SR 0006 and SR 0209 (Milford, PA Quadrangle Latitude: 41° 19' 32"; Longitude: 74° 47' 48").

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

E67-852: Wrightsville Borough, 129 South Second Street, P. O. Box 187, Wrightsville, PA 17368, Wrightsville Borough Wastewater Treatment Plant, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain 1,400.0 cubic yards of fill over a 0.675-acre area to depths of 0-2 inch to match existing grade and provide a level lot for recreational use in the 100-year floodway of the Susquehanna River (WWF) (Columbia West, PA Quadrangle North: 3.6 inches; West: 3.1 inches, Latitude: 40° 1' 17"; Longitude: 76° 31' 26") in Wrightsville Borough, York County.

E22-539: Dauphin County Conservation District, 1451 Peters Mountain Road, Dauphin, PA 17018, Wiconisco Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a passive acid mine drainage treatment system, two created wetlands and an outfall channel along Bear Creek (CWF) resulting in 0.36 acre of permanent impacts to four PEM wetlands (Lykens, PA Quadrangle Latitude: N: 40° 34' 52"; Longitude: W: 76° 41' 56", North: 14.7 inches; West: 10.3 inches) in Wiconisco Township, Dauphin County, for the purpose of treating acid mine drainage to Bear Creek (CWF) and creating compensatory mitigation wetlands.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E41-590. Scott Shirk and Jayson Mumma, 9 Oak Street, Lebanon, PA 17046. Water Obstruction and Encroachment Joint Permit Application in Cogan House Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (White Pine, PA Quadrangle N: 41° 28' 12.4"; W: 77° 11' 6").

To construct and maintain a 4-inch outfall from an existing upper pond, a 6-inch outfall from an existing lower pond, a footbridge measuring 15 feet long, 4 feet wide with a minimum underclearance of 4 feet and a stabilized ford crossing measuring 15 feet long and 12 feet wide, all of which is located along Flicks Run 1.7 miles south of the intersection with SR 0284 in Cogan House Township, Lycoming County. This project proposes to have a minimal impact on Flicks Run, which is designated a HQ-CWF and does not propose to impact any jurisdictional wetlands.

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

E02-1587. Glimcher Group, Inc., One Mellon Bank Center, 500 Grant Street, Suite 2000, Pittsburgh, PA 15219. To construct an arch culvert in the Municipality of Monroeville, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Braddock, PA Quadrangle N: 2.7 inches; W: 4.3 inches, Latitude: 40° 23' 55"; Longitude: 79° 46' 10"). The applicant proposes to construct and maintain a bridge consisting of an arch culvert having a span of 32.0 feet with an underclearance of 6.0 feet in the channel and across a UNT to Turtle Creek (locally known as McGrew's Run) (WWF) for the purpose of providing access to the proposed Route 48 (Moss Side Boulevard) and Route 130 (Broadway Boulevard) retail development. The project is located just north from the intersection of Route 48 (Moss Side Boulevard) and Route 130 (Broadway Boulevard) and will impact approximately 25.0 linear feet of stream channel.

E30-221. Department of Transportation, District 12-0, 825 North Gallatin Avenue Extension, Uniontown,

PA 15401-2105. To construct a bridge and fill wetlands in Franklin Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Waynesburg, PA Quadrangle N: 4.9 inches; W: 4.3 inches, Latitude 39° 54' 7.5"; Longitude 80° 9' 22.5"). The applicant proposes to remove the existing bridge and to construct and maintain a new bridge having a span of 123.5' and underclearance of 17.45' over the South Fork of Tenmile Creek (HQ-WWF); to construct and maintain various outfalls to the same stream and to place and maintain fill in 0.05 acre of wetlands (PEM). The work is associated with the proposed roadway improvements to SR 188 at its intersection with Elm Drive. The new bridge is located approximately 65' downstream of the existing bridge. To compensate for the wetland impacts the applicant will construct and maintain 0.05 acre of replacement wetlands onsite.

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

E25-723, Erie Regional Airport Authority, 4411 West 12th Street, Erie, PA 16505-0393. ERI Runway 6-24 Extension and Wetland Mitigation Project, in Girard and Millcreek Townships, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Swanville, PA Quadrangle N: 42° 05' 23"; W: 80° 9' 34") and (Albion, PA Quadrangle N: 41° 58' 35"; W: 80° 21' 54").

The applicant proposes to extend Runway 6-24 at the Erie International Airport—Tom Ridge Field to a total length of 7,500 feet to comply with Federal Aviation Administration Regulations and accommodate existing and future aviation demand involving: 1) to construct and maintain stream relocations of UNTs to Marshall Run having lengths of 1,530 feet and 1,620 feet; 2) to impact 3.28 acres of PEM wetlands, 1.85 acres of PSS wetlands and 3.10 acres of PFO wetlands; 3) to mitigate 3.28 acres of PEM wetlands, 2.78 acres of PSS wetlands and 6.10 acres of PFO wetlands East and West of Teller Road in Girard Township approximately 1.5 mile NW of the intersection of US Interstate 90 and SR 18; and 4) to construct and maintain a stormwater detention area adjacent to the relocated stream between Linden Avenue to the proposed relocated Powell Avenue. Project includes the construction of stormwater outfalls. The runway

extension is proposed to extend into the Millcreek/Harper Drive Superfund Site and Millcreek Township Golf Course, require relocation of Powell Avenue, and modify the West 17th Street Flood Detention Basin Category 1 Dam (D25-058). The project proposes to impact 3,150 feet of UNTs to Marshall Run to impact 3.28 acres of PEM wetlands, 1.85 acres of PSS wetlands and 3.10 acres of PFO wetlands. The UNTs to Marshall Run are perennial streams classified as WWF and MF.

ENVIRONMENTAL ASSESSMENT

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

EA1609-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Summit Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 1,600 linear feet of dangerous highwall. The project will include the backfilling of 3 separate water bodies totaling 0.37 acre of open water that have developed within the surface mine site. Two of the water bodies, totaling 0.28 acre, are contaminated by abandoned mine drainage. The applicant also proposes to construct 0.62 acre of wetland (Saxonburg Quadrangle N: 17.5 inches; W: 15.5 inches).

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D63-139. Minor Earthen Dam. Samuel Minor, 229 Linnwood Road, Eighty-Four, PA 15330. To construct, operate and maintain Minor Earthen Dam across a UNT of Little Chartiers Creek (HQ-WWF), impacting 0.32 acre of wetlands (Palustrine Emergent) and 825 feet of stream and providing a minimum of 0.32 acre of wetland mitigation. The dam will provide a source of water to Samuel Minor for dairy operations. Mining activity has reduced the availability of groundwater for use on the farm (Washington East, PA Quadrangle N: 13.1 inches; W: 4.4 inches) North Strabane Township, **Washington County**.

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for 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 6012.1102) and under 25 Pa. Code Chapter 245, Subchapter C.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08012	Recycling Technologies Intl., LLC 76 Acco Drive York, PA 17404 Attn: John McFalls	York	York Township	4 ASTs storing Isocyanates	25,000 gallons total

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>
PAS212209	Frank Casilio & Sons, Inc. 1035 Mauch Chunk Road Bethlehem, PA 18016	Bethlehem City Northampton County	Monocacy Creek HQ-CWF 2C	Y
PAS212208	James M. Casilio, P. E. Frank Casilio & Sons, Inc. 1035 Mauch Chunk Road Bethlehem, PA 18016	Upper Macungie Township Lehigh County	Little Lehigh Creek HQ-CWF Watershed 2C	Y
PA0062855 (Industrial)	Mary-D Community Association 36 Forest Lane Mary-D, PA 17952	Schuylkill County Schuylkill Township	Swift Creek 3A	Y
PA0064297 (Municipal)	Borough of Portland, WWTP P. O. Box 476 Portland, PA 18351	Northampton County Borough of Portland	Delaware River 1F	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0062600 (Industrial Waste)	Suburban Heating Oil Partners Schuylkill Haven Bulk Plant 444 Route 61 South Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	UNT to Mahonney Creek 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084476 (Sew)	Girl Scout in the Heart of PA 350 Hale Avenue Harrisburg, PA 17105	Dauphin County Jefferson Township	UNT Armstrong Creek 6-C	Y
PA0087742 (Sew)	Eagle's Peak Campground, Inc. P. O. Box 18155 Fairfield, OH 45018	Lebanon County Millcreek Township	UNT Furnace Creek 3-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS224803 (SW)	Haven Homes, Inc. 306 Runville Road Bellefonte, PA 16823	Centre County Boggs Township	Wallace Run 09C	Y
PA0114367 (SR)	Danny R. Deivert SRSTP 55 Conley Road Mifflinburg, PA 17844	Union County Buffalo Township	UNT to Rapid Run 10C	Y
PA0113743 (SP)	Grove Township WWTP P. O. Box 43 Sinnemahoning, PA 15861	Cameron County Grove Township	UNT to Sinnemahoning Creek 8A	Y
PA0208558 (SP)	Shamokin Township Municipal Authority P. O. Box 64 Paxinos, PA 17860	Northumberland County Shamokin Township	Lick Creek 06C	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>
PA0219321 Sewage	Shanksville Borough P. O. Box 127 Shanksville, PA 15560	Somerset County Stonycreek Township	Stony Creek	Y
PA0098663 Sewage	Wallace J. Woodhouse 72 Donley Road Eighty Four, PA 15330	Washington County Somerset Township	Opossum Run	Y
PA0028011 Sewage	HMSHost P. O. Box 8 Middletown, PA 17057	Beaver County New Sewickley Township	Brush Creek	Y
PA0039489 Sewage	Borough of Garrett P. O. Box 218 307 Municipal Road Garrett, PA 15542	Somerset County Garrett Borough	Cassleman River	

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 ? Y</i>
PA0222682	Leasa A. Maley 6118 Maley Drive Limestone, NY 14753	Corydon Township McKean County	UNT to Sill Run 16-B	Y

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

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

NPDES Permit No. PA0260657, CAFO, **Lavern Martin, Hammer Creek Dairy Farm**, 260 Schaeffer Road, Lebanon, PA 17073. This proposed facility is located in Heidelberg Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to discharge to Watershed 7-J.

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

NPDES Permit No. PA0253758, Sewage, **Mark Sirochman**, 187 Gardners Road, Cross Junction, VA 22625. This proposed facility is located in Allegheny Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for a single-residence sewage treatment plant discharge.

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

NPDES Permit No. PA0025739, Sewage, **Amendment No. 1, Borough of Port Allegany**, 45 West Maple Street, Port Allegany, PA 16743-1318. This proposed facility is located in Borough of Port Allegany, **McKean County**.

Description of Proposed Action/Activity: Expansion of an existing discharge of treated sewage.

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. 3907404, Sewerage, **Keystone Mobile Home Park**, P. O. Box 295, Birdsboro, PA 19508. This proposed facility is located in North Whitehall Township, **Lehigh 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. 0597405, Transfer No. 1, Sewage, **Tracey Miller**, 5890 Cortland Road, Alum Bank, PA 15521. This proposed facility is located in West St. Clair Township, **Bedford County**.

Description of Proposed Action/Activity: Transfer of Permit.

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

WQM Permit No. 5508402, Sewerage, 4952, **Perry Township Municipal**, 9351 SR 35, Mt. Pleasant Mills, PA 17853-9536. This proposed facility is located in Perry Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes to increase the sewage plant capacity from 0.060 to 0.072 mgd.

WQM Permit No. WQG01080801, Sewerage, SIC 4952, **Janet Bacon**, R. R. 3, Box 277, Towanda, PA 18848. This proposed facility is located in Monroe Township, **Bradford County**.

Description of Proposed Action/Activity: A permit has been issued for the construction of a Small Flow Treatment Facility serving the Bacon Residence. Treatment will consist of a 1,000 gallon septic tank, a 612 square foot sand filter, an erosion chlorinator and a 500 gallon chlorine contact tank. The system is designed to treat 400 gpd.

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. 5608401, Sewerage, **Mark Sirochman**, 187 Gardners Road, Cross Junction, VA 22625. This proposed facility is located in Allegheny Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

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

WQM Permit No. 2508402, Sewerage, **Dale L. Coates**, 9541 Concord Road, Union City, PA 16438. This proposed facility is located in Union Township, **Erie County**.

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

WQM Permit No. WQG018630, Sewerage, **James P. Dumont**, 6500 Rick Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

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

WQM Permit No. WQG018636, Sewerage, **Marci and William M. Smith**, 334 South Street, Evans City, PA 16033-1121. This proposed facility is located in Foward Township, **Butler County**.

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

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 1506094	Greenpoint Farm, Inc. 402 Bayard Road Suite 100 Kennett Square, PA 19348	Chester	Londonderry Township	Big Elk Creek HQ-TSF-MF
PAI01 1508002	Stony Run Supply, Inc. 291 Stony Run Road Spring City, PA 19475	Chester	East Vincent Township	Stony Run HQ-TSF
PAI01 1508014	Samuel G. and Lucetta Hultz 820 Pughtown Road Spring City, PA 19475	Chester	South Coventry Township	French Creek EV
PAI01 1508029	Cedar Properties, LLC 17000 Horizon Way Suite 100 Mt. Laurel, NJ 08054	Chester	Thornbury Township	Chester Creek WWF
PAI01 1508033	Troy and Teri Stacey P. O. Box 615 Honey Brook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ
PAS10 J058-R	The McKee Group 840 West Sproul Road Suite 301 Springfield, PA 19064	Delaware	Bethel Township	Naaman's Creek WWF
PAI01 2304008	First Blackhawk, LLC P. O. Box 467 Concordville, PA 19331	Delaware	Middletown Township	Dismal Run HQ-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>
PAI033605010	Reuben S. Brubacher 582 Lambert Road Narvon, PA 17555	Lancaster	Caernarvon Township	Black Creek HQ-WWF

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

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

List of NPDES and/or Other General Permit Types

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

NOTICES

4015

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>
Plumstead Township Bucks County	PAG200 0904176-1	Beans Family Partnership Route 611 and Sawmill Road Doylestown, PA 18901	Pine Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG200 0906003-1	Vito Braccia 536 Easton Road Horsham, PA 19044-2127	Pine Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bristol Township Bucks County	PAG200 0907126	Bridge Business Center, LP 242 Wood Street Doylestown, PA 18901	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG200 0908011	Office of Catholic Cemeteries Archdiocese of Philadelphia 111 South 38th Street Philadelphia, PA 19104-3179	Tributary Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG200 0908047	Pennridge School District 1200 North 5th Street Perkasie, PA 18944	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG200 0908007	Holland Enterprise Developers 130 Bucks Road Suite 201 Holland, PA 18966	UNT Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Rockhill Township Bucks County	PAG200 0905114-2	Rockhill Mennonite Home 3250 State Road Sellersville, PA 18960	UNT Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAR10 D424-2	Community Association Realty 2 Caufield Place Newtown, PA 18940	Core Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Rockville Township Bucks County	PAG200 0908042	Rockford Real Estate Partnership 2685 County Line Road Telford, PA 18969-1912	UNT East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG200 0906102-3	National Shrine of Our Lady of Czestochowa 654 Ferry Road Doylestown, PA 18901	Pine Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Township Bucks County	PAG200 0908045	Northampton Bucks County Municipal Authority 111 Township Line Road Richboro, PA 18954-1550	Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG200 0908065	Township of Falls 1888 Lincoln Highway Suite 100 Fairless Hills, PA 18030	UNT Martins Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Rockhill Township Bucks County	PAG200 0908029	Texas Eastern Transmission, LP 890 Winter Street Suite 300 Waltham, MA 2451	UNT Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Londonderry Township Chester County	PAG200 1508031	Stewart and George Strawbridge 222 Glenrose Road East Fallowfield, PA 19320	UNT Doe Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Nottingham Township Chester County	PAG200 1502004-R	Wilmer Hostetter 481 Limestone Road Oxford, PA 19363	Tweed Creek and Blackburn Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Westtown Township Chester County	PAG200 1503044-R	Gardens at Westtown, LP 801 Old Lancaster Road Bryn Mawr, PA 19010	Goose Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Highland Township Chester County	PAG200 1503058-R	Highland Baptist Church 1 East Highland Road Parkesburg, PA 19365	Buck Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newlin Township Chester County	PAR10- G425-R	William Freas 211 Carter Drive West Chester, PA 19382-4501	West Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Thornbury Township Chester County	PAG00 1507076	Meadowcroft Presbyterian Church 1225 South Westtown Road West Chester, PA 19382	East Branch Chester Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Downingtown Borough Chester County	PAG200 1508013	Papermill Brandywine Company c/o Carroll Contractors, Inc. 521 West Lancaster Avenue Haverford, PA 19041	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG200 1508014	Caln Township 253 Municipal Drive Thorndale, PA 19372	Beaver Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pocopson Township Chester County	PAG200 1507067	Corinne Development, LP 1200 Burning Bush Lane West Chester, PA 19380	Pocopson Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG200 2308029	Fuzzy Butts Dog Daycare, LLC 242 Wilmington-West Chester Pike Chaddsford, PA 19317	East Branch Naaman's Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG200 2308006	Kwang, LLC 701 North Market Street Wilmington, DE 19801	Webb Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 46-5032-1	Christ's Church of the Valley 1560 Yeager Road Royersford, PA 19468	UNT Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG200 4607187	Almac Group, Inc. 2661 Audubon Road Audubon, PA 19403	UNT Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

4017

<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 Salford Township Montgomery County	PAG200 4608109	Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929	Perkiomen Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG200 4608080	Liberty Property, LP 5 Walnut Grove Drive Suite 200 Horsham, PA 19044	Tributary A of Tributary 1 TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG200 4608047	North Penn School District 401 East Hancock Street Lansdale, PA 19446	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5107040	Philadelphia Housing Authority 12 South 23rd Street Philadelphia, PA 19103	Delaware Direct Watershed South A WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5107041	Philadelphia Housing Authority 12 South 23rd Street Philadelphia, PA 19103	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamensing Township Carbon County	PAG2001308004	Stanley Serfass P. O. Box 655 Brodheads ville, PA 18322	Tributary to Pohopoco Creek CWF	Carbon County Conservation District (610) 377-4894
Kingston Borough Luzerne County	PAG2004008012	Wyoming Valley West School District Attn: Michael Garzella 450 North Maple Avenue Kingston, PA 18704	Toby Creek CWF	Luzerne County Conservation District (570) 674-7991
Stroud Township Monroe County	PAR10S034-1	James W. Halterman R. D. 4 Box 4094 Saylorsburg, PA 18353	Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Lower Allen Township Cumberland County	PAG2002108002	Lowell R. Gates Linlo Properties III, LP 1013 Mumma Road Lemoyne, PA 17043	Yellow Breeches Creek CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Southampton Township Cumberland County	PAG2002108018	Rine Land Developers, Inc. Darrin Rine 19 Independence Drive Shippensburg, PA 17257	Burd Run to Middle Spring CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Bern Township Berks County	PAR10C337R(1)	Anthony Forino Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	Seifert Run WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000608027	Joseph A. Barker 40 Old Gibraltar Road Birdsboro, PA 19508	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Muhlenberg Township Berks County	PAG2000607088	Steven Landes Muhlenberg Township 5401 Leesport Avenue Temple, PA 19560	Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Boyertown Borough Berks County	PAG2000608035	Susan J. Wentzel Boyertown Planing Mill Company 200 South Franklin Street P. O. Box 180 Boyertown, PA 19512	Swamp Creek TSF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
South Londonderry Township Lebanon County	PAG2003807020	Harold Weaver 47 Palmyra-Bellgrove Road Annville, PA 17003	Killinger Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
South Annville Township Lebanon County	PAG2003808011	Ernest Horning 924 Horseshore Pike Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Susquehanna Township Dauphin County	PAG2002203024R	Francis McNaughton The McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002203023R	Classic Communities Corp. 2151 Linglestown Road Suite 300 Harrisburg, PA 17103	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAR10I170R	Doug S. Gelder Shaffer-Gelder Development Company 2456 Mercedes Court Harrisburg, PA 17112	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Cumru Township Berks County	PAG2000603013R	Walter Greth Greth Development, Inc. P. O. Box 305 Temple, PA 19560-0305	Angelica Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bradford County Towanda Township	PAG2000808002	Scott R. Middendorf R. R. 2 Box 147 Towanda, PA 18848	UNTs to Towanda Creek CWF TSF for Towanda Creek	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6

NOTICES

4019

<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>
Centre County Marion Township	PAG2001408008	Vitaly Maslov U Design Land Development, LLC 446 Blue Course Drive Suite 306 State College, PA 16801	UNT to Nittany Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clinton County Woodward Township	PAG2001808003	Keystone Central School District 110 East Bald Eagle Street Lock Haven, PA 17745	Reeds Run CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Tioga County Ward Township	PAG2005908002	Clifford Cross Cross Subdivision 140 Tanglewood Road Covington, PA 16917	Tioga River WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Fayette County City of Uniontown	PAG2002608011	Uniontown Family Homes, LP 108 North Beeson Boulevard Uniontown, PA 15401	UNT to Redstone Creek WWF	Fayette County Conservation District (724) 438-4497
Greene County Jefferson, and East Bethlehem Townships Washington County	PAG2003008010	Department of Transportation P. O. Box 459 Uniontown, PA 15401	Tenmile Creek and Black Dog Hollow Run WWF	Greene County Conservation District (724) 852-5278
Washington County Peters Township	PAG2006307032	Siteview Land, LLC 122 Cedar Lane McMurray, PA 15317	UNT to Peters Creek TSF	Washington County Conservation District (724) 228-6774
Butler County Slippery Rock Borough	PAG2 001008002	Jeffrey Woda Madison Grove, LLC 229 Huber Village Boulevard Suite 100 Westerville, OH 43081	Wolf Creek Tributary to Slippery Rock Creek CWF	Butler County Conservation District (724) 284-5270
Butler County Center Township	PAG2 001008016	Willow Wood Lane at Crown Pointe, Rocco Mastrangelo Samaritan Healthcare 1323 Freedom Road Cranberry Township, PA 16066	UNT Connoquenessing Creek	Butler County Conservation District (724) 284-5270
Butler County Slippery Rock Township	PAG2 001008018	John Kennedy Kennedy Diversified, Inc. 3844 William Flynn Highway Slippery Rock, PA 16057	McDonald Run CWF	Butler County Conservation District (724) 284-5270
Elk County Benezette Township	PAG2002408001			
Erie County Summit Township	PAG2 002507014(1)	Wal-Mart Supercenter Store No. 2278-05 Wal-Mart Real Estate Business Trust 2001 SE 10th Street Bentonville, AR 72716	McGahen Run CWF, MF	Erie County Conservation District (814) 825-6403

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>
Lycoming County Porter Township	PAR144809	C & E Containers, Inc. P. O. Box 5036 Jersey Shore, PA 17740	West Branch Susquehanna River WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG040090	Craig and Stacey Gramlich 6 Rosenberger Drive Perkasie, PA 18944	Morris Run Watershed 3E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
South Beaver Township Beaver County	PAG046381	Charles F. Brooks 858 Old Blackhawk Road Beaver Falls, PA 15010	UNT South Branch Brady Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rochester Township Beaver County	PAG046379	Marshall D. Weese 438 Pittsburgh Road Rochester, PA 15074	Tributary of McKinley Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Peters Township Washington County	PAG046378	Gerard and Katherine Lagorio 241 Church Hill Road Venetia, PA 15367	UNT of Peters Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Kiskiminetas Township Armstrong County	PAG046376	Douglas E. Palmer 1720 Shady Plain Road Apollo, PA 15613	Tributary of Crooked Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Kiskiminetas Township Armstrong County	PAG046375	David A. Rossi 204 Long Run Road Avonmore, PA 15618	UNT to Long Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
McKean Township Erie County	PAG049441	James P. Dumont 6500 Rick Road McKean, PA 16426	UNT to Elk Creek 15EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fox Township Elk County	PAG048527	Jeffrey J. Wickett 341 Coal Hollow Road Kersey, PA 15846-9015	UNT to Little Toby Creek, 17-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Conneaut Township Crawford County	PAG048936	C. Michael and Valerie Dudash 6316 Turkey Track Road Conneautville, PA 16406-3940	UNT to the Foster Run 15	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pymatuning Township Mercer County	PAG048554	Verna D. George 66 Birchwood Drive Transfer, PA 16154	UNT to the Shenango River Reservoir 20-A	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG048934	Thomas H. Fenton 1055 Hilltop Road Greenville, PA 16125	UNT to Big Run 20-A	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Forward Township Butler County	PAG049447	Marci and William M. Smith 334 South Street Evans City, PA 16033-1121	Connoquenessing Creek 20-C	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Glade Township Warren County	PAG048917	Willard Foley 403 Quaker Hill Road Warren, PA 16365	UNT to Conewango Creek 16-B	DEP—NWR0 Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location &
Municipality*

<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>
Somerset Borough Somerset County	PAG056230	Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602-1111	UNT of the East Branch of Coxes Creek	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*

<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>
Lebanon County Annville Township	PAG123664	Lloyd Sensenig 2224 Horseshoe Pike Annville, PA 17003	Buckholder Creek TSF 7-D	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Cumberland County Hopewell Township	PAG123575	Mike Dickson Eggs Newburg, LLC 301 Three Square Hollow Road Newburg, PA 17240	Newburg Run 7-B	DEP—SCRO Watershed Management 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

**STATE CONSERVATION COMMISSION
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS**

The State Conservation Commission (SCC) has taken the following actions on previously received applications for nutrient management plans (NMPs) under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for concentrated animal feeding operations (CAFOs), under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 through the Pennsylvania Relay Service at (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Environmental Hearing Board's rules of practice and procedure may be obtained from the Environmental Hearing Board. The appeal form and the Environmental Hearing Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Environmental Hearing 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 Environmental Hearing Board within 30 days. A lawyer is not needed to file an appeal with the Environmental Hearing 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 pro bono representation. Call the Secretary of the Environmental Hearing Board at (717) 787-3483 for more information.

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or Action</i>
Kreider Farms— Mount Pleasant Facility 1486 Mount Pleasant Road Lebanon, PA 17042	Lebanon	82.2	7,870.50	Layers	N/A	Application
Kevin Greiner @ Harold Weaver Mailing Address: 15 Alice Avenue Lititz, PA 17543	Lancaster	91.3	471.97	Hfrs/Broilers	N/A	Application
Chick Valley Farms 1170 Breneman Road Conestoga, PA 17516	Lancaster	68.4	214.4	Pullets	N/A	Application

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once.

Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit No. 4608509 issued to **Hancock Realty**, 602 East Broad Street, P. O. Box 432, Souderton, PA 18964 (PWSID No. 1460015) Marlborough Township, **Montgomery County** on June 30, 2008, for the operation of facilities approved under construction permit No. 4605506 for a new public water supply system to serve the proposed Wooded Ridge Residential Development.

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

Permit No. 2208501, Public Water Supply.

Applicant	Mama's Pizza
Municipality	East Hanover Township
County	Dauphin
Type of Facility	Installation of GAC Treatment for removal of MTBE.
Consulting Engineer	Matthew D. Cichy, P. E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111

Permit to Construct Issued July 11, 2008
Permit No. 2208502, Public Water Supply.
 Applicant **Pine Manor, LLC**
 Municipality Londonderry Township
 County **Dauphin**
 Type of Facility Installation of booster pumps and a change in chlorine contact tanks.
 Consulting Engineer James A. Cieri, Sr., P. E.
 Act One Consultants, Inc.
 2656 Walnut Street
 Harrisburg, PA 17103

Permit to Construct Issued July 10, 2008
Permit No. 2108504 MA, Minor Amendment, Public Water Supply.
 Applicant **Carlisle Borough**
 Municipality Carlisle Borough
 County **Cumberland**
 Type of Facility Corrosion control inhibitor addition.
 Consulting Engineer Matthew D. Warfel
 The ARRO Group, Inc.
 270 Granite Run Drive
 Lancaster, PA 17601-6804

Permit to Construct Issued July 11, 2008
Permit No. 0508502 MA, Minor Amendment, Public Water Supply.
 Applicant **Everett Area School District**
 Municipality West Providence Township
 County **Bedford**
 Type of Facility Chlorine contact pipe installation.
 Consulting Engineer Timothy A. Cooper, P. E.
 Stiffler McGraw & Associates, Inc.
 19 North Juniata Street
 Hollidaysburg, PA 16648

Permit to Construct Issued July 11, 2008
Permit No. 0108511 MA, Minor Amendment, Public Water Supply.
 Applicant **Poosum Valley Municipal Authority**
 Municipality Menallen Township
 County **Adams**
 Type of Facility Replacement of the reservoir roof.
 Consulting Engineer Janet R. McNally, P. E.
 William F. Hill & Assoc., Inc.
 207 Baltimore Street
 Gettysburg, PA 17325

Permit to Construct Issued July 10, 2008
Operations Permit issued to **The Grier School**, 4310022, Warriors Mark Township, **Huntingdon County**

on July 9, 2008, for the operation of facilities approved under Construction Permit No. 3108502 E.

Operations Permit issued to **Shinn Spring Water Company**, 3066531, Cumru Township, **Berks County** on June 19, 2008, for the operation of facilities approved under Construction Permit No. 0607516.

Operations Permit issued to **Newport Water Authority**, 7500022, Oliver Township, **Perry County** on July 10, 2008, for the operation of facilities approved under Construction Permit No. 5008502 MA.

Operations Permit issued to **Lewistown Municipal Authority PA**, 4440010, Milroy, **Mifflin County** on July 10, 2008, for the operation of facilities approved under Construction Permit No. 4408501 MA.

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

Permit No. 1406502-IT—Operation, Public Water Supply.

Applicant **Miles Township Municipal Authority East**
 Township or Borough Miles Township
 County **Centre**
 Responsible Official Philip Meyer, Chairperson
 Miles Township Municipal Authority East
 P. O. Box 157
 Rebersburg, PA 16872

Type of Facility Public Water Supply—Operation
 Consulting Engineer David Swisher, P. E.
 Herbert, Rowland & Grubic, Inc.
 474 Windmere Drive
 State College, PA 16801

Permit Issued Date July 9, 2008
 Description of Action Operation of a US Filter/Memcor, model 6M10C, continuous microfiltration plant, an OX1-5X mixed-oxidant generation system and a 200,000 gallon finished water storage tank.

Permit No. 1707501-IT—Operation, Public Water Supply.

Applicant **Reliant Energy, Shawville Station**
 Township or Borough Bradford Township
 County **Clearfield**
 Responsible Official Thomas R. Teitt
 Director
 Environmental Reliant Energy
 121 Champion Way
 Suite 200
 Canonsburg, PA 15317

Type of Facility Public Water Supply—Operation
 Consulting Engineer Steven J. Novotny, P. E.
 Cambria Consultants, Inc.
 1212 Wineland Street
 Johnstown, PA 15904

Permit Issued Date July 14, 2008

Description of Action Operation of a Pall Aria AP-2 membrane microfiltration plant with disinfection and potassium permanganate chemical feeds.

Drinking Water State Revolving Fund Special Notice

Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.

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

Project Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Highridge Water Authority	17 Maple Avenue Blairsville, PA 15717	Indiana County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Applicant, Highridge Water Authority, is proposing to construct a 520,000 gallons water storage tank an above ground pump station and install approximately 155,000 feet of water line. The proposed project is located in Brush Valley, Center and Buffington Townships, Indiana County. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Indiana County Municipal Services Authority	602 Kolter Drive Indiana, PA 15701	Indiana County

Plan Description: The approved plan provides for the **Indiana County Municipal Services Authority, 602 Kolter Drive, Indiana, PA 15701, Indiana County.**

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Applicant, Indiana County Municipal Services Authority, is proposing to construct transmission main and waterline labeled as the Water Renovation Project 11 which will serve the following areas: McKee Run (White and Rayne Townships—this includes the Marion Center Elementary School); Sexton Run (White Township) and Cedar Drive (Armstrong Township), Indiana County. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

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

Operations Permit issued to Fox Township Municipal Authority, PWSID No. 6240008, Fox Township, Elk County. Operations Permit, issued July 14, 2008, for the previous construction and operation of two 20,000 gallon, in-ground, fiberglass storage tanks, as well as the operational range for the sodium silicate used for corrosion control treatment. Construction and Operation Permit are issued simultaneously under Permit Number 2493503-MA1.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Orbisonia-Rockhill Borough	P. O. Box 346 Orbisonia, PA 17343	Huntingdon County

Plan Description: The approved plan provides for the upgrade of the Orbisonia-Rockhill Joint Municipal Authority's wastewater treatment facility to treat maximum monthly flow of 0.142 mgd, Peak Daily flow of 0.300 mgd, Peak hourly flow of 1.06 mgd and maximum monthly organic loading of 310 #/day

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location: along Mill Creek Road.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manchester Township	3200 Farmtrail Road York, PA 17406	York County

Plan Description: The approved plan, entitled Bruce and Pam Wagaman, provides for a Small Flow Treatment Facility to replace a malfunctioning onlot system serving a single-family residence. The Department of Environmental Protection's (Department) review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner.

Plan Location: at the northwest corner of Fish and Game Road and the Frederick Pike in Germany Township, **Adams County.**

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Germany Township	P. O. Box 121 Littlestown, PA 17340	Adams County

Plan Description: The approved plan provides for the expansion of an existing Church and facilities that will generate an estimated peak flow of 9,000 gpd tributary to a new onlot disposal system permitted by the Department of Environmental Protection (Department). The name of the project is Bethel Assembly of God and the Department code number is A3-01916-171-2. The Department's

review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority or owner as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Raccoon Township	1234 SR 18 Aliquippa, PA 15001	Beaver County

Plan Description: The approved plan provides for construction of a 400 gpd single-residence sewage treatment plant to serve the Timko single-family home. The property is located along SR 18 near the intersection of Matheny Lane, Raccoon Township, Beaver County. The proposed discharge point is a tributary to Haden Run, classified as a WWF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Independence Township	104 School Road Aliquippa, PA 15001	Beaver County

Plan Description: The approved plan provides for construction of a 2,000 gpd single-residence sewage treatment plant to serve the Westwind Ridge Subdivision. The property is located along East Hookstown Road, Independence Township, Beaver County. The proposed discharge point is a tributary to Raccoon Creek, classified as a WWF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

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

The Department has received the following plans and reports:

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

Hyndman Elementary School, Hyndman Borough, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, 16601, on behalf of Bedford Area School District, 330 East John Street, Bedford, PA 15522, submitted a Final Report concerning remediation of groundwater contaminated with No. 2 heating oil. The report is intended to document remediation of the site to the Statewide Health Standard.

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

Makdad Industrial Supply (Keystone Refrigeration), Sandy Township, **Clearfield County**, ATC Associates, Inc., 103 North Meadows Drive, Suite 215, Wexford, PA 15090 on behalf of Roger McCoy, 245 East Mountain Road, Port Matilda, PA 16870 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil contaminated with lead and groundwater contaminated with benzene, ethylbenzene, naphthalene, 1,2,4-TMB and 1,3,5-TMB. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release

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

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

The Department has received the following plans and reports:

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

Knight Transportation I-80 MM 220 Truck Accident, Liberty Township, **Montour County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Knight Transportation, Inc., 5601 West Buckeye Road, Phoenix, AZ 85043 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 2, 2008.

Conway Central Express Route 11/15 Mill Road Truck Accident, Monroe Township, **Snyder County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Conway Central Express, 2580 Old Route 15, New Columbia, PA 17856 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 2, 2008.

P & K Contract Carriers I-80 E. MM 210 Truck Accident, White Deer Township, **Union County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of P & K Contract Carriers Co., Inc., 16654 Soledad Canyon Road, Canyon Country, CA 91387 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on July 2, 2008.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

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

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

Permit No. 101687. FMRA C & D Waste Transfer Station, Hog Island and Fort Mifflin Roads, Philadelphia, PA 19153, Philadelphia City, **Philadelphia County**. This permit application is requesting an expansion of the permitted area and relocation of the transfer building for the FMRA, Inc., C & D Waste Transfer Facility located in the City of Philadelphia. The permit was issued by the Southeast Regional Office on July 14, 2008.

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

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

Permit Application No. 101688. Camp Hope Run Landfill, PA Waste, LLC, 175 Bustleton Pike, Feasterville, PA 19053. The permit application to authorize the construction and operation for the proposed Camp Hope Run Landfill located in Boggs Township, **Clearfield County** was denied by Williamsport Regional Office on July 11, 2008. The review included evaluating information contained within the original permit application and responses to two technical deficiency letters sent to the applicant.

**REGISTRATION FOR RESIDUAL WASTE
GENERAL PERMITS**

Registration for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGR109-SC001. Metro Express, Inc., 3672 Marietta Avenue, Lancaster, PA 17601. The Department of Environmental Protection (Department) has issued a registration under General Permit WMGR109 to Metro Express, Inc., for the processing and beneficial use of used restaurant oil, yellow grease, grease trap waste, oil and animal fats from food processing or

rendering plants, waste from ethanol production, soy bean soap stock, float grease (from wastewater treatment plants) and off-specification vegetable oil for use as a biofuel or biodiesel. The registration was issued July 15, 2008. This registration is for their location at 3672 Marietta Avenue, Lancaster, PA.

Persons interested in reviewing the general permit should contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users should contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PA6213820503; Letterkenny Army Depot, 1 Overcash Avenue, Chambersburg, PA; Letterkenny, Greene and Hamilton Townships, Franklin County. Permit for the storage and treatment of hazardous waste issued on July 25, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications renewed 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.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit Application Permit No. 301325. Veolia ES Lancaster Tire Processing Facility, 2487 Cloverleaf Road, Elizabethtown, PA 17022, Mount Joy Township, **Lancaster County.** An application was submitted to renew a solid waste facility operation permit. The application was approved by the Southcentral Regional Office on July 7, 2008.

Comments concerning the application should be directed to John Oren, Facilities Manager, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about the general permit application should contact the Southcentral Regional Office at (717) 705-4706. TDD users should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Permit Application Permit No. 301325. Veolia ES Lancaster Landfill, 2487 Cloverleaf Road, Elizabethtown, PA 17022, Mount Joy Township, **Lancaster County.** An application was submitted to renew a solid waste facility operation permit. The application was approved by the Southcentral Regional Office on July 7, 2008.

Comments concerning the application should be directed to John Oren, Facilities Manager, Southcentral

Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about the general permit application should contact the Southcentral Regional Office at (717) 705-4706. TDD users should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Blue Ridge Landfill Corporation (Permit No. 100934) located in Conoy Township, **Franklin County** submitted an application for a major modification to increase their average daily volume to 1,700 tpd. The Department of Environmental Protection approved and issued the major permit modification on June 6, 2008.

Berks Transfer, Inc. (Permit No. 101611) located in Ontelaunee Township, **Berks County** submitted an application for a major permit modification to accept residual waste for transfer. The Department of Environmental Protection approved and issued the major permit modification on July 8, 2008.

Resource Recovery Facility (Permit No. 400592) located in Conoy Township, **Lancaster County,** submitted an application for renewal of their permit to operate a resource recovery facility. The application was considered administratively complete on June 30, 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.

GP3-22-03080: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) on July 10, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Lower Swatara Township, **Dauphin County.**

GP9-22-03080: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17105) on July 10, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Lower Swatara Township, **Dauphin County.**

GP14-67-03151: Kenworthy Funeral Home, Inc. (269 Frederick Street, Hanover, PA 17331) on July 10, 2008, for Human and Animal Crematories under GP14 in Hanover Borough, **York County.**

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

15-0037E: Oberthur Card System, Inc. (523 James Hance Court, Exton, PA 19341) on July 8, 2008, to operate a commercial printing lithographic in West Whiteland Township, **Chester County.**

23-0106: BPG Real Estate Investors Straw Party I, LP (3815 West Chester Pike, Betsy Ross Cottage,

Newtown Square, PA 19073) on July 11, 2008, plan approval for two 20.412 mmBtu/hr Boilers at the Ellis Preserve in Newtown Township, **Delaware County**. This central utilities plant provides for the distribution of certain utilities to all tenants located on the Ellis Preserve campus and is currently operating under the State-only Operating Permit No. 23-00106. Two 34.0 mmBtu/hr boilers have been removed from the plant. The new Clever Brooks Boilers utilize low-NOx burners and flue gas recirculation and burn natural gas and No. 2 fuel oil. The facility is subjected to 40 CFR Subpart Dc—New Source Performance Standards for Small Industrial, Commercial and Institutional Steam-Generating Units. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

26-00573A: Johnson Matthey, Inc. (605 Mountain View Drive, Smithfield, PA 15478) on July 9, 2008, to construct a catalyst production facility in Smithfield Borough, **Fayette County**.

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

25-052B: Ames True Temper (55 Pleasant Street, Union City, PA 16438) on July 8, 2008, to construct a surface coating operation in City of Union City, **Erie County**. This is a State-only facility.

25-124C: Mayer Brothers Construction Co. (1225 West 18th Street, Erie, PA 16502) on July 1, 2008, to modify an existing hot mix asphalt plant to burn No. 5 fuel oil as an alternate fuel in Erie City, **Erie County**.

25-970A: Wire Weld, Inc. (12069 East Main Road, North East, PA 16428) on July 7, 2008, to construct a natural gas fired sand stripper in North East Township, **Erie 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.

09-0024C: Waste Management of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on July 11, 2008, to operate a western landfill expansion in Tullytown Borough, **Bucks County**.

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

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on July 11, 2008, to extend the deadline for the performance of PM, NOx, CO and VOC stack testing on a paper machine (paper machine No. 2) to September 15, 2008, to modify a testing requirement on a second paper machine (paper machine No. 1) to require the performance of VOC stack testing on the machine's No. 1 and No. 2 dryers and glue containment area within 90 days of the commencement of production of tissue paper, or other light stock paper

products, on the machine and to extend the authorization to operate both paper machines on a temporary basis to January 7, 2009, in Castanea Township, **Clinton County**.

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

10-349B: Recmix of PA, Inc.—Ivy Wood Plant (725 Saxonburg Boulevard, Saxonburg, PA 16056) on May 31, 2008, to construct a natural gas fired thermal heater and dryer, in Clinton Township, **Butler County**.

42-004B: American Refining Group, Inc. (77 North Kendall Avenue, Bradford, PA 16701) on May 31, 2008, for a flare in Bradford, **McKean County**.

43-348A: American Cap Co., LLC (15 Church Street, Wheatland, PA 16161) on July 31, 2008, for a plan approval to construct an activated carbon monolithic adsorbent process for the semiconductors manufacturing sector in Wheatland Borough, **Mercer County**. This is a State-only Facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

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

46-00035: SmithKline Beecham Corp.—d/b/a Glaxo SmithKline (709 Swedeland Road, King of Prussia, PA 19406) on July 8, 2008, for a renewal of the Title V Operating Permit in Upper Merion Township, **Montgomery County**. The facility is primarily involved in pharmaceutical research and development. SmithKline Beecham Corp.—d/b/a Glaxo SmithKline operates boilers, generators, incinerators and other lab equipment. The renewal incorporates plan approval 46-0035D for the installation of a scrubber system and fabric filter. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The operation is subject to Compliance Assurance Monitoring under 40 CFR Part 64 and NSPS regulations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Norman Frederick, Facilities Permitting Chief, (570) 826-2531.

TV 64-00001: Department of Corrections—Waymart SCI (P. O. Box 256, Route 6, Waymart, PA 18472) on July 11, 2008, to operate a State Correctional Institution facility, Title V Operating Permit in Canaan Township, **Wayne County**.

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

03-00027: Reliant Energy Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on June 26, 2008, to operate two coal-fired boilers in Plumcreek Township, **Armstrong County**. This is a renewal of the Title V (Acid Rain) operating permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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 July 14, 2008, to operate a lead pencils, crayons and artist materials facility in Forks Township, **Northumberland County**. This is a State-only Natural Minor operating permit.

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

33-00010: Humphrey Charcoal—Brookville Plant (13760 Knoxdale Road, Brookville, PA 15825) on July 14, 2008, to re-issue the Natural Minor Operating Permit for operation of the facility's air contamination source consisting of: a 1.05 mmBtu/hr boiler, stockpiling, raw material, charcoal briquette process, lump charcoal process, dryer and bagging operation in Pine Creek Township, **Jefferson County**.

42-00095: Georgia Pacific Corp. (One Owens Way, Bradford, PA 16701) on July 9, 2008, to reissue a natural minor permit to operate a corrugated and solid fiber boxes manufacturing plant in City of Bradford, **McKean County**. The major sources included: 1) Boiler (350 HP), uses dual fuel, natural gas and fuel oil No. 6; 2) Boiler (500 HP), uses dual fuel, natural gas and fuel oil No. 6; 3) Miscellaneous process equipment; 4) Outdoor starch silo; 5) Metal parts washer; and 6) Miscellaneous VOC (printing and gluing). The facility is natural minor because the emission of pollutants from the facility is less than the Title V emission threshold.

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

N07-004: SPC Corporation—City of Philadelphia—Department of Commerce—Division of Aviation (2600 Penrose Avenue, Philadelphia, PA 19145) on July 15, 2008, to operate a scrap metal shredding facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one 6,000 horsepower shredder with magnetic separation and conveyors. Control Devices at the facility include two 50 gpm water spray systems and deluge tank.

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.

09-00016: Exelon Generation Co., LLC, (3901 North Delaware Avenue, Philadelphia, PA 19137) for modification of Unit 21 combustion turbine at their Croydon Generation Station in Bristol Township, **Bucks County**. The Croydon Generation Station is a Title V facility. This modification will not result in net emission changes of any pollutants. 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.

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

03-00027: Reliant Energy Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on June 26, 2008, received a Minor Permit Modification to the Title V Operating Permit for Keystone Power Plant in Plumcreek Township, **Armstrong County**, to incorporate the requirements of 40 CFR 51, Subpart P (Protection of Visibility). There will be no change in emissions resulting from this Minor Permit Modification. The permit's expiration date of December 18, 2011, remains unchanged.

65-00861: Newcomer Products, Inc. (P. O. Box 270, Latrobe, PA 15650) transfer of operating permit to Ceratizit USA, Inc. (P. O. Box 270, Latrobe, PA 15650), effective July 10, 2008, for continued operation of Department-approved sources at the Latrobe Plant in Derry Township, **Westmoreland County**.

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

37-00126: Hickman Manufacturing, Inc. (352 Industrial Park Drive, Wampum, PA 16157) on July 8, 2008, a Natural Minor Operating Permit was Administratively Amended to incorporate the change of responsible official and permit contact person into the State-only Permit in New Beaver Township, **Lawrence County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

Permit Number 30031301 and NPDES Permit No. PA0235610, Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501), to transfer the permit for the 4-West Mine in Dunkard and Perry Townships, **Greene County** and related NPDES permit from Dana Mining Company of Pennsylvania, Inc. No additional discharges. Application received October 31, 2007. Permit issued July 9, 2008.

Permit Number 32971303 and NPDES Permit No. PA0215066, Penn View Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to renew the permit for the Penn View Mine in West Wheatfield and Burrell Townships, **Indiana County** and related NPDES permit. No additional discharges. Application received October 22, 2007. Permit issued July 9, 2008.

Permit Number 63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in North Bethlehem, Amwell and South Strabane Townships, **Washington County** to add underground permit and subsidence control plan acres for development mining. Underground Acres Proposed 30.0, Subsidence Control Plan Acres Proposed 642.0. No additional discharges. Application received December 28, 2007. Permit issued July 9, 2008.

Permit Number 63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to renew the permit for the Mine No. 84 in Somerset, South Strabane, Amwell, North Bethlehem and West Bethlehem Townships, **Washington County** and related NPDES permit. No additional discharges. Application received April 4, 2007. Permit issued July 9, 2008.

Permit Number 26970702 and NPDES Permit No. PA0215112, Matt Canestrone Contracting, Inc., (P. O. Box 234, Belle Vernon, PA 15012-0234), to renew the permit the LaBelle Site in Luzerne Township, **Fayette County** and related NPDES permit. No additional discharges. Application received December 12, 2007. Permit issued July 10, 2008.

Permit Number 03971301 and NPDES Permit No. PA0215091, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Ridge Mine in South Bend Township, **Armstrong County** and Young Township, **Indiana County** and related NPDES permit. No additional discharges. Application received October 25, 2007. Permit issued July 10, 2008.

Permit Number 30001301 and NPDES Permit No. NA, Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501), to transfer the permit for the Crawdad Portal B Mine in Dunkard and Perry Townships, **Greene County** from Dana Mining Company of Pennsylvania, Inc. No additional discharges. Application received October 31, 2007. Permit issued July 10, 2008.

Permit Number 30001301 and NPDES Permit No. NA, Dana Mining Company of PA, Inc., (P. O. Box 1170, Morgantown, WV 26507), to renew the permit for the Crawdad Portal B Mine in Dunkard and Perry Townships, **Greene County**. No additional discharges. Application received July 7, 2006. Permit issued July 10, 2008.

Permit Number 30841320 and NPDES Permit No. PA0213861, Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Road, Morgantown, WV 26501), to transfer the permit for the Dooley Run Mine in Dunkard Township, **Greene County** and related NPDES permit from Dana Mining Company of Pennsylvania, Inc. No additional discharges. Application received October 31, 2007. Permit issued July 10, 2008.

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

30980101 and NPDES Permit No. PA0202304. Coresco, LLC (308 Dents Run Road, Morgantown, WV 26501). Transfer of permit formerly issued to Coresco, Inc., for continued operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 148.4 acres. Receiving

streams: UNT to Dunkard Creek to the Monongahela River. Application received November 16, 2007. Transfer permit issued July 8, 2008.

30010102 and NPDES Permit No. PA0203017. Coresco, LLC (308 Dents Run Road, Morgantown, WV 26501). Transfer of permit formerly issued to Coresco, Inc., for continued operation and reclamation of a bituminous surface mining site located in Dunkard Township, **Greene County**, affecting 169.0 acres. Receiving streams: UNTs to Dunkard Creek to Dunkard Creek to the Monongahela River. Application received October 31, 2007. Transfer permit issued July 8, 2008.

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

16020102. Ancient Sun, Inc. (P. O. Box 129, Shippenville, PA 16254) Renewal of an existing bituminous strip operation in Toby Township, **Clarion County** affecting 27.9 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Little Licking Creek. Application received May 13, 2008. Permit issued July 2, 2008.

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

17980116 and NPDES No. PA0238091. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866), permit renewal for reclamation only of a bituminous surface mine in Cooper Township, **Clearfield County**, affecting 171.1 acres. Receiving streams: UNT to Sulphur Run and Sulphur Run to Moshannon Creek to West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received April 22, 2008. Permit issued June 5, 2008.

Noncoal Permits Actions

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

20800301. Conneaut Lake Sand & Gravel, Inc. (P. O. Box 233, West Middlesex, PA 16159-0233) Renewal of NPDES Permit No. PA0211851 in Vernon Township, **Crawford County**. Receiving streams: UNT to Watson Run and UNT to Mud Run. Application received May 12, 2008. Permit issued July 2, 2008.

43020302. White Rock Silica Sand Company, Inc. (331 Methodist Road, Greenville, PA 16125) Renewal of NPDES Permit No. PA0242110 in Hempfield Township, **Mercer County**. Receiving streams: Mathay Run. Application received March 7, 2008. Permit issued July 8, 2008.

61930301. Cooperstown Sand & Gravel (P. O. Box 4, Cooperstown, PA 16317) Renewal of NPDES Permit No. PA0211729 in Jackson Township, **Venango County**. Receiving streams: Wolf Run. Application received May 19, 2008. Permit issued July 9, 2008.

3074SM13. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0107433 in Slippery Rock Township and Slippery Rock Borough, **Butler County**. Receiving streams: Five UNTs to Slippery Rock Creek and two UNTs to Wolf Creek. Application received May 20, 2008. Permit issued July 9, 2008.

37840409. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77024) Renewal of NPDES Permit No. PA0108596 in Shenango Township, **Lawrence County**. Receiving streams: UNTs to McKee Run and UNTs to the Shenango River. Application received May 21, 2008. Permit issued: July 9, 2008.

3175SM11. Cemex, Inc. (840 Gessner, Suite 1400, Houston, TX 77024) Renewal of NPDES Permit No. PA0121631 in Shenango and Taylor Townships, **Lawrence County**. Receiving streams: UNT to McKee Run. Application received May 21, 2008. Permit issued July 9, 2008.

10082801. Natural Sand Company, Inc. (4783 Harlansburg Road, Slippery Rock, PA 16057) Commencement, operation and restoration of a small noncoal clay operation in Buffalo Township, **Butler County** affecting 5.0 acres. Receiving streams: UNT to Little Bull Run. Application received January 10, 2008. Permit issued July 9, 2008.

61060802. Gerald L. Manross (501 Rockland Cranberry Road, Kennerdell, PA 16374) Commencement, operation and restoration of a small noncoal sandstone operation in Rockland Township, **Venango County** affecting 6.0 acres. Receiving streams: Browns Run. Application received August 29, 2006. Permit issued July 9, 2008.

24080802. Pollino Excavating (645 Lovers Lane Ext., Kersey, PA 15846) Commencement, operation and restoration of a small noncoal sandstone operation in Fox Township, **Elk County** affecting 5.0 acres. Receiving streams: Limestone Run. Application received May 19, 2008. Permit issued July 9, 2008.

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

08080802. Scott D. Warner (R. R. 3, Box 445, Troy, PA 16947), commencement, operation and restoration of a small industrial minerals (top soil) permit located in West Burlington Township, **Bradford County** affecting 5.0 acres. Receiving streams: Sugar Creek to the Susquehanna River. Application received April 14, 2008. Permit issued June 23, 2008.

57080801. William L. Dittmar (57 Reitz Boulevard, Suite 100, Lewisburg, PA 17837), commencement, operation and restoration of a small industrial minerals (Bluestone) permit located in Colley Township, **Sullivan County** affecting 5.0 acres. Receiving streams: unnamed stream to Sciota Brook. Application received January 29, 2008. Permit issued June 25, 2008.

57080802. James M. Corl (43 Ramsey Hollow Road, Beech Creek, PA 16822), commencement, operation and restoration of a small industrial minerals (Bluestone) permit located in Colley Township, **Sullivan County** affecting 5.0 acres. Receiving streams: Scotia Brook to Mehoopany Creek. Application received January 31, 2008. Permit issued June 25, 2008.

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

40070801. Ken Nowakowski, (80 Foote Avenue, Duryea, PA 18642), commencement, operation and restoration of a quarry operation in Duryea and Hughestown Boroughs, **Luzerne County** affecting 5.0 acres, receiving stream: none. Application received March 26, 2007. Permit issued July 10, 2008.

58080803. Lawrence G. Micks, Jr., (R. R. 3, Box 305, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 11, 2008. Permit issued July 10, 2008.

58080804. Lawrence G. Micks, Jr., (R. R. 3, Box 305, Montrose, PA 18801), commencement, operation and res-

toration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 11, 2008. Permit issued July 10, 2008.

58080811. Reid D. Carter, (R. R. 1, Box 12A, Stevensville, PA 18845), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received January 31, 2008. Permit issued July 10, 2008.

58080823. Kevin J. Nagy, (R. R. 3, Box 320 B, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 31, 2008. Permit issued July 14, 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, Ebsburg, PA 15931, (814) 472-1900.

28084116. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Greene Township, **Franklin County**. Blasting activity permit end date is June 28, 2009. Permit issued July 2, 2008.

28084117. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is June 30, 2009. Permit issued July 2, 2008.

21084138. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for underground tank development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is June 30, 2009. Permit issued July 2, 2008.

01084110. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Mount Pleasant Township, **Adams County**. Blasting activity permit end date is July 30, 2009. Permit issued July 2, 2008.

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

14084008. Maxwell Trucking & Excavating, Inc. (689 East College Avenue, Bellefonte, PA 16823), construction blasting for Shields RV Storage located in Spring, Benner and Walker Townships, **Centre County**. Application received June 30, 2008. Permit issued July 1, 2008.

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

15084110. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Whiteland Commons in

East Whiteland and West Whiteland Townships, **Chester County** with an expiration date of July 4, 2009. Permit issued July 8, 2008.

36084183. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Weis Market Gas Station in Ephrata Borough, **Lancaster County** with an expiration date of July 31, 2009. Permit issued July 8, 2008.

39084113. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for Cetrionia Road Apartment in Upper Macungie Township, **Lehigh County** with an expiration date of June 30, 2009. Permit issued July 8, 2008.

39084114. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for The Estate at Millrace in Lower Macungie Township, **Lehigh County** with an expiration date of June 30, 2009. Permit issued July 8, 2008.

40084113. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Centerpoint East Phase I and II in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of June 30, 2009. Permit issued July 10, 2008.

38084117. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a barn in South Annville Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued July 10, 2008.

38084118. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for Northside Drive and Campbelltown Connector in South Londonderry Township, **Lebanon County** with an expiration date of July 7, 2009. Permit issued July 10, 2008.

38084119. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Northgate Development in Cornwall Borough, **Lebanon County** with an expiration date of July 1, 2009. Permit issued July 10, 2008.

64084107. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for commercial development on Wallace Road in Manchester Township, **Wayne County** with an expiration date of July 7, 2009. Permit issued July 10, 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

E15-779. Chester County Conservation District, 689 Unionville Road, Suite 200, Kennett Square, PA 19348, Tredeyffrin Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following activities in and along Crabby Creek (EV) associated with the Crabby Creek Restoration Project:

1. To place fill in 715 linear feet of stream and to construct and maintain 735 linear feet of relocated stream.
2. To stabilize and maintain 620 linear feet of stream bank and to construct and maintain associated in-stream flow structures within the relocated stream, temporarily impacting 0.07 acre of wetlands (PEM/PSS/PFO).
3. To remove an existing culvert and associated access roadway.
4. To construct and maintain three temporary stream crossings.
5. To stabilize and maintain 200 linear feet of stream bank and to construct and maintain associated in-stream flow structures along a UNT to Crabby Creek (EV).

The project is located approximately 1,000 feet southwest of the intersection of Bearhill (SR 0252) and Howellville Roads (Valley Forge, PA USGS Quadrangle North: 10.5 inches; West: 13.3 inches) in Tredeyffrin Township, Chester County, PA.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) 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.

E07-420: Williamsburg Borough, F. Dennis Clapper, Borough Manager, 305 East Second Street, Williamsburg, PA 16693-1041, Williamsburg Borough, **Blair County**, United States Army Corps of Engineers, Baltimore District.

To rehabilitate and upgrade Riverside Park by constructing walkways; handicapped parking; remove, relocate or replace playground equipment (swings, see-saws, slides, and the like) and associated improvements, located along the floodway of Frankstown Branch Juniata River (TSF) upstream of SR 2015 (High Street) in order to improve the safety condition of the park (Williamsburg, PA Quadrangle N: 16.0 inches; W: 10.52 inches, Latitude: 40° 27' 47"; Longitude: 78° 12' 02") in Williamsburg Borough, Blair County.

E38-157: Department of Conservation and Natural Resources, John Norbeck, 8th Floor, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, Bethel, Union and Swatara Townships, **Lebanon County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 12.0-foot wide, 4-span bridge, having a normal span of 568.0-feet and an underclearance of 16.0-feet over Swatara Creek (CWF) (Tower City, PA Quadrangle N: 0.6 inch; W: 2.2 inches, Latitude: 40° 30' 12"; Longitude 76° 32' 23") in Bethel, Union and Swatara Townships, Lebanon County.

E22-532: Susquehanna Township, Gary L. Myers, 1900 Linglestown Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 6.0-foot wide single span pedestrian bridge with a normal span of 120.0 feet across Paxton Creek (WWF) (Latitude: 40° 18' 22"; Longitude 76° 51' 20"), to relocate approximately 300.0 linear feet and enclose 100.0 feet on a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 23"; Longitude 76° 51' 20"), to replace a 100.0-foot long culvert with a 16.0-foot long, 6.0-inch depressed, 76.0-inch by 48.0-inch HDPE pipe in a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 23"; Longitude 76° 51' 20"), to replace a 15.50-foot long culvert with a 35.0-foot long, 6.0-inch depressed, 53.0-inch by 34.0-inch HDPE pipe in a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 24"; Longitude 76° 51' 19"), to fill 0.17 acre of PEM wetlands associated with a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 17"; Longitude 76° 51' 23"), to install and maintain an 18.0-inch HDPE outfall to a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 23"; Longitude 76° 51' 21"), to install and maintain an 18.0-inch HDPE outfall to a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 28"; Longitude 76° 51' 16"), and to install and maintain a 3.0-inch HDPE outfall to Paxton Creek (WWF) (Latitude: 40° 18' 21"; Longitude 76° 51' 20"), for the purpose of improving a 2,500.0-foot section of Kohn Road in Susquehanna Township, Dauphin County (Harrisburg East, PA Quadrangle N: 10.3 inches; W: 14.8 inches).

E22-528: Steelton Terminals Corporation, Steve Carten, P. O. Box 2621, Harrisburg, PA 17105, Steelton Borough, Swatara and Lower Swatara Townships, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain six 12-inch steel pipes encased in concrete in a UNT to Laurel Run (WWF) and in Laurel

Run (WWF). The project is located north of SR 230 approximately 1 1/4 miles south of its intersection with I-76 (Steelton, PA Quadrangle N: 18.1 inches; W: 7.1 inches, Latitude 40° 13' 29"; Longitude: 76° 48' 2") in Steelton Borough, Swatara and Lower Swatara Townships, Dauphin County. The project purpose is to convey petroleum from an existing facility to proposed storage tanks.

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

E37-175, Valley View Downs, LP, 10 West Market Street, Suite 200, Indianapolis, IN 46204. Valley View Downs, in Mahoning Township, **Lawrence County**, United States Army Corps of Engineers, Pittsburgh District (Edinburg, PA Quadrangle N: 41° 03' 07"; W: 82° 27' 04").

The applicant is proposing to construct and maintain a 1,500 employee facility consisting of a 1-mile horse track, grandstand, clubhouse, casino, parking, stormwater facilities, improvements of Baird Road and other infrastructure SW of the intersection of SR 422 and Baird Road in Mahoning Township, Lawrence County involving to fill four PEM wetlands having areas of 0.37 acre, 0.41 acre, 0.04 acre and 0.01 acre respectively. Project includes construction and maintenance of stormwater outfalls and mitigation by means of a \$12,450 payment to the PA Wetland Replacement Fund and a payment of \$80,550 to the Lawrence County Conservation District to manage, administer and distribute funds to a stream improvement project on Deer Creek. The project proposes to directly impact 0.83 acre of PEM wetland.

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

E3309-001. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Washington Township, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes 1,700 linear feet of dangerous highwall. The project will include backfilling 3.7 acres of hazardous open water, POW, 0.04 acre of PEM wetland, and 350 linear feet of stream channel (erosion gullies). The project will directly impact 0.04 acre of wetland, which is considered diminimis, and therefore does not require mitigation. Impacts to the wetland, water body, and small section of stream channel are unavoidable in order to address the public safety hazards at this site. As mitigation, the project will include the construction of approximately 1,700 liner feet of new stream channel (using natural stream channel design) in the area of the reclaimed pit impoundment and revegetating the constructed stream area with a wetland seed mix, riparian seed mix, tree seed mix and tree seedlings (Falls Creek, PA Quadrangle Latitude 41° 11' 42"; Longitude 78° 47' 47", N: 12.7 inches; W: 6.3 inches).

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.

EA25-004CO. PLP IV, 2500 Palermo Drive, Erie, PA 16506. City of Erie, **Erie County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across a tributary to Lake Erie (WWF) for stormwater management at the proposed Woodland Hills residential subdivision. The proposed dam will impact approximately 280 feet of stream channel. The proposed dam will be located approximately 1,500 feet southeast of the intersection of Davison Avenue and

East 38th Street (Erie South, PA Quadrangle Latitude: 42° 06' 43"; Longitude: 80° 01' 44").

WATER QUALITY CERTIFICATIONS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19428.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection 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(a)).

Except as otherwise noted, the Department of Environmental Protection certifies that the construction and operation herein described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by this action may appeal, under Section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 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 receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of 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 decisional law.

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 Federal Water Pollution Control Act (33 U.S.C. § 1341(a)). (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description).

Permits Issued and Actions on 401 Certifications:

Final Actions Under Section 401 of the Federal Water Pollution Control Act

Certification Request Initiated By: Department of the Army, Philadelphia District
Corps of Engineers
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

This project involves the discharge of supernatant from the Money Island confined disposal facility to the Delaware River. Maintenance dredging is proposed at the Fairless Turning Basin located at the Port of Bucks County in Falls Township due to deposits and shoaling occurring since mid 2006.

Approximately 100,000 cubic yards of sediment will be removed and placed in the Money Island dredge disposal area located in Falls Township, Bucks County. Sediments will settle out in the basin and the supernatant will be returned to the Delaware Estuary. The following effluent limits in mg/l based on a flow of 1.0 mgd apply:

<i>Parameter</i>	<i>Avg. monthly limit</i>	<i>Maximum Daily Limit</i>	<i>Instantaneous Maximum Limit</i>
Flow (mgd)	Monitor and Report	Monitor and Report	
Total Suspended Solids	3000		4,500
PH	6-9 units at all times		
Aluminum	13.0	19.5	
Antimony, Total	0.24	0.36	
Cadmium, Total	0.037	0.056	
Copper, Total	0.153	0.230	
Chromium, Hexavalent	0.17	0.26	
Lead, Total	0.042	0.063	
Zinc, Total	2.04	3.06	
PCBs, Total	Not Detectable Using EPA Method 608 (GC/ECD)		
PCBs - 209 Congeners	Monitor and Report Using EPA Method 1668A		

Final Action on Request: Certification granted.

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>
08-44-001	Nittany Oil Company, Inc. 321 North Front Street Philipsburg, PA 16866 Attn: Sam Sleek	Mifflin	Granville Township	2 ASTs storing ethanol	40,000 gallons total

SPECIAL NOTICES

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

General Permits:

25081001. Tom Parmenter Excavating (10889 Smith Road, North East, PA 16428) Authorization to extract noncoal (industrial minerals) in North East Township, **Erie County** to supply fill material to the Bay Valley Foods Construction Project. Receiving streams: Twenty Mile Creek. Application received June 23, 2008. Authorization approved July 3, 2008.

[Pa.B. Doc. No. 08-1374. Filed for public inspection July 25, 2008, 9:00 a.m.]

Bid Opportunity

BOGM 08-1, Cleaning Out and Plugging Seven Abandoned and Orphan Oil and Gas Wells, (Mr. and Mrs. James Jackson, Butler Hospitality, LLC (c/o Vic Patel), Mr. and Mrs. Earl Wilson, James Keffalas and Mr. and Mrs. Thomas Cleary Properties) Penn and Butler Townships, Butler County. The principal items of work include cleaning out and plugging seven abandoned and orphan oil and gas wells, estimated to be 1,800 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on August 1, 2008, and bids will be opened on September 4, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1375. Filed for public inspection July 25, 2008, 9:00 a.m.]

Bid Opportunity

OSM 16(0992)101.1, Abandoned Mine Reclamation Project, South of Shamburg, Piney Township, Clarion County. The principal items of work and approximate quantities include Clearing and Grubbing, 150,000 cubic yards of Grading, 1,820 cubic yards of Ditch Excavation, 490 square yards of High Velocity Erosion Control Mulch Blanket, 1,230 square yards of Rock

Lining with Filter Material, Water Level Control Structure and 12 inch Diameter Smooth Interior Corrugated Polyethylene Pipe, 850 linear feet of Subsurface Drain and 13 acres of Seeding. This project issues on July 25, 2008, and bids will be opened on August 21, 2008, at 2 p.m. Bid documents cost \$10 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.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1376. Filed for public inspection July 25, 2008, 9:00 a.m.]

Mine Families First Response and Communications Advisory Council Meeting

The Mine Families First Response and Communications Advisory Council will hold a meeting on Friday, August 22, 2008, at 10 a.m. in the Department of Environmental Protection Mine Rescue Station, 286 Industrial Park Road, Ebensburg, PA 15931. The purpose of this meeting is to finalize the initial draft Mine Families First Response and Communications Plan.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate").

Questions concerning this meeting should be directed to Allison D. Gaida at (724) 439-7289 or agaida@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (724) 439-7289 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1377. Filed for public inspection July 25, 2008, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers 2008 Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled dates for the 2008 Sewage Enforcement Officers (SEO) Precertification Academy and examination. To qualify to sit for the certification examination, SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. The SEO Certification examination will be administered the Friday following completion of the Precertification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The 2008 Precertification Academy and examination schedules are as follows:

September 16-18 and September 23-25, 2008

Enola

Examination Date: September 26, 2008 (8:30 a.m. to 12:30 p.m.)

Examination Application Deadline: August 29, 2008

To qualify to sit for the certification exam, SEO candidates must complete the SEO Precertification Academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930.

The SEO written examination contains 80 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam, however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

Persons with a disability who require testing accommodation contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs. This request must be submitted with an application.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1378. Filed for public inspection July 25, 2008, 9:00 a.m.]

Stream Redesignation Evaluation; Water Quality Standards Review

Basin, Source to Confluence with West Branch Susquehanna River

Under 25 Pa. Code § 93.4d (relating to processing of petitions, evaluations and assessments to change a designed use) the Department of Environmental Protection (Department) gives notice that an evaluation will be conducted on the stream listed to determine the proper aquatic life use or special protection designation in the Commonwealth's Water Quality Standards.

<i>Stream Name</i>	<i>County</i>	<i>Tributary To</i>
Loyalsock Creek—Mainstem, from the source near McCarroll Corner to the confluence with the West Branch Susquehanna River	Lycoming, Sullivan and Wyoming	West Branch Susquehanna River

Persons who have technical data concerning the water quality, instream habitat or biological condition of this stream section are encouraged to make it available to the Department for consideration in the assessment. This assessment may lead to a recommendation to the Environmental Quality Board (Board) for redesignation.

Data should be submitted to Tony E. Shaw, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467, tshaw@state.pa.us. Data should be submitted no later than 30 days following publication of this notice. Questions concerning this evaluation can be directed to Tony Shaw at (717) 787-9637.

The portion of the Loyalsock Creek mainstem to be evaluated is currently designated Cold Water Fishes (CWF) from the source to the Lycoming/Sullivan County line and Trout Stocking (TSF) from the county line to the mouth. This assessment is in response to a rulemaking petition submitted to the Board by the Loyalsock Creek Watershed Association in which the petitioners are requesting redesignation of the entire mainstem section in Lycoming County from TSF to High Quality-Trout Stocking (HQ-TSF). This mainstem assessment is being extended upstream of the TSF section in order to evaluate the appropriate protective use of waters flowing into the petitioned area.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Tony Shaw directly at (717) 787-9637 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOSEPH R. POWERS,
Acting Secretary

[Pa.B. Doc. No. 08-1379. Filed for public inspection July 25, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Crossroads Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Crossroads Surgery Center has requested an exception to the requirements of 28 Pa. Code §§ 551.21, 553.31 and 559.2 (relating to criteria for ambulatory surgery; administrative responsibilities; director of nursing).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1380. Filed for public inspection July 25, 2008, 9:00 a.m.]

Application of Excelsa Health—Latrobe Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Excelsa Health—Latrobe Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1.5.4, 3.1.5.12(3), 3.1.6.1 and 3.1.7.1 (relating to medical surgical units),

3.4.2.4(3)(4) and (7), 3.4.2.5(1)(e), 3.4.2.5(3) and 3.4.2.6 (relating to critical care unit).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1381. Filed for public inspection July 25, 2008, 9:00 a.m.]

Application of Excelsa Health—Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Excelsa Health—Westmoreland Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1.3.11(3) and 2.1.4.1 (nursing unit), 2.2.1 (airborne infection isolation room), 4.1 (medical evaluation unit), 4.2.1, 4.2.2 and 4.2.3 (other required units), 4.3.1 (inpatient rehabilitation unit), 4.3.2.1 (orthotics and occupational therapy unit) and 4.3.3 (dining, recreation day spaces).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1382. Filed for public inspection July 25, 2008, 9:00 a.m.]

Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1383. Filed for public inspection July 25, 2008, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication 2.3.8.1 (soiled workrooms) and 2.3.8.2 (soiled holding rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1384. Filed for public inspection July 25, 2008, 9:00 a.m.]

Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on August 6, 2008, from 2 p.m. to 3:30 p.m. The meeting will be held at the Health and Welfare Building, 10th Floor Conference Room, 7th and Forster Streets, Harrisburg, PA 17120.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jaclyn Rogers, Public Health Program Administrator, Health Literacy and Education Section, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1385. Filed for public inspection July 25, 2008, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Medical Assistance Program; Prior Authorization List

The Department of Public Welfare (Department) announces it will add early refills of prescriptions to the Medical Assistance (MA) Program's list of services and items requiring prior authorization, effective August 4, 2008.

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of early refills of prescriptions dispensed on and after August 4, 2008. An "early refill" is a request for a refill

when more than 25% of an earlier-dispensed medication would remain when taken in compliance with the directions and quantity prescribed.

The Department will issue an MA Bulletin to providers enrolled in the MA Program, specifying the procedures for obtaining prior authorization of early refills for prescriptions.

Fiscal Impact

It is anticipated that this change will result in savings of \$5.413 million (\$2.528 million in State funds) in the MA-Outpatient Program in Fiscal Year (FY) 2008-2009. Annualized savings of \$6.521 million (\$3.040 million in State funds) are estimated for FY 2009-2010.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medial Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent changes to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-565. No fiscal impact; (8) recommends adoption. Implementation of this notice is expected to generate \$2.5 million savings in FY 2008-2009.

[Pa.B. Doc. No. 08-1386. Filed for public inspection July 25, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Lucky Numbers '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky Numbers '08.

2. *Price:* The price of a Pennsylvania Lucky Numbers '08 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Lucky Numbers '08 instant lottery game ticket will contain one play area consisting of "GAME 1," "GAME 2," "GAME 3," "GAME 4" and "GAME 5." Each "GAME" is played separately, and each may have a different play method. Each "GAME" features a "TO WIN" area, a "YOUR NUMBERS" area and a "PRIZE" area. The play instructions, one of which will be located in the "TO WIN" area of each "GAME" are: GET ONE NUMBER; GET TWO NUMBER; GET THREE NUMBER; GET FOUR NUMBER; GET ALL NUMBER; GET TWO IDENTICAL NUMBERS; GET THREE IDENTICAL NUMBERS; GET FOUR IDENTICAL NUMBERS;

GET FIVE IDENTICAL NUMBERS; GET ONE EVEN NUMBER; GET TWO EVEN NUMBERS; GET THREE EVEN NUMBERS; GET FOUR EVEN NUMBERS; GET ALL EVEN NUMBERS; GET ONE ODD NUMBER; GET TWO ODD NUMBERS; GET THREE ODD NUMBERS; GET FOUR ODD NUMBERS; and GET ALL ODD NUMBERS. The play symbols and their captions located to the right of the GET ONE NUMBER play instruction are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT) and 20 (TWY). The play symbols and their captions located to the right of the GET TWO NUMBER; GET THREE NUMBER; GET FOUR NUMBER; GET ALL NUMBER play instructions are: 1s (ONE), 2s (TWO), 3s (THR), 4s (FOR), 5s (FIV), 6s (SIX), 7s (SVN), 8s (EGT), 9s (NIN), 10s (TEN), 11s (ELV), 12s (TLV), 13s (THN), 14s (FRN), 15s (FTN), 16s (SXT), 17s (SVT), 18s (EGN), 19s (NIT) and 20s (TWY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN), 10 (TEN), 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT) and 20 (TWY).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of each "GAME" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO) and \$60,000 (STY THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$6, \$10, \$15, \$20, \$40, \$100, \$300, \$1,000, \$3,000 and \$60,000. The player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Lucky Numbers '08 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which the "TO WIN" play instructions are "GET ONE NUMBER" and exactly one of "YOUR NUMBERS" play symbols match the designated play symbol numeral to the right of the "TO WIN" play instruction, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(b) Holders of tickets upon which the "TO WIN" play instructions are "GET TWO NUMBER" and exactly two of "YOUR NUMBERS" play symbols match the designated play symbol numeral to the right of the "TO WIN" play instruction, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(c) Holders of tickets upon which the "TO WIN" instructions are "GET THREE NUMBER" and exactly three of "YOUR NUMBERS" play symbols match the designated play symbol numeral to the right of the "TO WIN" play instruction, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(d) Holders of tickets upon which the "TO WIN" instructions are "GET FOUR NUMBER" and exactly four of "YOUR NUMBERS" play symbols match the designated play symbol numeral to the right of the "TO WIN" play

instruction, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(e) Holders of tickets upon which the "TO WIN" instructions are "GET ALL NUMBER" and all five of "YOUR NUMBERS" play symbols are the same number and match the designated play symbol numeral to the right of the "TO WIN" play instruction, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(f) Holders of tickets upon which the "TO WIN" instructions are "GET TWO IDENTICAL NUMBERS" and exactly two of "YOUR NUMBERS" play symbols are identical numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(g) Holders of tickets upon which the "TO WIN" instructions are "GET THREE IDENTICAL NUMBERS" and exactly three of "YOUR NUMBERS" play symbols are identical numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(h) Holders of tickets upon which the "TO WIN" instructions are "GET FOUR IDENTICAL NUMBERS" and exactly four of "YOUR NUMBERS" play symbols are identical numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(i) Holders of tickets upon which the "TO WIN" instructions are "GET FIVE IDENTICAL NUMBERS" and all five of "YOUR NUMBERS" play symbols are identical numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(j) Holders of tickets upon which the "TO WIN" instructions are "GET ONE EVEN NUMBER" and exactly one of "YOUR NUMBERS" play symbols is an even number, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(k) Holders of tickets upon which the "TO WIN" instructions are "GET TWO EVEN NUMBERS" and exactly two of "YOUR NUMBERS" play symbols are even numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(l) Holders of tickets upon which the "TO WIN" instructions are "GET THREE EVEN NUMBERS" and exactly three of "YOUR NUMBERS" play symbols are even

numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(m) Holders of tickets upon which the "TO WIN" instructions are "GET FOUR EVEN NUMBERS" and exactly four of "YOUR NUMBERS" play symbols are even numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(n) Holders of tickets upon which the "TO WIN" instructions are "GET ALL EVEN NUMBERS" and all five of "YOUR NUMBERS" play symbols are even numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(o) Holders of tickets upon which the "TO WIN" instructions are "GET ONE ODD NUMBER" and exactly one of "YOUR NUMBERS" play symbols is an odd number, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(p) Holders of tickets upon which the "TO WIN" instructions are "GET TWO ODD NUMBERS" and exactly two of "YOUR NUMBERS" play symbols are odd numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(q) Holders of tickets upon which the "TO WIN" instructions are "GET THREE ODD NUMBERS" and exactly three of "YOUR NUMBERS" play symbols are odd numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(r) Holders of tickets upon which the "TO WIN" instructions are "GET FOUR ODD NUMBERS" and exactly four of "YOUR NUMBERS" play symbols are odd numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

(s) Holders of tickets upon which the "TO WIN" instructions are "GET ALL ODD NUMBERS" and all five of "YOUR NUMBERS" play symbols are odd numbers, all in the same "GAME," on a single ticket, shall be entitled to a prize in the amount of the prize symbol which appears in the "PRIZE" area to the right of that "GAME."

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:

If Your Numbers Match The Numbers Needed In The Same Game, Win Corresponding Prize Amount. Win With Prize(s) Of:

\$3
\$5
\$3 x 2

Win:
\$3
\$5
\$6

Approximate Odds Are 1 In:
10
14.29
100

Approximate No. Of Winners Per 4,800,000 Tickets
480,000
336,000
48,000

If Your Numbers Match The Numbers Needed In The Same Game, Win Corresponding Prize Amount. Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$6	50	96,000
\$5 × 2	100	48,000
\$10	100	48,000
\$3 × 5	250	19,200
\$5 × 3	250	19,200
\$15	250	19,200
\$5 × 4	500	9,600
\$10 × 2	500	9,600
\$15 + \$5	500	9,600
\$20	250	19,200
(\$5 × 2) + (\$10 × 3)	1,333	3,600
(\$5 × 2) + (\$15 × 2)	1,333	3,600
\$10 × 4	1,333	3,600
(\$15 × 2) + \$10	1,333	3,600
\$40	1,333	3,600
(\$15 × 4) + \$40	1,846	2,600
\$20 × 5	1,846	2,600
(\$40 × 2) + (\$10 × 2)	1,846	2,600
\$100	1,818	2,640
\$100 × 3	10,000	480
\$300	9,231	520
(\$300 × 3) + \$100	40,000	120
\$1,000	40,000	120
\$3,000	120,000	40
\$60,000	480,000	10

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 Lucky '08 Numbers 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 Lucky Numbers '08, prize money from winning Pennsylvania Lucky Numbers '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Numbers '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Numbers '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1387. Filed for public inspection July 25, 2008, 9:00 a.m.]

Pennsylvania Wild Winnings 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 Wild Winnings.

2. *Price:* The price of a Pennsylvania Wild Winnings instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Wild Winnings instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Wild Winnings instant lottery game ticket will also contain a "Wild Cash Bonus" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

(c) The play symbols and their captions located in the play area for "Game 2" are: X symbol (XXX) and a Moneybag symbol (MNYBAG).

(d) The play area for "Game 3" will contain one "PLAY AREA." The play symbols and their captions located in

the "PLAY AREA" are: Cooler symbol (COOLER), Truck symbol (TRUCK), Tent symbol (TENT), Sun symbol (SUN), Shorts symbol (SHORTS), Shades symbol (SHADES), Palm symbol (PALM), Hat symbol (HAT), Fish symbol (FISH), Elephant symbol (ELPHNT), Camera symbol (CAMERA), Boot symbol (BOOT), Binocular symbol (BNOCLR), Banana symbol (BANANA) and a Parrot symbol (PARROT).

(e) The prize play symbols and the play symbols and their captions located in the "Wild Cash Bonus" area are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. Prize Symbols:

(a) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

(b) The prize symbols and their captions, located in the play area for "Game 3" are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. Prizes: The prizes that can be won in "Game 1" are: \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The prizes that can be won in "Game 2" are: \$5, \$10, \$20, \$100, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The prizes that can be won in "Game 3" are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The prizes that can be won in the "Wild Cash Bonus" area are: \$5, \$10, \$20, \$40, \$50, \$100, \$500 and \$1,000. The player can win up to eight times on a ticket.

6. Approximate Number of Tickets Printed For the Game: Approximately 4,800,000 tickets will be printed for the Pennsylvania Wild Winnings instant lottery game.

7. Determination of Prize Winners:

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of \$100,000 (ONEHUNTHO) in the play area, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets with three matching prize play symbols of \$10,000 (TEN THO) in the play area, on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets with three matching prize play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(9) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(10) Holders of tickets with three matching prize play symbols of \$10.⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(11) Holders of tickets with three matching prize play symbols of \$5.⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$10,000 (TEN THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching Moneybag (MNYBAG) play symbols in the same row, column or diagonal, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$10,000 (TEN THO) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(7) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(8) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol

of \$20\$ (TWENTY) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets where any one of the play symbols is a Parrot (PARROT) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the Parrot (PARROT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for "Wild Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$1,000 (ONE THO) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$1,000.

(2) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with a prize play symbol of \$50\$ (FIFTY) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with a prize play symbol of \$40\$ (FORTY) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a prize play symbol of \$10⁰⁰ (TEN DOL) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a prize play symbol of \$5⁰⁰ (FIV DOL) in the "Wild Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Wild Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$5				\$5	30	160,000
	\$5			\$5	30	160,000
		\$5		\$5	30	160,000
			\$5	\$5	60	80,000
\$10				\$10	60	80,000
	\$10			\$10	120	40,000
		\$10		\$10	120	40,000
			\$10	\$10	120	40,000
\$5			\$5	\$10	120	40,000
			\$5 x 2	\$10	120	40,000
\$20				\$20	200	24,000
	\$20			\$20	200	24,000
		\$20		\$20	200	24,000
			\$20	\$20	200	24,000
\$10	\$5	\$5		\$20	200	24,000
\$10			\$5 x 2	\$20	200	24,000

Wild Cash Bonus	Game 1	Game 2	Game 3	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets
			\$5 × 4	\$20	300	16,000
\$40				\$40	600	8,000
	\$40			\$40	600	8,000
\$5	\$10	\$10	\$5 × 3	\$40	600	8,000
\$10	\$10	\$10	\$10	\$40	600	8,000
\$20			\$5 × 4	\$40	600	8,000
\$50			\$50	\$50	600	8,000
\$5	\$20	\$20	\$5	\$50	600	8,000
\$10	\$10	\$10	\$10 × 2	\$50	600	8,000
\$20	\$5		\$5 × 5	\$50	600	8,000
\$100				\$100	2,400	2,000
	\$100			\$100	2,400	2,000
		\$100		\$100	2,400	2,000
			\$100	\$100	2,400	2,000
\$10	\$20	\$20	\$10 × 5	\$100	2,400	2,000
\$20	\$20	\$20	\$20 × 2	\$100	2,400	2,000
\$50	\$50			\$100	2,400	2,000
			\$20 × 5	\$100	2,400	2,000
\$500				\$500	30,000	160
	\$500			\$500	30,000	160
		\$500		\$500	30,000	160
			\$500	\$500	30,000	160
\$1,000			\$100 × 5	\$500	30,000	160
	\$1,000			\$1,000	30,000	160
		\$1,000		\$1,000	30,000	160
			\$1,000	\$1,000	30,000	160
	\$10,000			\$10,000	240,000	20
		\$10,000		\$10,000	240,000	20
			\$10,000	\$10,000	240,000	20
	\$50,000			\$50,000	1,200,000	4
		\$50,000		\$50,000	1,200,000	4
			\$50,000	\$50,000	1,200,000	4
	\$100,000			\$100,000	1,200,000	4
		\$100,000		\$100,000	2,400,000	2
			\$100,000	\$100,000	2,400,000	2

Wild Cash Bonus—Reveal prize amount from \$5 to \$1,000 and win that prize.
 Game 1—Get 3 like amounts, win that prize.
 Game 2—Get three “Moneybag” (MNYBAG) symbols in a row, column or diagonal, win prize shown.
 Game 3—Find a “Parrot” (PARROT) symbol in the play area and win prize shown below 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 Wild Winnings 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 Wild Winnings, prize money from winning Pennsylvania Wild Winnings 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 Wild Winnings 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 Wild Winnings or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1388. Filed for public inspection July 25, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Pocono Springs Civic Association, Inc.	Crystal Lake (a/k/a Pocono Peak Lake)	Lehigh Township Wayne County	122 acre lake which discharges into the headwaters of the Lehigh River	Myriophyllum spp. Utricularia spp. Potamogeton spp.

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

[Pa.B. Doc. No. 08-1389. Filed for public inspection July 25, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, July 10, 2008, and announced the following:

Regulations Approved:

State Board of Social Workers, Marriage and Family Therapists and Professional Counselors #16A-6915: Biennial Renewal Fees (amends 49 Pa. Code Chapter 47)

Department of Agriculture #2-155: Odor Management Certification Program (adds 7 Pa. Code Chapter 130f)

Pennsylvania Public Utility Commission #57-256: Implementation of the Public Utility Confidential Security Information Disclosure Protection Act (amends § 5.423 and adds Chapter 102 to Title 52 Pa. Code)

Environmental Quality Board #7-401: Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites (amends 25 Pa. Code Chapter 86)

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Karen A. Miller

State Board of Social Workers, Marriage/Family Therapists and Professional Counselors—Biennial Renewal Fees; Regulation No. 16A-6915 (#2638)

On September 19, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Social Workers, Marriage/Family Therapists and Professional Counselors (Board). This rulemaking amends 49 Pa. Code Chapter 47. The proposed regulation was published in the September 29, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 2, 2008.

This regulation increases the biennial renewal fees for licensed social workers, clinical social workers, marriage and family therapists and professional counselors.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 1918(c)) 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
July 10, 2008

Approval Order

Public Meeting held
July 10, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Karen A. Miller; John F. Mizner, Esq.

*Department of Agriculture—
Odor Management Certification Program;
Regulation No. 2-155 (#2647)*

On October 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking adds 7 Pa. Code Chapter 130f. The proposed regulation was published in the October 27, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 28, 2008.

This regulation establishes the odor management certification program as required by Act 38 of 2005.

We have determined this regulation is consistent with the statutory authority of the Department (3 Pa.C.S. § 508(a)) 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
July 10, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Public Utility Commission—
Implementation of the Public Utility Confidential Security
Information Disclosure Protection Act;
Regulation No. 57-256 (#2651)*

On November 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends § 5.423 and adds Chapter 102 to Title 52 Pa. Code. The proposed regulation was published in the December 8, 2007, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 28, 2008.

This regulation implements the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6). The regulation includes filing procedures for public utilities submitting records containing confidential security information (CSI) to the PUC, for challenges to a utility’s designation of records as CSI, and for requests to examine records containing CSI.

We have determined this regulation is consistent with the statutory authority of the PUC (35 P. S. §§ 2141.1—2141.6; 66 Pa.C.S. § 501) 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
July 10, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—Coal Mine Reclamation
Fees and Reclamation of Bond Forfeiture Sites;
Regulation No. 7-401 (#2557)*

On July 19, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 86. The proposed regulation was published in the August 5, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 9, 2008.

This final-form rulemaking incorporates amendments necessary to bring Pennsylvania’s regulatory program into conformance with Federal standards for State coal mining regulatory programs. It amends existing provisions related to reclamation standards for coal mine sites where bonds have been forfeited and amends provisions related to reclamation fees, definitions and the Department of Environmental Protection’s use of money for the reclamation of forfeited surface coal mine sites.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. §§ 30.53(b), 1396.4b(a), 1396.4(d), 1396.4(d.2) and 1406.7; 35 P. S. § 691.5; and 71 P. S. § 510-20) 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. 08-1390. Filed for public inspection July 25, 2008, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (act) (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comment Issued</i>
125-86	Pennsylvania Gaming Control Board Slot Machine Licensing 38 Pa.B. 2269 (May 17, 2008)	6/16/08	7/16/08

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comment Issued</i>
6-312	State Board of Education Academic Standards and Assessments 38 Pa.B. 2270 (May 17, 2008)	6/16/08	7/16/08

**Pennsylvania Gaming Control Board
Regulation #125-86 (IRRC #2695)**

Slot Machine Licensing

July 16, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the May 17, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 441a.7.—Licensing hearings for slot machine licenses.—Statutory authority; Possible Conflict with Statute; Implementation procedures; Reasonableness; Clarity.

The proposed rulemaking would add a new subsection (r) to this section, which would expand the provisions related to licensing hearings for potential slot machine licensees.

We raise five issues.

A. Statutory Authority, Possible Conflict with Statute and Clarity

First, subsection (r) provides that a license applicant may publicly respond to inquiries related to confidential information during a licensing hearing. However, the Gaming Act (Act) states that: “[a]ll information submitted by an applicant . . . or obtained by the board or bureau as part of a background investigation from any source **shall be considered confidential.**” 4 Pa.C.S. § 1206(f) (emphasis added). Since the proposed regulation now permits confidential information to be disclosed, a commentator questioned whether this option conflicts with the restrictions already imposed by the Act. We agree and recommend that the Board should explain how subsection (r) is consistent with § 1206(f) of the Act.

Second, the proposed rulemaking affords the license applicant an opportunity to request that confidential information be heard in executive session. In light of the deletion of § 1206(a) from the Act, which specifically provided that “confidential documents relative to personal background information provided to the board . . . shall be confidential and considered in closed executive session,” what is the Board’s statutory authority for permitting executive sessions in subsection (r)(1)?

Third, subsection (r) references “confidentiality provided for in 4 Pa.C.S. § 1310(a).” However, that section of the Act does not include a confidentiality provision. Did the Board intend to reference § 1206(f) (pertaining to the confidentiality of information submitted pursuant to § 1310(a))? The Board should correct the citation in the final-form regulation.

B. Implementation Procedures and Reasonableness

Fourth, Section 1206(b) of the Act requires a verbatim transcript of all proceedings held at public meetings. Would the verbatim transcript include the proceedings of the executive session? In addition, assuming that the Board did intend to reference § 1206(f) of the Act, this section provides that confidential information supplied by the applicant pursuant to § 1310(a) shall be released in certain law-enforcement related circumstances and “shall be released to the public, in whole or in part, to the extent that such release is requested by an applicant and does not otherwise contain confidential information about another person.” Would a transcript of an executive session be available for release under these circumstances? If not, how would the Board keep a “full and complete record” of the hearing, as required by 2 Pa.C.S. § 504 (relating to administrative hearings and record)?

Also, if an order is issued as a result of a licensing hearing, and the decision rendered is based on confidential information disclosed in executive session, how will the Board publish that order without revealing confidential information to the public?

The Act also provides that the denial of slot machine licenses is appealable to the Supreme Court. See 4 Pa.C.S. § 1204. If the verbatim transcript does not include the proceedings of the executive session, how will the applicant’s right to a meaningful appeal be protected? Will the Board provide notice to the parties that the transcript is available?

To resolve these issues, the final-form regulation should include appropriate administrative procedures for an executive session.

Finally, subsection (r)(2) provides that in order for an executive session to occur, the applicant must provide a “sufficient reason on the record” to “justify the invocation of confidentiality.” How would the Board determine what would be a “sufficient reason?” The term is vague and the final-form regulation should define this term or include the criteria the Board will use to determine whether a reason is “sufficient.”

We also question whether imposing this burden of proof would result in an undue burden on the applicant, since it appears that confidentiality is a right imposed by the Act.

The final-form regulation should explain the imposition of this justification and how it is consistent with the Act.

**State Board of Education
Regulation #6-312 (IRRC #2696)**

Academic Standards and Assessment

July 16, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the May 17, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Education (Board) to respond to all comments received from us or any other source.

1. Chapter 4. Academic Standards and Assessment.—Statutory authority; Legislative intent; Protection of the public health, safety and welfare; Fiscal impact; Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review; Reasonableness; Need; Implementation procedures.

Whether the regulation represents a policy decision of such substantial nature that it requires legislative review; Legislative intent.

The General Assembly has indicated its interest in the issue of graduation requirements. Act 61 of 2008 was signed into law on July 9, 2008. This Act includes the following language:

Notwithstanding any provision of law to the contrary, in the 2008-2009 fiscal year, a regulation to change or establish high school graduation requirements shall not be further promulgated, approved or proposed.

In addition, the Senate passed a bill (Senate Bill 1442) by a vote of 48-2 that would prevent the Board from adopting any "Statewide requirements for high school graduation . . ." without an act of the General Assembly. A similar bill was introduced in the House of Representatives (House) (House Bill 2452). Although that bill has not been acted on, it does have 114 co-sponsors, which is more than half of the total members of the House.

Finally, the House Education Committee submitted comments that urge the Board to "step back and re-evaluate these proposed regulatory changes."

We believe the actions taken by the General Assembly and the House Education Committee indicate that the proposal is a policy decision of such a substantial nature that it requires legislative review. We urge the Board to work closely with both chambers of the legislature and the House and Senate Education committees to ensure that the final-form regulation is consistent with the intent of the General Assembly.

Protection of the public health, safety and welfare.

In the Regulatory Analysis Form (RAF), the Board has explained the compelling public interest that justifies the regulation as follows: "This proposed regulation is intended to restore value to the high school diploma and provide every student with an opportunity for success in college and work."

Opposition to this regulation stems from the concern that these proposed changes will result in the creation of a "high-stakes test." The House Education Committee indicated that "based on research and experiences with high stakes testing in other states, [these tests] can have significant negative consequences for students living in poverty, minority students, English language learners, and special needs students including increased high school dropout rates, and further narrowing of curriculum that focuses more on standardized testing of students." Public commentators note that increased dropout rates and the lack of a high school diploma have negative effects on both the individual student and society as a whole.

The House Education Committee and public commentators have raised valid concerns about the impact of the proposed regulation on various categories of students and the potential for an increase in the drop-out rate. These issues are not addressed in detail in the RAF and Preamble. In light of these concerns, the Board should explain how the proposal adequately protects the health, safety and welfare of all citizens of the Commonwealth.

Fiscal impact.

Commentators question whether the Board has adequately addressed the fiscal impact of this regulation. While the RAF addresses costs related to state government, the RAF does not estimate the costs to local school districts for such procedures as validating the local assessment, administering and scoring the tests, record keeping, and compliance with Federal law (with respect to special education students). Therefore, the RAF does not fully reflect the overall fiscal impact to school districts and the Commonwealth. The Board should consult with the regulated community to gain a more accurate understanding of how this proposal will affect them fiscally. Those findings should be included in the RAF submitted with the final-form regulation.

Of particular concern is the cost school entities will incur to pay for the validation of local assessments. The Board has failed to quantify the potential cost for this validation, and commentators believe the cost will be such that it would eliminate the local assessment as a realistic option as a graduation requirement. For this Commission to determine if the proposal is in the public interest, this cost must be quantified.

In addition, commentators have suggested that if this proposal goes forward, it will result in litigation. The Board should factor this potential cost for both the Commonwealth and local government when calculating the fiscal impact of this proposal.

Need for the regulation.

If existing graduation requirements, which include local assessments, are not producing the necessary results, what has the Department done to ensure that the local assessments currently used by many school districts are valid? How many of the local assessments used by school districts have been evaluated by the Department to determine the validity of those assessments? What have the results of those evaluations been? What types of corrective action has the Department taken to improve the local assessments of school districts that are failing? Before the Board moves forward with this proposal, we ask for a more thorough explanation of why the current system is not adequate to address the problem the proposal seeks to address. If the Board determines that regulatory changes are needed, it should consider administering those changes on a case-by-case basis, not as a Statewide mandate.

Implementation procedures; Reasonableness.

Given the number of Graduation Competency Assessments (GCAs) that will be required and the number of times those tests will be administered, it is unclear how school districts will be able to implement the regulation. Tracking the progress of each student in each of the subject matters, scheduling students to take a test or retake a test (or a module of a particular test) and providing remediation are all significant tasks that will require a large amount of a school district's resources. A detailed explanation of how a school district is expected to implement this regulation and why the Board believes this approach is reasonable should be included in the Preamble to the final-form regulation.

Statutory authority.

The House Education Committee and public commentators have suggested that the Public School Code (Code) does not grant the Board the authority to establish these graduation requirements. They believe that Section 1611 of the Code provides school districts the authority to

make final graduation decisions for their students. While 24 P. S. § 26-2603-B(i)(3) permits the Board to adopt a master plan that includes recommendations on student testing and assessment, it is unclear whether these provisions of the Code relate to high school graduation requirements. Therefore, what is the Board's statutory authority for promulgating these requirements?

2. Section 4.3. Definitions.—Clarity.

The Preamble states that a definition for the term Pennsylvania System of School Assessment (PSSA) will be added to the regulation. We note that the term is not defined in the regulation. We recommend that it be added to the final regulation.

3. Section 4.24. High school graduation requirements.—Protection of the public health, safety and welfare; Implementation procedures, Reasonableness; Need; Clarity.

Subsection (b)(1)(iv)(D)

This subsection allows a school entity to include Advanced Placement or International Baccalaureate exams in its graduation requirements. The exams must include academic content that is comparable to the appropriate GCA, and the student must score at a level comparable to proficient on that GCA. The Secretary will establish what that score must be.

We have four concerns on how this test will be administered. First, can a school include Advanced Placement and International Baccalaureate exams in its graduation requirements, or can only one of the exams be included?

Second, if a student takes one of these exams to fulfill graduation requirements but does not score at the proficient level, will the school have to provide supplemental instruction? If the student does not score at the proficient level, will there be an opportunity to take the test again?

Third, how will a school entity know if a particular exam is comparable to a GCA? Would it be possible for one of the exams to be the equivalent of two GCAs? For example, if a student passes an Advanced Placement mathematics exam, would that be comparable to passing the Algebra I, Algebra II and Geometry GCAs?

Fourth, what methodology will the Secretary use to determine the proficient level for a particular Advanced Placement or International Baccalaureate exam?

Subsection (b)(2)(v)

This subsection requires vendors validating local assessments to consider certain criteria when determining whether the local assessment is comparable to GCAs "**under § 4.51(e)**." (Emphasis added.) Why does this subsection refer to Section 4.51(e), when the subject of this section is the PSSAs, not the GCAs? Did the Board intend to reference § 4.51(f) (relating to the development of GCAs)? The Board should correct the citation in the final-form regulation.

Furthermore, why is local assessment being compared only to GCAs? Should the vendor also make comparisons to the PSSA? If so, the necessary criteria for comparison should be included in the final-form regulation. We have a similar concern with the language found in § 4.24 (b)(1)(iv)(C).

The term "related National and State criterion referenced assessments" found in Subsection (b)(2)(v)(E) is vague. The final-form regulation should define this term.

Subsection (c)

This subsection pertains to supplemental instructions. It states the following:

A student who does not score proficient or above on a PSSA administered in 11th grade or GCA administered in any grade shall be provided supplemental instructional support by the student's school entity. The supplemental instructional support must assist the student to attain proficiency in the State academic standards.

We have two concerns. First, why is supplemental instruction for students not scoring proficient or higher on the PSSA required only after 11th grade? Second, the regulation appears to be silent on requirements for supplemental instruction for students scoring less than proficient on local assessments. At what point would a school entity be required to provide supplemental instruction to these students?

4. Section 4.51. State assessment system.—Implementation procedures; Setting lesser standards of compliance for individuals; Clarity.

Subsection (b)

This subsection pertains to PSSAs. It states, in part, the following: "The Department will make samples of assessment questions, instrument formats and scoring guides available to the public after each administration of State assessments." Why hasn't the Board included similar provisions for the GCAs?

Subsection (f)(5)

Under this subsection, scores for the GCAs will be provided to schools "no later than 10 calendar days prior to graduation." With all the required administrative procedures that go into preparing a school for graduation (that is, grading tests, preparing diplomas and exit paperwork), we question whether this is a reasonable time frame for providing the scores.

Subsection (f)(6) and (f)(7)

Subsection (f)(6) refers to a "GCA Module." However, the regulation does not define this term. The final-form regulation should include a definition for this term.

Under Subsection (f)(7), GCA modules "may" be designed in a manner "to allow students who do not score proficient or above to retake those portions of the test in which they did not score proficient or above." The Preamble describes this provision as a requirement. However, the inclusion of the word "may" in the regulation makes this provision optional. We agree with the Board's description of this provision in the Preamble and suggest that "may" be changed to "shall."

Subsection (f)(8)

This subsection states that the Department will provide "guidance" to school entities as to accommodations for students with disabilities and English language learners, "when appropriate." This is nonregulatory language that does not provide the regulated community with a clear understanding of their obligations or the potential costs associated with administering this provision.

The final-form regulation should provide clear and binding standards for how the school district will accommodate the needs of special education and English as Second Language (ESL) students with respect to administration of the GCAs and any resulting remediation.

In addition, several commentators have suggested that exemptions and lesser standards of compliance are needed for some students, in particular special education and ESL students, when high-stakes consequences are attached to individual performance on mandatory assessments. We ask the Board to consider this suggestion, and if the Board decides not to adopt it, to provide a detailed explanation of how students with special needs will be accommodated.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1391. Filed for public inspection July 25, 2008, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are 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>
125-79	Pennsylvania Gaming Control Board Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Possession of Slot Machines; and Accounting and Internal Controls	7/11/08	8/21/08
125-78	Pennsylvania Gaming Control Board Slot Machine Testing and Control	7/11/08	8/21/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1392. Filed for public inspection July 25, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Thomas C. Helbig; Doc. No. SC08-07-013

Notice is hereby given of the Order to Show Cause issued on July 10, 2008, by the Deputy Insurance Commissioner of the Commonwealth in the previously-referenced matter. Violation of the following is alleged: sections 611-A(2), (4), (6)—(9), (17) and (20) of the

Insurance Department Act of 1921 (40 P. S. §§ 310.11(2), (4), (6)—(9), (17) and (20)); section 403-A of the Insurance Company Law of 1921 (40 P. S. § 625-3) and sections 4, 5(a)(1)(vi) and (2) of the Unfair Insurance Practices Act (40 P. S. § 1171.4 and 1171.5(a)(1)(vi) and (2)).

Respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If Respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1393. Filed for public inspection July 25, 2008, 9:00 a.m.]

LTC Rate Increase Filing for Several Time Insurance Company Policies and Fortis Benefits Insurance Company Policies Assumed by John Hancock Life Insurance Company; Rate Filing

John Hancock Life Insurance Company is requesting approval to increase the premium 18% on the following Long-Term Care policy forms that they assumed from the Fortis family of companies: Time Insurance Company forms 4060-PA, 4061-PA, 4062-PA, 4063-PA, 4072-PA and 4073-PA and Fortis Benefits Insurance Company forms 6034-PA, 6035-PA, 6036-PA, 6060-PA, 6062-PA, 6063-PA, 6072-PA and 6073-PA.

A total of 6,134 Pennsylvania residents will be affected by this rate adjustment.

Unless formal administrative action is taken prior to October 9, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and

Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1394. Filed for public inspection July 25, 2008, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Philadelphia County, Wine & Spirits Store #9119, (New Store), Philadelphia, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space. Location must be within a 1/4 mile radius of Castor Avenue and Cayuga Street, Philadelphia.

Proposals Due: August 15, 2008, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, Jr., (215) 482-9670
PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 08-1395. Filed for public inspection July 25, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on October 1, 2008, commencing at 9:30 a.m. in Room 202 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive evidence to establish minimum wholesale and minimum retail prices in Milk Marketing Area No. 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on August 22, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on August 22, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 12, 2008, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 19, 2008, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on September 26, 2008, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on September 22, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-1396. Filed for public inspection July 25, 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 August 11, 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.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. B A Logistics Corp.;*
Doc. No. A-00121374C0701

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff here by represents as follows:

1. That all authority issued to B A Logistics Corp. (respondent) is under suspension effective March 1, 2007, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 3436 Route 764, Suite 1, Duncansville, PA 16635-7803.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 9, 2005, at Application Docket No. A-00121374.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. [DOCKET NUMBER] for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are

made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the: Compliance Office, Bureau of Transportation and Safety Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Imperial Limousine, Inc.;*
Doc. No. C-2008-2035495

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Imperial Limousine, Inc. (respondent) is under suspension effective 11/09/2007 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 460 Conchester Way, Route 322, 2nd Floor, Aston, PA 19014.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 10, 1989, at Application Docket No. A-00108537.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00108537 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of

Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **UNACCEPTABLE** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1397. Filed for public inspection July 25, 2008, 9:00 a.m.]

Water Service

A-2008-2050089 and A-2008-2050092. Middlesex Water Company and Twin Lakes Water Services, LLC. Joint application of Middlesex Water Company and Twin Lakes Water Services, LLC for approval of: 1) the transfer by sale of Twin Lakes Water Services, LLC to Middlesex Water Company; 2) the right of Middlesex Water Company to begin to provide water service to the public in this Commonwealth; and 3) the abandonment of water service by Twin Lakes Water Services, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 11, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Middlesex Water Company and Twin Lakes Water Services, LLC

Through and By: Richard M. Risoldi, Vice President, 1500 Ronson Road, Iselin, NJ 08830

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1398. Filed for public inspection July 25, 2008, 9:00 a.m.]

Water Service

A-2008-2049926. Shady Lane Water Company, Inc. Application of Shady Lane Water Company, Inc. for approval of: 1) the sale of its water system assets to the East Allen Township Municipal Authority; and 2) the abandonment of water service by Shady Lane Water Company, Inc., to its water service customers in the Shady Lane Subdivision in East Allen Township, Northampton County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before August 11, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Shady Lane Water Company, Inc.

Through and By Counsel: Daniel G. Spengler, Esquire, 110 East Main Street, Bath, PA 18014

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1399. Filed for public inspection July 25, 2008, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Hung Van Le; Doc. No. 0756-45-2007

On June 5, 2008, Hung Van Le, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$250, which is in addition to the previously imposed civil penalty of \$250 for a total of \$500, based on her practicing on a lapsed license.

Persons may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,
Chairperson

[Pa.B. Doc. No. 08-1400. Filed for public inspection July 25, 2008, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

Bureau of Professional and Occupational Affairs v. Linda E. Ringel, SW; Doc. No. 1582-69-2007

On June 2, 2008, Linda E. Ringel, SW, of Lambertville, NJ, had her Pennsylvania license to practice social work indefinitely suspended until she pays a civil penalty of \$3,000 and submits proof of completion of 30 hours of continuing education.

Persons may obtain a copy of the adjudication by writing to Beth Michlovitz, Board Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of your petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL DESTEFANO,
Chairperson

[Pa.B. Doc. No. 08-1401. Filed for public inspection July 25, 2008, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearing Schedule

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

August 13, 2008	Dennis J. Crosson (Annuitant Return to Service Status)	1 p.m.
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Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,
Secretary

[Pa.B. Doc. No. 08-1402. Filed for public inspection July 25, 2008, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) held its regular business meeting on June 12, 2008, in Elmira, NY. The Commission: 1) heard a special infrastructure presentation by Sandra Allen of the NY Department of Environmental Conservation; 2) received a report on the present hydrologic conditions of the basin showing a drying trend in parts of the basin; 3) approved a phased-in proposal to increase the Commission's consumptive use mitigation fee; 4) rescinded certain unneeded Commission policies; 5) adopted the Fiscal Year-10 Budget; 6) approved two contracts; and 7) elected a new Chairperson (Robert M. Summers of Maryland) and Vice-Chairperson (Brig. Gen. Todd Semonite) to serve in the next fiscal year.

In addition, the Commission heard a Legal Counsel's report, heard an update on recent activities in the regulatory program, and convened a public hearing to: 1) approve certain water resources projects, including one enforcement action; 2) consider a request for a hearing on an administrative appeal regarding Docket No. 20080305, Moutainview Thoroughbred Racing Association, Inc.; 3) consider a request to reopen Docket No. 20020809, Moutainview Thoroughbred Racing Association, Inc.; and 4) consider a request by Moutainview Thoroughbred Racing Association, Inc. for reconsideration of a denial of a request for stay. Eight water resources projects were

also tabled. See the Supplementary Information section to follow for more details on these actions.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0422, Ext. 301, fax (717) 238-2436, ddickey@srbc.net. Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

Supplementary Information

The Commission approved a contract for staff consulting work with Indiana County Conservation District on the Bear Run AMD Restoration Project in Banks Township, Indiana County, PA, and another contract with the United States Army Corps of Engineers for work related to the establishment of ecological flow needs in critical stream reaches of the Susquehanna River Basin.

The Commission also convened a public hearing and took the following actions:

Public Hearing—Projects Approved

1. Project Sponsor and Facility: Fortuna Energy, Inc. (Southern Tier of NY, and Tioga and Bradford Counties, PA). Consumptive water use of up to 3,000 mgd in Steuben, Chemung, Schuylers, Tioga and Broome Counties, NY, and Tioga and Bradford Counties, PA.

2. Project Sponsor and Facility: Fortuna Energy, Inc. (Cataonk Creek), Town of Spencer, Tioga County, NY. Surface water withdrawal of up to 0.101 mgd.

3. Project Sponsor and Facility: East Resources, Inc. (Elmira, NY, Area). Consumptive water use of up to 4,000 mgd in Chemung and Steuben Counties, NY, and Tioga County, PA.

4. Project Sponsor and Facility: East Resources, Inc. (Chemung River), Town of Big Flats, Chemung County, NY. Surface water withdrawal of up to 0.107 mgd.

5. Project Sponsor and Facility: Fortuna Energy, Inc. (Chemung River), Chemung Town, Chemung County, NY. Surface water withdrawal of up to 0.250 mgd.

6. Project Sponsor and Facility: East Resources, Inc. (Tioga River at Tioga Junction), Lawrence Township, Tioga County, PA. Surface water withdrawal of up to 0.107 mgd.

7. Project Sponsor and Facility: East Resources, Inc. (Mansfield, PA, Area). Consumptive water use of up to 4,000 mgd in Tioga and Bradford Counties, PA.

8. Project Sponsor and Facility: East Resources, Inc. (Tioga River near Mansfield), Richmond Township, Tioga County, PA. Surface water withdrawal of up to 0.107 mgd.

9. Project Sponsor and Facility: Keystone Landfill, Inc., Dunmore Borough, Lackawanna County, PA. Consumptive water use of up to 0.100 mgd and groundwater withdrawal of 0.010 mgd from Well 1, 0.020 mgd from Well 2 and 0.020 mgd from Well 3, and settlement of an outstanding compliance matter.

10. Project Sponsor: Kratzer Run Development, LLC. Project Facility: Eagles Ridge Golf Club (formerly Grandview Golf Course/Susquehanna Recreation Corporation), Ferguson Township, Clearfield County, PA. Consumptive water use of up to 0.099 mgd and surface water withdrawal of up to 0.099 mgd.

11. Project Sponsor and Facility: Commonwealth Environmental Systems, LP, Foster, Frailey and Reily Town-

ships, Schuylkill County, PA. Modification of consumptive water use and groundwater approval (Docket No. 20070304).

12. Project Sponsor and Facility: Lykens Valley Golf Course (formerly Harrisburg North Golf Course), Upper Paxton Township, Dauphin County, PA. Consumptive water use of up to 0.200 mgd and surface water withdrawal of up to 0.200 mgd.

13. Project Sponsor and Facility: Spring Creek Golf Course (Spring Creek), Derry Township, Dauphin County, PA. Consumptive water use of up to 0.081 mgd and surface water withdrawal of up to 0.081 mgd.

14. Project Sponsor: Titanium Hearth Technologies, Inc. Project Facility: TIMET North American Operations, Caernarvon Township, Berks County, PA. Consumptive water use of up to 0.133 mgd, and settlement of an outstanding compliance matter.

15. Project Sponsor and Facility: Conestoga Country Club (Well 1), Manor and Lancaster Townships, Lancaster County, PA. Groundwater withdrawal of 0.281 mgd.

16. Project Sponsor and Facility: Rock Springs Generation Facility, Rising Sun, Cecil County, MD. Modification of surface water withdrawal, groundwater withdrawal and consumptive water use approval (Docket No. 20001203).

Public Hearing—Enforcement Action

The Commission accepted a settlement offer in the amount of \$8,500 for the following project.

Project Sponsor and Facility: Standing Stone Golf Club (Docket No. 20020612), Oneida Township, Huntington County, PA.

Public Hearing—Denial of Request for Administrative Hearing

Under section 808.2 of the Commission's Regulation relating to administrative appeals, the Commission denied a request for an administrative hearing concerning the following project:

Project Sponsor: Mountainview Thoroughbred Racing Association; Project Facility: Withdrawal of up to 0.400 mgd (30-day average) for maintenance and operation of a horse racing and casino gaming facility, Docket No. 20080305; Location: East Hanover Township, Dauphin County, PA. Appellant: East Hanover Township, et. al.

Public Hearing—Denial of Request to Reopen Docket

Under section 806.32 of the Commission's Regulation relating to reopening of project approvals, the Commission denied a request for the reopening of the following project approval:

Project Sponsor: Mountainview Thoroughbred Racing Association Project Facility: Consumptive Use of up to 0.438 mgd (peak day) for maintenance and operation of a horse racing and casino gaming facility, Docket No. 20020809; Location: East Hanover Township, Dauphin County, PA. Appellant: East Hanover Township.

Public Hearing—Denial of Request for Reconsideration of Denial of Request for Stay

Under section 808.2 of the Commission's Regulation relating to administrative appeals, the Commission denied a request for reconsideration of its previous denial of a request for stay of the following project approval:

Project Sponsor: Mountainview Thoroughbred Racing Association; Project Facility: Withdrawal of up to 0.400 mgd (30-day average) for maintenance and operation of a horse racing and casino gaming facility, Docket No. 20080305; Location: East Hanover Township, Dauphin County, PA. Appellant: East Hanover Township, et. al.

Public Hearing—Projects Tabled

1. Project Sponsor and Facility: East Resources, Inc. (Seeley Creek), Town of Southport, Chemung County, NY. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

2. Project Sponsor and Facility: East Resources, Inc. (Crooked Creek; near Middlebury Center), Middlebury Township, Tioga County, PA. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

3. Project Sponsor and Facility: Fortuna Energy, Inc. (Sugar Creek), West Burlington Township, Bradford County, PA. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

4. Project Sponsor and Facility: Fortuna Energy, Inc. (Towanda Creek), Franklin Township, Bradford County, PA. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

5. Project Sponsor and Facility: Fortuna Energy, Inc. (Susquehanna River), Sheshequin Township, Bradford County, PA. Applications for consumptive water use of up to 0.250 mgd and surface water withdrawal of up to 0.250 mgd.

6. Project Sponsor and Facility: Neptune Industries, Inc. (Lackawanna River), Borough of Archbald, Lackawanna County, PA. Application for surface water withdrawal of up to 0.499 mgd.

7. Project Sponsor: United States Gypsum Company. Project Facility: Washingtonville Plant (Well W-A8), Derry Township, Montour County, PA. Application for groundwater withdrawal of 0.350 mgd.

8. Project Sponsor: Pennsy Supply, Inc. Project Facility: Hummelstown Quarry, South Hanover Township, Dauphin County, PA. Application for surface water withdrawal of up to 29.925 mgd.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: July 10, 2008.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 08-1403. Filed for public inspection July 25, 2008, 9:00 a.m.]