

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 February 5, 2008.

BANKING INSTITUTIONS

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-4-2008	Embassy Interim Bank Bethlehem Northampton County	Bethlehem	Filed
Incorporation of an interim bank in conjunction with the reorganization of Embassy Bank for the Lehigh Valley, Bethlehem, into a bank holding company form of business whereby Embassy Bank for the Lehigh Valley will become the wholly-owned subsidiary of Embassy Bancorp, Inc., a new holding company in formation.			

Section 112 Applications

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
2-1-2008	Boston Private Financial Holdings, Inc., Boston, MA, to acquire 80.1% of Davidson Trust Company, Devon, PA	Boston, MA	Effective

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-29-2008	Stonebridge Bank Exton Chester County	721 Skippack Pike Blue Bell Montgomery County	Opened
1-30-2008	Susquehanna Bank PA Lititz Lancaster County	4185 West Market Street York York County	Filed
2-1-2008	Bucks County Bank Doylestown Bucks County	7203 New Falls Road Levittown Bucks County	Filed
2-1-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	76 East Lancaster Avenue Ardmore Montgomery County	Filed
2-4-2008	MoreBank Philadelphia Philadelphia County	1222 North Welsh Road North Wales Montgomery County	Approved

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-5-2008	First Star Savings Bank Bethlehem Northampton County	Amendment to Article I of the Articles of Conversion provides for a change of the name of the institution from "First Star Savings Bank" to "First Star Bank."	Approved and Effective

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. 08-261. Filed for public inspection February 15, 2008, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 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), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of March, 2008, is 6 1/2%.

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 the 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 4.05 to which was added 2.50 percentage points for a total of 6.55 that by law is rounded off to the nearest quarter at 6 1/2%

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-262. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Bureau of Forestry; Reinstitution of a Camping Fee

Under the authority of the Conservation and Natural Resources Act (71 P. S. § 1340.314), the Department of Conservation and Natural Resources gives notice of a reinstitution in the daily fee for camping permits issued by the Bureau of Forestry at Asaph and County Bridge campgrounds, Tioga State Forest. The new fee, which will go into effect on Tuesday, April 1, 2008, is \$10.

Inquiries may be directed to Matt Beaver, Recreation Section, Operations and Recreation Division, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 783-7941, fax (717) 783-5109, mbeaver@state.pa.us. Persons with a disability may use the AT&T Relay Service at (800) 654-5984 (TDD).

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-263. Filed for public inspection February 15, 2008, 9:00 a.m.]

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural

Resources will hold a meeting on Wednesday, February 27, 2008, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-264. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Carnegie Mellon University for Approval of Amendment of its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6504(a) (relating to fundamental changes), the Department of Education (Department) will consider the application of Carnegie Mellon University for a Certificate of Authority approving the amendment to its Articles of Incorporation. The university wishes to clarify the voting powers of the president of Carnegie Mellon University by means of the president's ex officio membership on the audit committee of the university Board of Trustees. This would be accomplished by amending Article 7(c).

In accordance with 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will act upon the application without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist (717) 787-4448 to discuss how the Department may best accommodate their needs.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 08-265. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063657 (Minor Sewage)	Wyoming Area School District (Sarah J. Dymond Elementary School) 20 Memorial Street Exeter, PA 18643	Luzerne County Exeter Township	UNT to Sutton Creek 4G	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061468	Liberty Mobile Home Park R. R. 5 Box 54 Montrose, PA 18801-9318	Liberty Township Susquehanna Township	UNT to Snake Creek 4E	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033065 (SEW) Transfer	Vanderhomes, LLC Palm City MHP 2379 Brandt Road Annville, PA 17003	Lebanon County South Annville Township	Killinger Creek 7D	Y
PA0055352 (SEW)	Berks Properties Woodland MHP 3613 Seisholtzville Road Hereford, PA 18056	Berks County Hereford Township	Perkiomen Creek 3E	Y
PA0084107 (IW)	Cycle Chem, Inc. 550 Industrial Drive Lewisberry, PA 17339-9537	York County Fairview Township	UNT Fishing Creek 7E	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>
PA0209511 (Municipal)	Sullivan Township Mainsburg WWTP P. O. Box 84 Mainsburg, PA 16932	Tioga County Sullivan Township	Corey Creek SWP 4A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0102245	Highway 322 Realty Company P. O. Box 1030 Franklin, PA 16323	Cranberry Township Venango County	UNT to the Allegheny River 16-G	Y
PA0037915	Fish and Boat Commission Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Tionesta Township Forest County	Allegheny River 16-F	Y
PA0222909	Kinzua Warren County Joint Authority 119 Mead Boulevard Clarendon, PA 16313	Mead Township Warren County	Allegheny River 16-B	Y

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

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

Application No. PA 0020851, Sewage, **Hyndman Borough Municipal Authority**, P. O. Box 445, Hyndman, PA 15545. This facility is located in Hyndman Borough, **Bedford County**.

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

The receiving stream, Wills Creek, is in Watershed 13-A, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, MD is located on the Potomac River, approximately 90 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.365 mgd are:

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

Chesapeake Bay Requirements

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	7,306*
Net Total Phosphorus	XXX	Report	974*

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

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

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

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

The EPA waiver is not in effect.

Application No. PA 008633, Sewage, Lower Paxton Township Authority, 425 Prince Street, Harrisburg, PA 17109. This facility is located in South Hanover Township, **Dauphin County**.

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

The receiving stream, Beaver Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Middletown Borough is located on the Swatara Creek, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.5 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	24	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	7.4		14.8
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

NOTICES

Chesapeake Bay Requirements

	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly	Annual
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	45,662*
Net Total Phosphorus	XXX	Report	6,088*

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

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

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

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

Conduct Whole Effluent Toxicity Requirements

Persons may make an appointment to review the Department 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.

PA0102326, Sewage. **State Regional Correction Center at Mercer**, 801 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority is located on the Beaver River and is approximately 33 miles below point of discharge.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.160 mgd.

Parameters	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
Flow (mgd)	XX	XX			
CBOD ₅	31.3		25		50
Total Suspended Solids	37.5		30		60
NH ₃ -N					
(5-1 to 10-31)	22.5		18		36
(11-1 to 4-30)	31.3		26		50
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			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 Standard Units at all times			

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 1407409, Sewerage 4952, **Bellefonte Borough**, 236 West Lamb Street, Bellefonte, PA 16823. This proposed facility is located in Spring Township, **Centre County**.

Description of Proposed Action/Activity: The applicant proposes to renovate their sewage plant and improve nutrient treatment.

WQM Permit No. 1708401, Sewerage, SIC 4952, **Woodland Bigler Area Authority**, P. O. Box 27, Woodland, PA 16881. This proposed facility is located in Bradford Township, **Clearfield County**.

Description of Proposed Action/Activity: The applicant proposes the installation of five ultrasonic wave transducers in their wastewater treatment lagoons. The transducers will be used to limit algal growth within the lagoons.

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

WQM Permit No. 3285201-A2, Industrial Waste, **EME Homer City Generation LP**, 1750 Power Plant Road, Homer City, PA 15748-8009. This existing facility is located in Center and Black Lick Townships, **Indiana County**.

Description of Proposed Action/Activity: Application for plant upgrade.

WQM Permit No. WQG026118, Sewerage, **Lower Ten Mile Joint Sewer Authority**, 144 Chartiers Road, Jefferson, PA 15344. This proposed facility is located in East Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer extension.

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

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q0363R	Stuart Krawitz K & M Associates P. O. Box 332 Trexlerstown, PA 18087	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508001	Steve Parisi P. O. Box 655 Brodheads ville, PA 18322	Monroe	Polk Township	Pohopoco Creek HQ-CWF Middle Creek CWF
PAS10S119	Alpine Rose Resorts, Inc. 4626 Kathi Drive Bethlehem, PA 18017-8701	Monroe	Eldred Township	Aquashicola Creek HQ-CWF Exceptional Value Wetlands-Exceptional Value Waters EV

Wayne County Conservation District: Agricultural Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026408001	Rite Aid Corp. Mark Paradise 875 Kings Highway Suite 201 Woodbury, NJ 08096	Wayne	Salem Township	Moss Hollow Creek HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026407006	Amarbir Singh Liberty Petroleum Distributors P. O. Box 239 Harford, PA 18823	Wayne	Coolbaugh Township Monroe County and Lehigh Township Wayne County	UNT to Lehigh River HQ-CWF

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

Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001, (724) 378-1701.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050408001	Paul Portugallo 120 Brian Drive Beaver, PA 15009	Beaver	Darlington Township	Dilworth Run HQ-CWF

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

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

CAFO Notices of Intent Received

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

PAG128303, CAFO, Valley View Downs LP. Intersection of Routes 422 and 551, Mahoning Township, Lawrence County.

Description of Size and Scope of Proposed Operation/Activity: The facility includes a horse race track, gaming facility, an office building, horse stables, paddock, blacksmith shop and a manure storage facility. Wastewater from inside the stables will be discharged to a Publicly-Owned Treatment Plant. No land application of manure will occur onsite and all manure will be hauled offsite. A nutrient management plan has been submitted for the handling of manure onsite. Precipitation coming in contact with the stables and other areas accessible to the horses will be directed to a wastewater filter strips and an infiltration basin. The best management practices for the track include a vegetated filter strip and infiltration basins.

The receiving streams are Marshall Run and a UNT to Slippery Rock Creek, is in the Shenango River watershed and are classified for: WWF; MF.

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice.

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 3908502, Public Water Supply.

Applicant	Nestle Waters North America, Inc.
	Upper Macungie Township Lehigh County

Responsible Official David Thorpe, Plant Manager
Nestle Waters North America,
Inc.
405 Nestle Way
Breinigsville, PA

Type of Facility Bottling Plant

Consulting Engineer Edward E. Davis, P. E.
Forino Company, LP
555 Mountain Home Road
Sinking Spring, PA

Application Received Date January 23, 2008

Description of Action The addition of bottling lines 14
and 15 to the Nestle NPL East
Plant.

Application No. 3908501, Public Water Supply.

Applicant **Walnutport Authority**
Lehigh Township
Northampton County

Responsible Official Michael Newhart, Manager
Walnutport Authority
417 Newhart Avenue
Walnutport, PA 18088-1633
(610) 767-7887

Type of Facility Community Water System

Consulting Engineer Amy L. Kunkel, P. E.
Spotts, Stevens & McCoy, Inc.
2005 City Line Road
Bethlehem, PA 18017
(610) 849-9700

Application Received Date January 15, 2008

Description of Action Application for construction of
diatomaceous earth filtration
units to treat source waters from
both the Heimbach wells and the
Fisher Springs.

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

Permit No. 3606518, Public Water Supply.

Applicant **Tucquan Park Family Campground**

Municipality Martic Township

County **Lancaster**

Responsible Official Tucquan Park Family
Campground, Owner
917 River Road
Holtwood, PA 17532

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P. E.
James A. Holley & Associates,
Inc.
18 South George Street
York, PA 17401

Application Withdrawn: January 30, 2008

Description of Action Installation of an anion exchange
system to remove elevated levels
of nitrates in the source water.

Permit No. 3608501, Public Water Supply.

Applicant **Conestoga MHP, Inc.**

Municipality Conestoga Township

County **Lancaster**

Responsible Official Conestoga MHP, Inc.
President
110 Sandstone Drive
Willow Street, PA 17584

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P. E.
James Holley & Associates, Inc.
18 South George Street
York, PA 17401

Application Received: January 11, 2008

Description of Action Installation of a new storage
tank and booster pumping
system.

Permit No. 2808502, Public Water Supply.

Applicant **Edenville Water Association, Inc.**

Municipality St. Thomas Township

County **Franklin**

Responsible Official Edenville Water Association, Inc.
President
9932 Circle Drive
St. Thomas, PA 17252

Type of Facility Public Water Supply

Consulting Engineer Lance S. Kegerreis, P. E.
Dennis E. Black Engineering
Inc.
2400 Philadelphia Avenue
Chambersburg, PA 17201

Application Received: January 16, 2008

Description of Action Treatment Facility Modifications

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

Application No. 5908501—Construction, Public Water Supply.

Applicant **Somers Lane Mobile Home Park**

Township or Borough Lawrence Township

County **Tioga**

Responsible Official Charles Wilcox, Jr.
Somers Lane Mobile Home Park
R. R. 1
Box 5000
Lawrenceville, PA 16929

Type of Facility Public Water
Supply—Construction

Consulting Engineer Gregory Cummings
Larson Design Group
34 Denison Parkway
West Corning, NY 14830

Application Received: January 4, 2008

Description of Action Provide equipment for arsenic removal in addition to reducing existing levels of iron and manganese.

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

Permit No. 6307502, Public Water Supply.

Applicant **Tri County Joint Municipal Authority**
P. O. Box 758
Fredericktown, PA 15333

Township or Borough Centerville Borough

Responsible Official Jeffrey Kovach, General Manager
Tri County Joint Municipal Authority
P. O. Box 758
Fredericktown, PA 15333

Type of Facility Water treatment plant

Consulting Engineer Chester Engineers
260 Airside Drive
Moon Township, PA 15108

Application Received Date December 21, 2007

Description of Action Replacement of the Denbeau Heights booster pump station.

Permit No. 3008501, Public Water Supply.

Applicant **Dunkard Valley Joint Municipal Authority**
P. O. Box 193
Minor Street
Greensboro, PA 15338

Township or Borough Monongahela Township

Responsible Official Dunkard Valley Joint Municipal Authority
P. O. Box 193
Minor Street
Greensboro, PA 15338

Type of Facility Water treatment system

Consulting Engineer Fayette Engineering Company, Inc.
2200 University Drive
P. O. Box 1030
Uniontown, PA 15401-1030

Application Received Date January 7, 2008

Description of Action Permitting of the existing water treatment system.

Permit No. 5608501MA, Public Water Supply.

Applicant **Conemaugh Township Municipal Authority**
Box 429
113 South Main Street
Davidsville, PA 15928

Township or Borough Jenner Township

Responsible Official Patrick Mulcahy, Manager
Conemaugh Township Municipal Authority
Box 429
113 South Main Street
Davidsville, PA 15928

Type of Facility Water storage tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date January 11, 2008

Description of Action Clean and paint two water storage tanks.

WATER ALLOCATIONS

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

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

WA 36-1026, Water Allocations. **Marietta Gravity Water Company, Lancaster County.** The applicant is requesting the right to purchase a maximum of 500,000 gpd based on a 30-day peak month average from the Columbia Water Company through an interconnection that will be constructed Marietta Borough, Lancaster County Consulting Engineer: David T. Lewis, Marietta Gravity Water Company. Application Received August 27, 2007.

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

WA2-1009, Water Allocations. **Harmar Water Authority, 200 Pearl Avenue, Cheswick, PA 15024, Allegheny County.** The applicant requests the right to withdraw 1,944,000 gpd, peak month, from well Nos. 1—3 along the Allegheny River, Allegheny County.

WA2-1009A, Water Allocations. **Harmar Water Authority, 200 Pearl Avenue, Cheswick, PA 15024, Allegheny County.** The applicant requests the right to purchase up to 500,000 gpd, on an emergency basis, from the Municipal Authority of the Borough of Oakmont, Allegheny County.

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:

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

Frieden Manor Mobile Home Park, Wayne Township, **Schuylkill County**. Richard P. Cerbone, P. G., Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691 has submitted a Notice of Intent to Remediate (on behalf of his client, Affordable Residential Communities, 1 Mark Lane, Honeybrook, PA 19344), concerning the remediation of soils and groundwater found or suspected to have been impacted by No. 2 home heating oil as a result of the removal of numerous underground storage tanks. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be residential. A Final Report was simultaneously submitted.

David Peters Residence, City of Bethlehem, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Notice of Intent to Remediate

(on behalf of his client, David Peters, 6894 Pine Top Trail, Bethlehem, PA 18017), concerning the remediation of soils found or suspected to have been impacted by No. 2 fuel oil as the result of a leaking underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential. A Final Report was simultaneously submitted.

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

Great Western Services, Exeter Township, **Berks County**. Land Recycling Solutions, LLC, 3101 Mount Carmel Avenue, Suite 3, Glenside, PA 19038, on behalf of Great Western Services, 1302 Conshohocken State Road, Conshohocken, PA 19428, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with used motor oil. This site will be remediated to a Statewide Health Standard, and it will continue to operate as a commercial storage/maintenance facility for contractor vehicles and equipment.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

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

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

40-305-027A: Mountaintop Anthracite, Inc. (1550 Crestwood Drive, Mountaintop, PA 18707) for modification of their coal processing plant at their facility in Wright Township, **Luzerne County**.

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

06-05002G: Lehigh Cement Co. (537 Evansville Road, Blandon, PA 19522) for modification of the two single stage preheater kilns controlled by cyclones, spray tower, lime injection, mid-kiln air injection and fabric collector at their plant in Maiden creek Township, **Berks County**. The modification involves the firing of biosolids as a fuel in place of coal. The source is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for Hazardous Air Pollutants from Portland Cement Kilns.

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

24-012G: C/G Electrodes, LLC—St. Marys Plant (800 Theresia Street, St. Marys, PA 15857-1898) for construction of two carbottom baking kilns Nos. 495 and 496 exhausting to existing thermal incinerator and wet-limestone scrubber in St. Marys City, **Elk County**. This is a Title V facility.

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

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

46-0262A: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) for installation of 10 new pieces of equipment including: two high intensity mixers, two baker perkins', three premix dispersers, one extruder and three dust collectors (pigment manufacturing equipment) at the Penn Color, Inc., pigment dispersion manufacturing facility located at 2755 Bergey Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. The installation of pigment manufacturing equipment may result in the emissions of 0.7 tpy of PM_{2.5}, 0.7 tpy of PM and 6.3 tpy of VOCs. The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

36-05126B: Pennsy Supply, Inc.—d/b/a McMinns Asphalt Co. (550 South Biesecker Road, Thomasville, PA 17364) for conversion of the existing rotary dryer burner to be capable of burning On-Specification Waste Derived Liquid Fuel in addition to No. 2 fuel oil in North Annville Township, **Lebanon County**. The plant will continue to be controlled by a cyclone and a fabric filter baghouse. The estimated maximum emissions from this facility are less than 100 tpy of CO, 30.0 tpy of NO_x, 22.0 tpy of SO_x, 10.5 tpy of PM and 9.0 tpy of VOC. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

67-05111A: York International Corp.—Johnson Controls (1499 East Philadelphia Street, York, PA 17403) for installation of a spray paint booth at their East York Plant in Spring Garden Township, **York County**. VOC emissions are not expected to exceed 9.0 tpy. The plan approval shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements in the ensuing facility wide operating permit.

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

10-001L: AK Steel Corp. (P. O. Box 832, Butler, PA 16003-0832) for installation of a new 60 mmBtu/hr natural gas fired boiler to supply the Main Shop at the Butler Works, in the City of Butler, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a plan approval to the facility which currently has a Title V Permit that was issued February 13, 2006. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This application is for air permitting associated with the installation of a new 60 mmBtu/hr natural gas fired boiler to supply the Main Shop at the Butler Works, in the City of Butler, Butler County.

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval:

This source is subject to 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions, respectively.

1. The source shall meet the following emission limitations for the following pollutants:

Filterable PM 0.0075 lb/mmBtu
CO 0.096 lb/mmBtu 130 PPM
NO_x 0.036 lb/mmBtu 30 PPM
VOC 0.005 lb/mmBtu 14 PPM

2. The Department reserves the right to change the emission limits, based on the results of stack testing.

3. The permittee shall combust only pipeline quality natural gas.

4. The permittee shall limit fuel consumption to 525,600 mcf/yr based on a consecutive 12-month period.

5. Within 180 days after the issuance of the plan approval, the permittee shall perform stack tests for NO_x (lbs/mmBtu and PPM), CO (lbs/mmBtu and PPM), VOC

(lbs/mmBtu and PPM) and Filterable PM as determined by 40 CFR 60, Appendix A, Method 5 (lbs/mmBtu) emission limits.

6. The source shall be tested annually to demonstrate compliance with the CO and NO_x emission limits. Each annual performance test must be conducted between 10 and 12 months after the previous performance test.

7. The facility shall monitor and record the pressure that is induced into the scrubber jets. Readings shall be recorded daily and the records kept for a minimum of 2 years. The permittee shall record each adjustment conducted in a permanently bound log book. This log shall contain, at a minimum, the following:

- a. The date of the tuning procedure.
- b. The name of the service company and technicians.
- c. The final operating rate or load.
- d. The final CO and NO_x emission rates.
- e. The final excess oxygen rate.

8. The permittee shall perform annual burner maintenance, adjusting and testing. This adjustment shall include, at a minimum, the following:

a. Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

b. Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable minimize emissions of CO.

c. Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

9. The Plan Approval and Operating Permit will include conditions that require monitoring, recordkeeping, reporting, work practice standards and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

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

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

Identification of the proposed permit No. 10-001L.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where Department determines such notification is sufficient.

Written comments or requests for a public hearing should be directed to Carolyn Cooper, P. E., Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

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

10-355A: Glacial Sand and Gravel Co. (Intersection of Swope and West Liberty Roads, Harrisville, PA 16038) for construction of a Sand and Gravel Plant in Worth Township, **Butler County**. This plant was previously called Elliot Sand & Gravel and was located off Route 108 in Plain Grove Township. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

* Subject to 40 CFR 60 Subpart OOO for Nonmetallic Mineral Processing Plants.

* Shall comply with the requirements in GP-3.

* The source and control device shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

16-124A: Dominion Peoples—Truittsburg Station (1201 Pitt Street, Pittsburgh, PA 15221-2029) for installation of a 425 horsepower natural gas compressor engine in Redbank Township, **Clarion County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in Redbank Township, Clarion County. This plan approval will authorize the applicant to install a 425 horsepower natural gas compressor engine, as described in the applicant's application of August 10, 2007. The Plan Approval will subsequently be incorporated into the company's facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and the Department's own analysis, the 425 horsepower natural gas compressor engine will emit 7.8 tons of CO per year, 8.21 tons of NO_x per year and 2.5 tons of VOCs per year. The 425 horsepower natural gas compressor engine will only combust natural gas.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays at the address shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

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. 16-124A.
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 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.

AMS 06144: Sunoco, Inc.—R & M (3144 Passyunk Avenue, Philadelphia, PA 19145) for re-activation of the 859 Unit, installation of a 98 mmBtu/hr process heater, and modification of the 867 Sulfur Recovery Unit (SRU) in the City of Philadelphia, **Philadelphia County**. The 859 Unit will be able to process up to 60,000 barrels per day of distillate components and to be able to produce Ultra Low Sulfur Diesel fuel. The 867 SRU capacity will increase from 65 to 80 Long tpd. A new Tail Gas Combustion Unit will be installed on the 867 SRU. Allowable emissions increases from the project will be 88.03 tpy for NO_x, 87.68 tpy for CO, 14.33 tpy for VOCs, 23.49 tpy for SO₂ and 7.50 tpy for PM.

AMS 07163: Sunoco, Inc.—R & M (3144 Passyunk Avenue, Philadelphia, PA 19145) for replacement of the existing No. 6 oil burners on the 137 Crude Unit F-3 Vacuum Heater with four Next Generation Ultra Low NO_x Burners that burn fuel gas or natural gas in the City of Philadelphia, **Philadelphia County**. The heater capacity will remain 60 mmBtu/hr.

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.

23-00021: Congoleum Corp. (4401 Ridge Road, Delaware, PA 19061) to manufacture patterned vinyl flooring, by employing rotogravure presses and coating lines to engrave images and apply protective/decorative layers on substrate in Trainer Borough, **Delaware County**. This action is a renewal of the Title V Operating Permit. The initial permit was issued on March 5, 2002. As a result of potential emissions of HAPs and VOCs, the facility is a major stationary source as defined in the Clean Air Act,

and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code § 127, Subpart G. This Title V Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, and recordkeeping and reporting.

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.

09-00130: Doylestown Township Municipal Authority (425 Wells Road, Doylestown, PA) for operation of an air stripping tower for odor control in Plumstead Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. No changes have taken place since the permit was last issued in May, 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00059: Handelok Bag Co. (701A West Fifth Street, Lansdale, PA 19446) for operation of their Printing Operation site in Lansdale Borough, **Montgomery County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include three flexographic printing presses. No sources have been added and no applicable regulations have been promulgated since the permit was last issued in April 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00121: Lankenau Hospital (100 Lancaster Avenue, Wynnewood, PA 19096) for a renewal of State-only Operating Permit in Lower Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.99 tpy of NO_x. The facility's primary sources include boilers and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

15-00079: Reilly & Sons Inc. (601 East Lincoln Highway, Exton, PA 19341) for a retail trade fuel station in West Whiteland Township, **Chester County**. The renewal permit is for a non-Title V (State-only) facility. The facility's sources are three underground gasoline storage tanks (USTs), one diesel UST and three diesel/No. 2 fuel oil above ground storage tanks as well as a tank truck loading rack. The permit will mandate use of the existing vapor balance system when filling the gasoline USTs, spill prevention measures as well as monitoring and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

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

22-05038: Feldman Lubert Adler Harrisburg, LP (2201 Camelback Road, Suite 350, Phoenix, AZ 85016) for operation of natural gas fired boilers at the Harrisburg Mall in Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit issued in May 2002.

36-03039: TYCO Electronics Corp.—Landisville Plant (30 Kauffman Road, Landisville, PA 17538) for renewal of the natural minor operating permit issued in

March 2003 in East Hempfield Township, **Lancaster County**. Facility's major sources of emissions include electroplating and connector component production and a gas fired emergency generator, which primarily emit VOC.

36-05022A: Bird-In-Hand Woodworks, Inc. (3031 Industry Drive, Lancaster, PA 17063) for operation of their wood furniture surface coating facility in East Hempfield Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

36-05129: Haines and Kibblehouse, Inc. (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474) for operation of the asphalt plant at their Silver Hill Quarry in Brecknock Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

36-05152: Kellogg USA, Inc. (Caller Box 3006, 2050 State Road, Lancaster, PA 17604) for operation of a breakfast cereals plant in East Hempfield Township, **Lancaster County**. This is a renewal of their Operating Permit No. 36-03141 issued in 2003. Kellogg USA, Inc. applied for a synthetic minor permit with a limit on VOC emissions. The synthetic minor operating permit will contain monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

38-03003: Bayer Healthcare, LLC (400 West Stoever Avenue, Myerstown, PA 17067) for operation of their pharmaceuticals manufacturing facility in Myerstown Borough, **Lebanon County**. This is a renewal of their State-only operating permit issued in 2003.

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

43-00010: Jamestown Paint Co. (108 Main Street, Jamestown, PA 16134) for reissuance of a Natural Minor Operating Permit in the Borough of Jamestown, **Mercer County**. The facility's primary emissions are from the storage and processing of VOCs used in the paint making process.

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.

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

11970201 and NPDES No. PA0234648. Maple Coal Company, 2593 Wexford-Bayne Road, Suite 100, Sewickley, PA 15143, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing and beneficial use of ash mine in Barr and Blacklick Townships, **Cambria County**, affecting 471.1 acres. Receiving streams: UNT to and Elk Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2008.

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

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

30030101 and NPDES Permit No. PA0250376. Patriot Mining Co., Inc. (2708 Cranberry Square, Morgantown, WV 26508). Renewal application for operation and reclamation of an existing bituminous surface mine, located in Greene Township, **Greene County**, affecting 117.4 acres. Receiving stream: UNT to Whiteley 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 January 28, 2008.

03010103 and NPDES Permit No. PA0251020991. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Renewal application to change status from reclamation only to continued operation and reclamation to an existing bituminous surface mine, located in Kiskiminetas Township, **Armstrong County** and Conemaugh Township, **Indiana County**, affecting 145.6 acres. Receiving streams: UNTs to Long Run, Sulpher Run and Kiskiminetas River, classified for the following use: CWF. The potable water supply intake within 10 miles downstream from the point of discharge: Avonmore Municipal Authority. Renewal application received January 31, 2008.

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

10020105 and NPDES Permit No. PA0242225. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface strip operation in Slippery Rock Township, **Butler County** affecting 43.8 acres. Receiving streams: UNTs to Long Run, UNT to Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water

supply intakes within 10 miles downstream. Application for reclamation only. Application received January 31, 2008.

16970104 and NPDES Permit No. PA0227471. MSM Coal Company, Inc. (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Clarion Township, **Clarion County** affecting 97.5 acres. Receiving stream: UNT of Brush 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 February 1, 2008.

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

14030101 and NPDES No. PA0243493. AMFIRE Mining Co., LLC. (One Energy Place, Latrobe, PA 15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 218.9 acres. Receiving stream: Contrary Run, Sandy Run, UNT to Sandy Run, Beauty Run and UNT to Beauty Run, all classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 7, 2008.

17000111 and NPDES No. PA0243019. Gregg Barrett Coal (288 Watts Road, Curwensville, PA 16833), revision of an Incidental Boundary Correction to an existing bituminous surface mine in Ferguson Township, **Clearfield County**, affecting 64.3 acres. Receiving streams: UNT to Watts Creek to Watts Creek to West Branch Susquehanna, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 10, 2008.

17870129 and NPDES No. PA0116190. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), renewal and revision of an existing bituminous surface mine to correct Insignificant Boundary in Morris Township, **Clearfield County**, affecting 498.3 acres. Receiving streams: Emigh Run to Moshannon Creek and UNT to Laurel Run to Moshannon Creek to West Branch Susquehanna River, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 17, 2008.

Coal Applications Returned

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

54-305-006GP12. B-D Mining Company, (10 Gilberton Road, Gilberton, PA 17934), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on existing Surface Mining Permit No. 54850202 in Mahanoy Township, **Schuylkill County**. Application received December 31, 2007. Application withdrawn January 31, 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. 40A76SM9 and NPDES Permit No. PA0212491, Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving stream: Glade Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 23, 2008.

Permit No. 28840302 and NPDES Permit No. PA0614289, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201-0809, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving stream: Conococheague Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 18, 2008.

Permit No. 01930301 and NPDES Permit No. PA0595541, Valley Quarries, Inc., P. O. Box J, Chambersburg, PA 17201-0809, renewal of NPDES permit, Hamiltonban Township, **Adams County**. Receiving stream: Middle Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 18, 2008.

Permit No. 40A76SM1 and NPDES Permit No. PA0212521, Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of NPDES Permit, Elk Lick Township, **Somerset County**. Receiving stream: UNT to Laurel Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 23, 2008.

Permit No. 32082801, Ridge Limestone, Inc., 1094 Lantz Road, Avonmore, PA 15618, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Young Township, **Indiana County**, affecting 5.0 acres. Receiving stream: Nesbit Run. Application received January 25, 2008.

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

10980302, IA Construction Corporation (158 Lindsay Road, Zelienville, PA 16063). Renewal of NPDES Permit No. PA0227641, Cherry and Slippery Rock Townships, **Butler County**. Receiving streams: UNT of McMurray Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received January 29, 2008.

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

8275SM1T2 and NPDES Permit No. PA0594601, Pennsy Supply, Inc., (1001 Paxton Street, Harrisburg, PA 17105), transfer of an existing quarry operation from Prospect Aggregates, Inc. in West Hempfield Township, **Lancaster County** affecting 56.3 acres, receiving stream: UNTs to Chickes Creek, classified for the following use: WWF. Application received January 28, 2008.

36910302T2, Pennsy Supply, Inc., (1001 Paxton Street, Harrisburg, PA 17105), transfer of an existing quarry operation from Prospect Aggregates, Inc. in West Hempfield Township, **Lancaster County** affecting 125.0 acres, receiving stream: none. Application received January 28, 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.

E15-780. Transcontinental Gas Pipe Line Corporation, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, East Brandywine, East Caln and East Whitland Townships, **Chester County**, ACOE Philadelphia District.

To replace an old existing 7.15 mile segment of gas pipeline and to construct and maintain four new 42-inch pipeline segments totaling approximately 10.75 mile across a UNT to the East Branch of Brandywine Creek (HQ-TSF, MF), East Branch of Brandywine Creek, Ludwig's Run (TSF, MF), UNT to Valley Creek (WF, MF), and to permanently impact approximately 0.08 acre of wetland. The applicant proposes to create 0.16 acre of forested wetland as compensation. The applicant will also restore 0.08 acre of temporarily disturbed wetlands to their original contours and conditions.

The new line will start at the Downingtown Meter Station (Wagontown, PA USGS N: 1.00 inch; W: 3.5 inches) and terminate at Compressor Station 200 (Malvern, PA USGS N: 9.00 inches; W: 12 inches).

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

E66-136. Wyoming County, Wyoming County Courthouse, One Courthouse Square, Tunkhannock, PA 18657, in Lemon and Tunkhannock Townships, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and place fill in a de minimis area of wetlands equal to 0.01 acre and to construct and maintain a 2-span prestressed concrete adjacent box beam bridge, known as County Bridge No. 7 having normal spans of approximately 22.8 meters (74.8 feet) and a minimum underclearance of approximately 4.5 meters (14.6 feet) across Tunkhannock Creek (TSF). The project also includes the placement of a temporary stone causeway with five 2.44 meter (8 feet) diameter C.M.P. culverts to allow construction of the center pier. The water obstructions and encroachments were previously authorized by Permit No. E66-124, which expired prior to commencement of construction. The project is located along Township Road (T416), approximately 0.3 Kilometer (0.2 mile) southeast of SR 0092 (Factoryville, PA Quadrangle N: 15.3 inches; W: 15.6 inches).

E64-273. Honesdale Borough, 958 Main Street, Honesdale, PA 18341, in Honesdale Borough, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an expansion of a wastewater treatment plant in the floodway/floodplain of the Lackawaxen River (HQ-TSF, MF) with work consisting of the modification of existing treatment facilities and the construction of new treatment facilities, building and various site amenities. Work also includes the construction of an outfall structure, consisting of a 24-inch diameter pipe, concrete inwall and riprap apron. The

project is located on the northeast side of Buck Cove Road (T-468) approximately 0.1 mile east of Erie Street (White Mille, PA Quadrangle N: 9.75 inches; W: 16.13 inches).

E40-682. Transcontinental Gas Pipeline Corp., 2800 Post Oak Boulevard, Level 17, Houston, TX 77056, in Salem Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: three utility line wetland crossings temporarily impacting 0.49 acre of PSS wetlands; two utility line stream crossings and one road crossing for the installation of a 1.93 mile long, 42-inch diameter gas pipeline known as Leidy Line—Conyngham Loop in Salem Township, Luzerne County. The project begins at (Berwick, PA Quadrangle N: 20.3 inches; W: 2.0 inches) and ends at (Berwick, PA Quadrangle N: 20.8 inches; W: 7.0 inches).

E48-377. Department of Veteran and Military Affairs, Bureau of Facilities & Engineering, Building 0-47, Fort Indiantown Gap, Annville, PA 17003-5002, in Forks Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in the 100-year floodplain of a tributary to Bushkill Creek (HQ-CWF) for the purpose of constructing a field maintenance shop associated with a proposed readiness center for the Stryker Brigade Combat Team (Easton, PA-NJ Quadrangle N: 20.6 inches; W: 14.6 inches).

E35-412. North Keyser Partners, LLC, 888 North Keyser Avenue, Scranton, PA 18504, in City of Scranton, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

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

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

E28-339. Robert Hickey, Divinity Investments, LLC, P. O. Box 1180, Chambersburg, PA 17201, Antrim Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain an: (1) 8.0-inch PVC sanitary sewer pipe crossing a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 74' 16"; Longitude: 61° 67' 79"); (2) a 48.0-inch HDPE stormwater basin outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 18"; Longitude: 61° 40' 03"); (3) an 8.0-inch PVC sanitary sewer pipeline crossing and temporarily impacting 0.008 acre of palustrine emergent wetland associated with a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 01"; Longitude: 61° 41' 04"); (4) a 15.0-inch HDPE stormwater outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 58"; Longitude: 61° 40' 57"); (5) a 15.0-foot long foot bridge with 2.25 foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 55"; Longitude: 61° 41' 01"); (6) a 15.0-inch HDPE stormwater outfall discharging to a UNT to the Muddy Creek (HQ-CWF) (Latitude: 39° 43' 57"; Longitude: 61° 40' 36"); (7) an 8.0-inch PVC sanitary sewer line crossing, an 8.0-inch DIP water line crossing, and a 104.0-foot long 15-inch HDPE culvert permanently impacting 0.009 acre of palustrine emergent wetland associated with a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 53"; Longitude: 61° 40' 27"); (8) an 8.0-inch PVC sanitary sewer line

crossing a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 08"; Longitude: 61° 41' 15"); (9) a 24.0-inch HDPE stormwater outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 12"; Longitude: 61° 41' 15"); (10) an 8.0-inch PVC sanitary sewer line crossing, an 8.0-inch DIP water line crossing, and a 122.0-foot long, 6.08-foot by 4.58-foot CMP depressed 6.0 inches below existing grade in a UNT to Muddy Creek; permanently impacting 0.132 acres of palustrine emergent wetland (HQ-CWF) (Latitude: 39° 44' 11"; Longitude: 61° 41' 06"); (11) a 24.0-inch HDPE stormwater basin outfall discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 05"; Longitude: 61° 41' 00"); (12) a 15.0-foot long foot bridge with 1.50-foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 09"; Longitude: 61° 41' 43"); (13) a 15.0-foot long foot bridge with 3.25-foot underclearance across a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 58' 32"; Longitude: 61° 38' 02"); (14) a 6.0-inch HDPE sediment basin outfall temporarily discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 11"; Longitude: 61° 41' 28"); (15) a 15.0-inch HDPE temporary stormwater diversion pipe discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 44' 04"; Longitude: 61° 40' 38"); (16) a 15.0-inch HDPE sediment trap outfall temporarily discharging to a UNT to Muddy Creek (HQ-CWF) (Latitude: 39° 43' 50"; Longitude: 61° 40' 14"). The project also proposes future impacts to the Waters of the Commonwealth which are not being permitted at this time. The impacts are proposed for the construction of a residential development located on a 207 acre tract approximately 0.7 mile northwest of Greencastle, north of Route 16 (Greencastle, PA Quadrangle N: 9.1 inches; W: 17.4 inches) in Antrim Township, Franklin County.

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

E65-917. Municipal Authority of Westmoreland County, P. O. Box 730, Greensburg, PA 15601. To install a pipeline crossing Wilson Run in New Stanton Borough and Hempfield Township, **Westmoreland County**, Pittsburgh ACOE District (Mount Pleasant, PA Quadrangle N: 15.7 inches; W: 13.8 inches, Latitude: 40° 12' 42"; Longitude: 79° 35' 56"). The applicant proposes to install a 48" water line crossing on Wilson Run (WWF). The project is located approximately .45 mile west of the intersection of I-70 and US Route 119 in Westmoreland County.

E65-920. Allegheny River Terminals, Inc., One Fifth Street, New Kensington, PA 15068-6643. To maintain dredging on an barge loading facility in the City of New Kensington, **Westmoreland County**, Pittsburgh ACOE District. (New Kensington West, PA Quadrangle N: 10.8 inches; W: 2.55 inches, Latitude: 40° 33' 33"; Longitude: 79° 46' 3"). The applicant proposes to operate an existing 25' by 25' excavator pad and to perform maintenance dredging in an area approximately 220' long by 35' wide and to a depth of approximately 10' below the normal pool elevation, along the east bank of the Allegheny River (WWF), for the purpose of maintaining a barge loading facility. The project is located between 5th and 6th Streets in the City of New Kensington.

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

E03-442, Redbank Valley Municipal Authority, 243 Broad Street, New Bethlehem, PA 16242. Sanitary Sewer Project, Grant Street Pump Station in Floodplain of Redbank Creek, in South Bethlehem Borough,

Armstrong County, ACOE Pittsburgh District (New Bethlehem, PA Quadrangle N: 41° 00' 06"; W: 79° 20' 16").

To construct and maintain a sanitary sewage pump station and associated grading and fill within the left 100-year flood plain and floodway of Redbank Creek approximately 1,500 feet downstream of the SR 839 bridge in South Bethlehem Borough, Armstrong County. This activity is part of the Redbank Valley Municipal Authority's sanitary sewer project involving sanitary sewer collection and treatment system in Porter Township and New Bethlehem Borough, Clarion County and South Bethlehem Borough, Armstrong County. Separate GP-5 applications for stream crossings by sanitary sewer lines and a NPDES Stormwater Permit from Construction Activities (Application No. PAG20616007002) are also being reviewed as part of this project.

E10-419A, Cranberry Township, 2525 Rochester Road, Suite 400, Cranberry Township, PA 16066. Graham Park, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden, PA Quadrangle N: 40° 42' 34"; W: 80° 07' 52").

The Department of Environmental Protection issued Permit E10-419 to conduct activities associated with the construction of Graham Park, a municipal recreational, athletic facility on a 112-acre site, north of Rochester Road and east of Powell Road. Permit E10-419 authorized fill of 0.665 acre of wetland, a 37 foot long crossing of Brush Creek, five stream enclosures/crossings of tributaries to Brush Creek totaling 810 linear feet, and fill and grading in the floodplain of Brush Creek.

The proposed amendment requests the following additional impacts or modifications to the project:

1. The elimination of an additional 0.45 acre of PEM/PSS wetlands for the construction of an access road at the southeastern end of the property to connect the park to a proposed road in the BelleVue residential development.
2. To modify grading within the 100-year floodplain of Brush Creek for construction of the new access road embankment, football campus and baseball campus.
3. To construct and maintain an additional 90-foot long, 36-inch diameter HDPE pipe culvert in a tributary to Brush Creek (Tributary 1) for the access road.
4. The elimination of 0.01 acre of wetlands for the construction of a pedestrian and bicycle trail extension at the southeastern end of the property to provide pedestrian and bicycle access to the park from the BelleVue development.
5. Construct and maintain a total of six additional utility line crossings of tributaries to Brush Creek and various wetlands.
6. Reduction of fill in the floodplain of Brush Creek associated with reduction of the size of the wet pond approved in Permit E10-419.

This project proposes the following additional measures and/or activities as onsite mitigation for the project impacts:

1. Construction of an additional 0.46-acre replacement wetland adjacent to an existing wetland (Wetland 7).

E10-444, Butler County Parks & Recreation, P. O. Box 1208, Butler, PA, 16003-1208. Alameda Park Stream Restoration, in City of Butler, **Butler County**, ACOE Pittsburgh District (Mount Chestnut, PA Quadrangle N: 40° 52' 43"; W: 79° 55' 39").

To conduct the following activities associated with the Alameda Park Stream Restoration project along a total reach of approximately 1,380 feet of Sullivan Run in Alameda Park:

1. Realign approximately 440 feet of the channel of Sullivan Run.
2. Install rock riprap bank protection for a total of 150 feet of Sullivan Run and a tributary to Sullivan Run.
3. Excavation and stabilization along two areas of the floodway of Sullivan Run for a total of 580 feet to establish riparian floodplain.
4. Install log vane structures at various locations in Sullivan Run.

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>
PAS702203	Eastern Industries, Inc. 4401 Camp Meeting Road Center Valley, PA 18034	East Allen Township Northampton County	Monocacy Creek 2C	Y
PA0062103 (Sewage)	Spring Brook Township Sewer Authority P. O. Box 1100 Moscow, PA 18444	Roaring Brook Township Lackawanna County	Green Run 5A	Y
PA0062197 (Minor IW Renewal)	Schuylkill County Municipal Authority Mt. Laurel WTP 221 South Centre Street Pottsville, PA 17901	Schuylkill County New Castle Township	Mud Run 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084522 (IW)	Allentown Refrigerated Terminal, Inc. 125 Seneca Trail Boyertown, PA 19512	Berks County Colebrookdale Township	UNT Ironstone Creek 3-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0113778 (Nonmunicipal)	ARCPA Properties, LLC Pleasant View Estates Mobile Home Park 7887 East Belleview Avenue Suite 200 Englewood, CO 80111	Columbia County South Centre Township	UNT 28077 to the Susquehanna River 9C	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>
PA0205991 Industrial Waste	Moon Township Municipal Authority 1000 Beaver Grade Road Coraopolis, PA 15108	Moon Township Allegheny County	Ohio River	Y
PA0094226 Industrial Waste	Wilkesburg-Penn Joint Water Authority 2200 Robinson Boulevard Wilkesburg, PA 15221-1193	Penn Hills Township Allegheny County	Allegheny River	Y
PA0095265 Industrial Waste	Indiana County Municipal Services Authority	Pine Township Indiana County	Yellow Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239054	Robert F. Deinert 604 Elmwood Avenue Grove City, PA 16127	Wayne Township Crawford County	Lake Creek 16-D	Y
PA0210404	Melvin J. Wachob 4916 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	UNT to the East Branch Clarion River 17-A	Y
PA0210501	Earl G. Willey 3974 Longview Road West Middlesex, PA 16159	Shenango Township Mercer County	Hog Run 20-A	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. PA0031348, Sewage, **Timothy O'Neil, Moselem Development Company**, 684 Eagle Road, Fleetwood, PA 19522-9279. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Termination of Permit.

NPDES Permit No. PA0027022, Sewage, **Altoona City Authority (Westerly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Beaverdam Branch in Watershed 11-A.

NPDES Permit No. PA0027014, Sewage, **Altoona City Authority (Easterly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Authorization to discharge to Little Juniata River in Watershed 11-A.

NPDES Permit No. PA0026263, Sewage, **York City Sewer Authority, c/o Stacey R. MacNeal, Katherman, Heim & Perry**, 345 East Market Street, York, PA 17403. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Codorus Creek in Watershed 7-H.

NPDES Permit No. PA0027189, Sewage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-E.

NPDES Permit No. PA0026280, Sewage, **Borough of Lewistown**, Two East Third Street, Lewistown, PA 17044-1799. This proposed facility is located in Lewistown Borough, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Juniata River in Watershed 12-A.

NPDES Permit No. PA0038415, Sewage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0026441, Sewage, **Lemoyne Borough Municipal Authority**, 3 Lowther Street, Lemoyne, PA 17043. This proposed facility is located in Lemoyne Borough, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-E.

NPDES Permit No. PA0020320, Sewage, **Lititz Sewer Authority**, 50 Lititz Run Road, Lititz, PA 17543-8503. This proposed facility is located in Warwick Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Lititz Run in Watershed 7-J.

NPDES Permit No. PA0260789, CAFO, **Ron Clark, Clark Crest Dairy Farm**, 754 Solanco Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 874-AEU dairy operation in Watershed 7-K.

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

NPDES Permit No. PA0034193, Sewage, **Lakeview Country Club**, P. O. Box 468, North East, PA 16428-0468. This proposed facility is located in North East Township, **Erie County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated industrial waste.

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. WQG012221, Sewerage, **Stephen S. and Janet R. Lovell**, 10371 Old Route 22, Kutztown, PA 19530. This proposed facility is located in Weisenberg Township, **Lehigh County**, PA.

Description of Proposed Action/Activity: This project is to replace a malfunctioning onlot sewage system with a small flow treatment system at a single-family residence.

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

WQM Permit No. 0788401, Amendment 06-1, Sewage, **Mark Perry, Altoona City Authority (Easterly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: This amendment approves the rerating of sewerage facilities consisting of: A rerating to increase the Annual Average Hydraulic Capacity to 9 mgd, Maximum Monthly Average Hydraulic Capacity to 11.25 mgd and the Maximum Monthly Average Organic Capacity to 9,832 lbs. BOD₅/day.

WQM Permit No. 0787402, Amendment 05-1, Sewage, **Mark Perry, Altoona City Authority (Westerly WWTP)**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: This amendment approves the rerating of sewerage facilities consisting of: A rerating to increase the Annual Average Hydraulic Capacity to 10.8 mgd, Maximum Monthly Average Hydraulic Capacity to 16.2 mgd, and the Maximum Monthly Average Organic Capacity to 11,000 lbs. BOD₅/day.

WQM Permit No. 6790418, Amendment 07-1, Sewerage, Conewago Township Sewer Authority, 600 Locust Point Road, York, PA 17406. This proposed facility is located in Conewago Township, **York County**.

Description of Proposed Action/Activity: This amendment approves the operation of sewerage facilities consisting of: an organic rerate of the treatment facility.

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

WQM Permit No. 6307402, Sewerage, Lower Ten Mile Joint Sewer Authority, 144 Chartiers Road, Jefferson, PA 15344. This proposed facility is located in East Bethlehem and Jefferson Townships/**Washington County** and Morgan Township/**Greene County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a gravity sewer system, pump station and force main.

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

WQM Permit No. WQG018589, Sewerage, John Mahoney, 1424 West Eighth Street, Apartment 1, Erie, PA 16502. This proposed facility is located in Fairview Township, **Erie County**.

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

WQM Permit No. WQG01018594, Sewerage, Reepu Singh, 34 Tripp Hollow Road, Brooklyn, CT 06234-1624. This proposed facility is located in Columbus Township, **Warren County**.

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

WQM Permit No. 2507406, Sewerage, Washington Township, 11800 Edinboro Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: The proposed work includes modification of the existing headworks, conversion of aeration tanks and a new pump station. The existing discharge line to the outfall will be connected to a new gravity sewer to the Edinboro sewage treatment plant.

WQM Permit No. 3307401, Sewerage, Department of Conservation and Natural Resources, Bureau of Facility Design and Construction, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Barnett Township, **Jefferson County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewerage facilities consisting of: Four pump stations with septic tanks and common recirculating sand filter and ultraviolet light disinfection.

WQM Permit No. 1092202, Industrial Waste, Amendment No. 1, Waste Management Disposal Services of PA, Inc., 1436 West Sunbury Road, West Sunbury, PA 16061. This proposed facility is located in the Clay Borough, **Butler County**.

Description of Proposed Action/Activity: This project modifies its current sludge treatment and handling process to remove excess moisture from the sludge cake, which is then disposed of in the landfill.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907015	Lighthouse Baptist Church of Lehigh Valley 3656 Alma Drive Allentown, PA 18103	Lehigh	Weisenberg Township	Schaefer Run HQ-CWF
PAI024807004	Opus East, LLC 610 Germantown Avenue Suite 400 Plymouth Meeting, PA 19462	Northampton	Lower Nazareth and Bethlehem Townships	Monocacy Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

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

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Susquehanna Township Dauphin County	PAG2002203018R	Christopher Fencel Cedar Clock Tower, LLC 3307 Trindle Road Camp Hill, PA 17011	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002207058	Hemant Patel 631 Eisenhower Boulevard Harrisburg, PA 17111	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Tyrone Township Adams County	PAG2000107032	Ira Reed Hillandale Gettysburg, LLP 370 Spicer Road Gettysburg, PA 17325	Conewago Creek TSF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamiltonban Township Adams County	PAG2000103005R	Howie Kessel Fairfield Area School District 4840 Fairfield Road Fairfield, PA 17320	UNT to Toms Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
New Oxford Borough Adams County	PAG2000107039	Grace E. Marrero TimBar Corporation 148 North Penn Street Hanover, PA 17331	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Hamilton Township Adams County	PAG2000105001	Evan Batts 3345 Carlisle Pike New Oxford, PA 17350	Pine Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636

<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>
Germany Township Adams County	PAG2000107035	Mike Murphy Kingsdale Volunteer Fire Department 1789 Frederick Pike Littlestown, PA 17340	Piney Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAG2000107019	Steve Bisbee S & A Homes, Inc. 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Latimore Township Adams County	PAG2000107023	Randy Ruby Wolfe Industrial Auction, Inc. 9801 Hansonville Road Frederick, MD 21702	UNT to Latimore Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
German Township Adams County	PAG2000107037	William and Yvonne Stevens 130 Lion Archer Drive Littlestown, PA 17340	Pine Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Conewago Township Adams County	PAG2000107036	Lewis J. and Nadine M. Klunk Southeastern Adams Volunteer Emergency Services 238 Main Street McSherrystown, PA 17344	Plum Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Cumberland Township Adams County	PAG2000107021	Steve Bisbee S & A Homes, Inc. 2121 Old Gatesburg Road State College, PA 16803	UNT to Marsh Creek CWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Oxford Township Adams County	PAG2000107025	George Zimmerman 100 Highlands Drive Suite 306 Lititz, PA 17543	South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Lower Allen Township	PAG2002103004R	Yetter Court, LLC 101 East Erie Suite 800 Chicago, IL 60611	Cedar Run CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Conewago Township York County	PAG2006707072	4185 Lewisberry Road J. J. One, LP 2780 York Haven Road York, PA 17408	Oak Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
City of York York County	PAG2006707077	Rutter's Farm Store No. 25A M & G Realty, Inc. 2295 Susquehanna Trail York, PA 17404	Willis Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

<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>
Penn Township York County	PAG2006707080	SKF USA, INC. 20 Industrial Drive Hanover, PA 17331	Gitts Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG2006707079	Victory Free Will Baptist Church 25 Breezewood Drive Hanover, PA 17331	Oil Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG2006707078	HMDT Associates, LP 175 4th Street Dallastown, PA 17313	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006707075	WellSpan Health Administrative Services Building Expansion 1001 South George Street York, PA 17403	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Carroll Township York County	PAG2006708005	Chestnut Park 555 Chestnut Grove Road Dillsburg, PA 17019	Stoney Run CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Lower Windsor Township York County	PAG2006707085	Expansion to Stewart Welding 1033 Water Street Wrightsville, PA 17368	Canadochly Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Newberry Township York County	PAG2006707097	Susquehanna Ridings 220 Yocumtown Road Etters, PA 17319	Susquehanna River WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Shrewsbury Township York County	PAR10Y636R	McClain Tract R. D. 1 Box 131AA Seven Valley's, PA 17360	Deer Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Borough York County	PAG2006707092	Meadow Brook Townhomes 371—373 West Market Street York, PA 17402	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township Lancaster County	PAG2003607073	Manheim Brethren In Christ Church 54 North Penryn Road Manheim, PA 17545	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Earl Township Lancaster County	PAG2003607076	Lee Day Soco Enterprises, Co. 1330 Charlestown Road Phoenixville, PA 19460	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster PA 17601 (717) 299-5361 Ext. 5

<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>
Upper Leacock Township Lancaster County	PAG2003607078	Jacob A. Petersheim 55 Glennbrook Road Leola, PA 17540	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-536 Ext. 5
Penn Township Lancaster County	PAG2003607079	Forino Company 555 Mountain Home Road Sinking Spring, PA 19608	Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Providence Township Lancaster County	PAG2003607089	B & E Property Management, Ltd. 581 Camargo Road Quarryville, PA 17566	Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003608002	Highland Presbyterian Church 1801 Oregon Pike Lancaster, PA 17601	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361 Ext. 5
Cumru Township Berks County	PAG2000607074	Doug Smith Alvernia College 400 St. Bernadine Street Reading, PA 19607	Angelica Creek—Schuylkill River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Fleetwood Borough Berks County	PAG2000607071	Thomas J. Golinsky Fleetwood Area School District 407 North Richmond Street Fleetwood, PA 19522	UNT to Willow Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Caernarvon Township Berks County	PAR10C355R	Steven Wolfson Wolfson Verrichia Group, Inc. 120 West Germantown Pike Suite 200 Plymouth Meeting, PA 19462	UNT to Conestoga Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Greenwood Township Perry County	PAG2035007013	Daniel Derr 5785 Fort Robinson Road Ickesburg, PA 17037	Cocolamus Creek TSF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Clearfield County Boggs Township	PAG2001707001	Boggs Township P. O. Box 69 West Decatur, PA 16878	Emigh Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

<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>
Clearfield County Clearfield Borough	PAG20017070131	Bionol Clearfield, LLC 99 Longwater Circle Suite 201 Norwell, MA 02061	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Montour County Liberty Township	PAG2004708001	William Dittmar 57 Reitz Boulevard Suite 100 Lewisburg, PA 17837	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Westmoreland County Manor Borough	PAG2006503022-R	TBI Development Corp. 10925 Kelso Drive North Huntingdon, PA 15642	UNT to Bush Run TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Donegal Township	PAG2006507022	John Toohey L & T Enterprises, LLC 749 North Church Street Mt. Pleasant, PA 15666	Fourmile Run TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Scottdale Borough	PAG2006507034	Paul Rokosz Duraloy Technologies 12 Bridge Street Scottdale, PA 15683	Jacobs Creek WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Sewickley Borough	PAG2006507036	Municipal Sewage Authority of the Township of Sewickley P. O. Box 46 Herminie, PA 15647	Little Sewickley Creek WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Upper Burrell Township	PAG2006507041	Jeff Ferris Kacin General Contractors 3874 Old William Penn Highway Murrysville, PA 15668	Tributary to Pucketa Creek TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Hempfield and East Huntingdon Townships	PAG2006507049	Van Evans—Vale Vista Assoc. 15 Arentzen Boulevard Charleroi, PA 15022	Belson Run WWF	Westmoreland County CD (724) 837-5271
Westmoreland County Unity Township	PAG2006507050	George Heskey—Modal, Inc. P. O. Box 228 757 Lloyd Avenue Latrobe, PA 15650	UNT to Ninemile Run WWF	Westmoreland County CD (724) 837-5271

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>
York County Mt. Wolf Borough	PAR143523	Georgia-Pacific Corrugated, II, LLC 25 Walnut Street P. O. Box 906 Mt. Wolf, PA 17347-1906	Hartman Run WWF 7-H	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Berwick Township	PAR803707	Rolling Frito-Lay Sales, LP—Hanover Bin 408 Inverhaddon Trail Bel Air, MD 21014	UNT of Pine Run WWF 7-F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mahoning Township Montour County	PAR804864	Leighow Oil Company, Inc. 118 Eyer Road Danville, PA 17821	UNT to Mahoning Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Everson Borough Fayette County	PAR126107	Mars Petcare US, Incorporated 315 Cool Springs Galleria Boulevard Franklin, TN 37067	UNT to Jacobs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Erie City Erie County	PAR808377	FedEx Freight East, Inc. 2200 Forward Drive DC 2270 Harrison, AR 72602	City of Erie Stormwater Sewers to Motch Run, Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
<i>General Permit Type—PAG-4</i>				
<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>
Weisenberg Township Lehigh County	PAG042221	Stephen S. Lovell Janet R. Lovell 10371 Old Route 22 Kutztown, PA 19530	Mill Creek TSF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511
Frazer Township Allegheny County	PAG046133	Dennis W. Olszewski 113 Osbaldeston Road London N16 6NP United Kingdom	Bull Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Washington Township Erie County	PAG048814	Barry K. and Connie L. Henderson 4690 Neyland Road Edinboro, PA 16412-1186	UNT to Conneauttee Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Summerhill Township Crawford County	PAG048899	Joshua First 20085 State Highway 18 Conneautville, PA 16406	UNT to Conneaut Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Fairview Township Erie County	PAG049391	John Mahoney 1424 West Eighth Street Apt. 1 Erie, PA 16502	UNT to Goodban Run 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG049397	Reepu Singh 34 Tripp Hollow Road Brooklyn, CT 06234-1624	UNT to Pine Valley Creek 16-B	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>
Liberty Township Mercer County	PAG048837	Lora T. and Robert W. Kerry 1125 Slippery Rock Road Grove City, PA 16127	UNT to Swamp Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Pine Grove Township Warren County	PAG048519	Shirley L. Gertsch P. O. Box 291 26 West Main Street Ludlow, PA 16333	UNT to Conewango Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Knox Township Clarion County	PAG048487	Linda S. Gatesman 947 Sunset Drive Lucinda, PA 16235	UNT to Step Creek 17-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Shenango Township Crawford County	PAG049404	David Buchanan 408 West State Road Jamestown, PA 16134	UNT to Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-10

*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>
Bedford County Monroe Township	PAG103533	Steckman Ridge, LP (Steckman Ridge Natural Gas Storage Facility) 5400 Westheimer Court Houston, TX 77056	Shaffer Creek 11-C WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 0607515 MA, Minor Amendment, Public Water Supply.

Applicant	Shoemakers Borough
Municipality	Shoemakersville Borough
County	Berks
Type of Facility	This permit approves the use of caustic soda in place of soda ash for pH adjustment. And the switch from chlorine gas to sodium hypochlorite for disinfection.
Consulting Engineer	Michael J. Peleschak, P. E. Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901
Permit to Construct Issued	December 21, 2007

Permit No. 2907502 MA, Minor Amendment, Public Water Supply.

Applicant **McConelssburg Borough Municipal Authority**
 Municipality Todd Township
 County **Fulton**
 Type of Facility Permit approves installation of a raw water transmission main from the future Stenger Well source to the site of the future treatment facilities.
 Consulting Engineer David E. Marks, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100
 Permit to Construct Issued December 21, 2007

Permit No. 2107509 MA, Minor Amendment, Public Water Supply.

Applicant **North Middleton Authority**
 Municipality North Middleton and Middlesex Townships
 County **Cumberland**
 Type of Facility Commons at Parker Springs and Keystone Arms Interconnections.
 Consulting Engineer Peter Lusardi, P. E.
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112
 Permit to Construct Issued December 27, 2007

Permit No. 5007502, Public Water Supply.

Applicant **Hillside Manor Apartments**
 Municipality Oliver Township
 County **Perry**
 Type of Facility Arsenic Reduction
 Consulting Engineer Stephen R. Morse, P. E.
 Skelly and Loy, Inc.
 2601 North Front Street
 Harrisburg, PA 17110-1185
 Permit to Construct Issued January 29, 2008

Permit No. 0607510, Public Water Supply.

Applicant **Proto-Cast, LLC**
 Municipality Douglass Township
 County **Berks**
 Type of Facility This application is for the addition of an arsenic treatment system to the existing water system located within the Proto-Cast facility in Douglassville, PA.
 Consulting Engineer Karen Pollock, P. E.
 System Designs Engineering
 850 Park Road
 Wyomissing, PA 19610
 Permit to Construct Issued January 4, 2008

Permit No. 2207511, Public Water Supply.

Applicant **Upper Dauphin Area School District**
 Municipality Washington Township
 County **Dauphin**
 Type of Facility Addition of zinc orthophosphate as lead and copper treatment.
 Consulting Engineer Thomas W. Schreffler, P. E.
 Light-Heigel & Associates, Inc.
 430 East Main Street
 Palmyra, PA 17078
 Permit to Construct Issued January 8, 2008

Permit No. 5007505 MA, Public Water Supply.

Applicant **Bloomfield Borough Water Authority**
 Municipality Bloomfield Borough
 County **Perry**
 Type of Facility New .300 mgd Storage Tank.
 Consulting Engineer Harry E. Bingaman, P. E.
 Glace Assoc., Inc.
 3705 Trindle Road
 Camp Hill, PA 17011
 Permit to Construct Issued December 21, 2007

Permit No. 3607514, Public Water Supply.

Applicant **Borough of Lititz**
 Municipality Lititz Borough
 County **Lancaster**
 Type of Facility Construction of a new Kissel Hill booster pump station adjacent to the existing station.
 Consulting Engineer Michael J. Daschbach, P. E.
 Entech Engineering, Inc.
 4 South Fourth Street
 Reading, PA 19603
 Permit to Construct Issued February 4, 2008

Operations Permit issued to Getty Petroleum Marketing Inc., 7360910, Leacock Township, Lancaster County on February 4, 2008 for the operation of facilities approved under Construction Permit No. 3606519.

Operations Permit issued to Wissahickon Spring Water, 3066305, Hamburg Borough, Berks County on January 8, 2008 for the operation of facilities approved under Construction Permit No. 0607520.

Operations Permit issued to Borough of Blain, 7500018, Blain Borough, Perry County on January 28, 2008 for the operation of facilities approved under Construction Permit No. 5005502.

Operations Permit issued to Superior Water Company, Inc., 3060137, Washington Township, Berks County on December 20, 2007 for the operation of facilities approved under Construction Permit No. 0605509.

Operations Permit issued to Oregon Dairy, Inc., 7361076, Manheim Borough, Lancaster County on December 21, 2007 for the operation of facilities approved under Construction Permit No. 3606512.

Operations Permit issued to **Latte Luv Espresso**, 7360725, Paradise Township, **Lancaster County** on December 26, 2007 for the operation of facilities approved under Construction Permit No. 3606513.

Operations Permit issued to **Pennsylvania American Water**, 3060088, Exeter Township, **Berks County** on January 3, 2008 for the operation of facilities approved under Construction Permit No. 0607507.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Susquehanna Township, **Dauphin County** on February 4, 2008 for the operation of facilities approved under Construction Permit No. 2207505 MA.

Operations Permit issued to **Middle Spring Presbyterian Church**, 7280953, Southampton Township, **Cumberland County** on December 21, 2007 for the operation of facilities approved under Construction Permit No. 2107507.

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

Permit No. 0807501—Operation, Public Water Supply.

Applicant	Sherwood Retirement & Personal Care Home
Township or Borough	Canton Township
County	Bradford
Responsible Official	Jim Sherwood Sherwood Retirement & Personal Care Home R. R. 1 Box 35A Canton, PA 17724
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Thomas O'Conner Hawk Engineering, PC One Progress Plaza Suite 12 Towanda, PA 18848
Permit Issued Date	January 30, 2008
Description of Action	Operation of Well No. 1 and the two new finished water storage tanks.

Permit No. 1989503-T1—Transfer, Public Water Supply.

Applicant	Brookside Mobile Home Park
Township or Borough	North Centre Township
County	Columbia
Responsible Official	Dimitris Rentzios VP Asset Administration ARC 1, Mark Lane Honeybrook, PA 19344
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	January 30, 2008
Description of Action	Transfer of permit from ARC DAM Brookside, LLC to ARC PA Properties, LLC

Permit No. 1989501-T1—Transfer, Public Water Supply.

Applicant	Pleasant View Mobile Home Park
Township or Borough	South Centre Township
County	Columbia
Responsible Official	Dimitris Rentzios VP Asset Administration ARC 1, Mark Lane Honeybrook, PA 19344
Type of Facility	Public Water Supply—Transfer
Consulting Engineer	N/A
Permit Issued Date	January 30, 2008
Description of Action	Transfer of permit from ARC III, LLC to ARC PA Properties, LLC.

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

Operations Permit issued to **Greater Pittsburgh Council, Boy Scouts of America**, Flag Plaza, 1275 Bedford Avenue, Pittsburgh, PA 15219, (PWSID No. 5260829) Wharton Township, **Fayette County** on January 29, 2008 for the operation of facilities approved under Permit Transfer No. 2687501-T1.

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

Permit No. 2507502, Public Water Supply.

Applicant	Borough of Wattsburg
Borough or Township	Wattsburg Borough
County	Erie County
Type of Facility	Public Water Supply
Consulting Engineer	Steven R. Halmi, P. E. Project Engineer Deiss & Halmi Engineering 105 Meadville Street Edinboro, PA 16412
Permit to Construct Issued	January 24, 2008

Permit No. 3784502-T1-MA3, Public Water Supply.

Applicant	Pennsylvania American Water Company
Borough or Township	Ellwood City/Wayne Township
County	Lawrence County
Type of Facility	Public Water Supply
Consulting Engineer	Scott M. Thomas, P. E. Senior Operations Engineer PA American Water Company 852 Wesley Drive Mechanicsburg, PA 17055-4475
Permit to Construct Issued	January 25, 2008

Permit No. 2007505, Public Water Supply.

Applicant	Ames Mobile Home Park
Borough or Township	Oil Creek Township
County	Crawford County
Type of Facility	Public Water Supply

Consulting Engineer Steven R. Halmi, P. E.
Deiss & Halmi Engineering
105 Meadville Street
Edinboro, PA 16412

Permit to Construct February 1, 2008
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Maxatawny Township	127 Quarry Road Kutztown, PA 19530	Berks County

Plan Description: The approved plan provides for the relocation of the proposed sewage treatment plant from Noble Street to Krumsville Road, Maxatawny Township, Berks County. The sewage treatment plant is proposed to treat 140,000 gpd as approved by previous 537 plans. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Providence Township	200 Mt. Airy Road New Providence, PA 17560	Lancaster County

Plan Description: The approved plan provides for a proposed small flow sewage treatment facility to serve a single-family dwelling generating 500 gpd in sewage flows on an existing 13 acre lot owned by Thomas Wolf found to have unsuitable soils for onlot disposal. The sewage treatment plant will discharge to Huber Run. The Department of Environmental Protection (Department) code number is A3-36946-290-3s and the APS number is 634673. 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 or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bedford Borough	244 West Penn Street Bedford, PA 15522	Bedford

Plan Description: The approved plan provides for the installation of Sequencing Batch Reactors and other modifications at the Authority's wastewater treatment facility to address the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. A capacity expansion of the wastewater treatment facility is not necessary and annual average design flow will remain at 1.5 mgd. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting

from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	800 39th Street Altoona, PA 16602	Blair

Plan Description: The approved plan provides for a four-phase approach to address excessive wet weather flows in the Lakemont Sewer District as identified by ongoing flow metering. Phase 1 includes work associated with the realignment of Park Avenue by the Department of Transportation. Additional phases will be undertaken as necessary to establish and maintain compliance with the Peak Flow Agreement that Logan Township has entered into with Hollidaysburg Borough and others. 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.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location:

on the north and south sides of Lynwood Drive 600 feet east of its intersection with Oak Ridge Drive

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Codorus Township	1986 Stoverstown Road Spring Grove, PA 17362	Adams County

Plan Description: The development proposed a 24 lot single-family residential subdivision on 20.3 acres that would utilize public water and onlot sewage disposal. The name of the project is Lynwood Phase II-C and the code number is B3-67946-264-2. The plan was disapproved because it failed to adequately mitigate contamination from the proposed onlot systems to the groundwater.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	1220 Boiling Springs Road Mechanicsburg, PA 17055	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of Monroe Township, Cumberland County. The proposed T. J. Rockwell's Restaurant Development consists of the use of an interim holding tank with future hookup to municipal sewer for an expanded/renovated restaurant. The plan was disapproved because the Department of Environmental Protection failed to receive the information requested in its letter of November 15, 2006, within the specified time period.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Monroe Township	1220 Boiling Springs Road Mechanicsburg, PA 17055	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of Monroe Township, Cumberland County. The proposed Meadows of Ashcombe Phase 1 Subdivision consists of the subdivision of 100 residential lots to be served by municipal sewer. The plan was disapproved because the Department of Environmental Protection failed to receive the information requested in its letter of October 5, 2006, within the specified time period.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
North Middleton Township	2501 Spring Road Carlisle, PA 17013	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plan of North Middleton Township, Cumberland County. The proposed A. C. Kuhn Subdivision of Kendor Summit Lots 3/4, 15/16 and 10 consists of the residential development of three existing lots to be served by individual small flow sewage treatment systems with a common discharge line to the Conodoguinet Creek. The plan was disapproved because the Department of Environmental Protection failed to receive the information requested in its letter of May 17, 2007, within the specified time period.

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 analy-

sis. 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:

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

Frieden Manor Mobile Home Park, Wayne Township, **Schuylkill County**. Richard P. Cerbone, P. G., Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinville, NJ 08691 has submitted a Final Report (on behalf of his client, Affordable Residential Communities, 1 Mark Lane, Honeybrook, PA 19344), concerning the remediation of soils and groundwater found to have been impacted by No. 2 home heating oil as a result of the removal of numerous underground storage tanks. The report was submitted to document attainment of the Statewide Health Standard. A Notice of Intent to Remediate was simultaneously submitted.

David Peters Residence, City of Bethlehem, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 has submitted a Final Report (on behalf of his client, David Peters, 6894 Pine Top Trail, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as the result of a leaking underground storage tank. The report was submitted in order to document attainment of the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential. A Notice of Intent to Remediate was simultaneously submitted.

Former Exxon Allentown Terminal, Hanover Township, **Lehigh County**. Timothy Uhler, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 has submitted a Final Report (on behalf of his client, ExxonMobil Corporation, 1545 Route 22 East, Annandale, NJ 08801), concerning soil and groundwater contamination related to an inadvertent rupture of an underground gasoline pipeline during utility removal activities. The report was submitted in order to document attainment of the Residential Statewide Health and Site-Specific Standards. The future use of the property will remain nonresidential. A public notice regarding the submittal of the Final Report was published in *The Morning Call* on December 5, 2007.

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

Glen-Gery Corporation, Lower Heidelberg Site, Lower Heidelberg Township, **Berks County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Glen-Gery Corporation, Mid-Atlantic Plant, 423 South Pottsville Pike, Shoemakersville, PA 19555, submitted a Final Report concerning remediation of site soils contaminated with arsenic and lead from a dump. The report is

intended to document remediation of the site to the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

The Department has received the following plans and reports:

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

Former Scott Truck Stop, Sterling Township, Wayne County. William Kramer, Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691, has submitted a combined Remedial Investigation Report and Cleanup Plan Addendum (on behalf of his client, Atlantic Richfield Company, 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204), concerning the characterization and remediation of soils and groundwater found to have been impacted by petroleum compounds as the result of historic releases at the property. The report was submitted in partial fulfillment of the Site-Specific Standard and was approved on January 29, 2008.

Dougherty Property, Penn Forest Township, Carbon County. Cathryn R. Stewart, P. G., AquAeTer, Inc., 7340 East Caley Avenue, Suite 200, Centennial, CO 80111 and Michael R. Corn, P. E., AquAeTer, Inc., 215 Jamestown Park, Suite 100, Brentwood, TN 37027 have submitted a Final Report and an addendum (on behalf of their clients, Miguel and Evelyn Castillo, R. R. 1, Box 256A, Effort, PA 18330), concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result of an accidental release from a former aboveground storage tank. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on January 31, 2008.

Harris Residence, Lackawaxen Township, Pike County. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, Jane Harris, P. O. Box 115, 119 Kimbles Road, Hawley, PA 18428), concerning the remediation of soils and groundwater found to have been impacted by No. 2 fuel oil as a result of a leaking aboveground storage tank. The report demonstrated attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on February 4, 2008.

Cooper Cameron Facility, City of Corry, Erie County. MACTEC Engineering and Consulting, Inc., 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Corry Industrial Benefit Association, 1524 Enterprise Road, Corry, PA 16407 has submitted a Final Report concerning the remediation of site groundwater contaminated with tetrachloroethylene, trichloroethylene and vinyl chloride. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 31, 2008.

Former Fenestra Corporation, Millcreek Township, Erie County. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of the Marmon Group, Inc., 225 West Washington Street, Chicago, IL 60606-3418 has submitted a Final Report concerning the remediation of site groundwater contaminated with trichloroethene. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on January 29, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Modified 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. 101477. BFI Transfer System of Pennsylvania, LLC, 2209 South 58th Street, Philadelphia PA 19143, City of Philadelphia, **Philadelphia County**. The permit was modified to allow for the outbound transfer of C & D waste by truck to augment the currently approved shipment of C & D by rail. The permit was issued by Southeast Regional Office on February 4, 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.

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

GP3-32-00390: Ridge Limestone, Inc. (1094 Lantz Road, Avonmore, PA 15618-1412) on January 31, 2008, to install and operate one 300 bhp Detroit Diesel IC Engine Model No. 12V71, one 300 bhp Caterpillar IC Engine Model No. 3306 and one 174 bhp Iveco IC Engine Model No. 8061.25 at the Sewickley Mine in Young Township, **Indiana County**.

GP9-32-00390: Ridge Limestone, Inc. (1094 Lantz Road, Avonmore, PA 15618-1412) on January 31, 2008, to install and operate one Universal Jaw Crusher Serial No. 11571, one Tesab Rotary Crusher Model No. RK 1012, one Portec Screen Model No. 620E-3, three 60 ft. long Radial Stackers and three 40 ft. long Conveyors at the Sewickley Mine in Young Township, **Indiana County**.

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

GP-33-171A: Punxsutawney Area School District—Punxsutawney High School (450 North Findley Street, Punxsutawney, PA 15707) on January 31, 2008, for two boilers BAQ-GPA/GP-1 in Punxsutawney Borough, **Jefferson County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

09-0010D: Riverside Construction Materials, Inc. (355 Newbold Road, Fairless Hills, PA 19030) on February 1, 2008, to operate a storage dome (dome No. 2) in Bristol Township, **Bucks County**.

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

42-011B: International Waxes, Inc. (45 Route 446, Smethport, PA 16749) on January 31, 2008, to construct a new boiler (99.8 mmBtu/hr) to replace existing boiler No. 4 in Keating Township, **McKean County**. This source is subject to 40 CFR 60 Subpart Dc and 40 CFR 63 Subpart DDDDD. This is a Title V facility.

61-204D: Franklin Bronze & Alloy Company, Inc. (655 Grant Street, Franklin, PA 16323) on January 29,

2008, to upgrade the dust collection system which includes installation of a new dust collector to control fumes from various sources in the investment casting process and to upgrade a dewax furnace that is currently out of service for a backup to an existing dewax furnace in their facility in the City of Franklin, **Venango 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.

15-0004F: Alcoa Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) on January 29, 2008, to operate a replacement unwind stand in Downingtown Borough, **Chester County**.

46-0005AA: Merck & County, Inc. (Sumneystown Pike, P. O. Box WP20, West Point, PA 19486) on January 29, 2008, to operate a disinfectant operations in Upper Gwynedd Township, **Montgomery County**.

15-0004E: Alcoa Packaging, LLC (520 Lincoln Avenue, Downingtown, PA 19335) on January 29, 2008, to operate a rotogravure press No. 9 in Downingtown Borough, **Chester County**.

09-0102A: Clean Earth of Southeast Pennsylvania, Inc. (7 Steel Road East, Morrisville, PA 19067) on January 29, 2008, to operate a diesel driven screen in Falls Township, **Bucks County**.

09-0117B: Heucotech, LTD (99 Newbold Road, Fairless Hills, PA, 19030-4932) on January 29, 2008, to operate two dust collectors and venture scrubber in Falls Township, **Bucks County**.

46-313-146: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on January 29, 2008, to operate a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

46-0024D: McNeil Consumer & Specialty Pharmaceuticals (7050 Camp Hill Road, Fort Washington, PA 19034) on January 29, 2008, to operate a 25 mmBtu/hr boiler in Whitmarsh Township, **Montgomery County**.

15-0027I: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) on January 31, 2008, to operate new diesel catalyst production lines in Tredyffrin Township, **Chester County**.

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

67-05108: AN-COR Industrial Plastics, Inc. (100 Melody Lane, North Tonawanda, NY 14120) on January 30, 2008, to construct a plastic chimney liner manufacturing operation at the Brunner Island Steam Electric Station in East Manchester Township, **York County**. This plan approval was extended.

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

14-00014C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on February 1, 2008, to extend the authorization to construct a railcar aggregate unloading operation, an oil/liquid asphalt storage operation, a dust storage silo and a pugmill to May 31,

2008, and to extend the authorization to operate a portable aggregate crushing and screening plant and associated 400 horsepower diesel engine, portable aggregate screening plant and associated 101 horsepower diesel engine and asphalt plant aggregate bins, conveyors and screen on a temporary basis to May 31, 2008, in Spring Township, **Centre County**. The plan approval has been extended.

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

11-00516A: Fiberblade, LLC—Gamesa (400 Gamesa Drive, Fairless Hills, PA 19030) on February 5, 2008, to modify new raw material use, installation of the new super root equipment (2 electric ovens), along with new emission restrictions for NO_x, VOCs and HAPs in Cambria Township, **Cambria County**. The facility will become a synthetic source.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

36-05046: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue SE, P. O. Box 1273, Charleston, WV 25314-1518) on January 23, 2008, for natural gas transmission and storage facilities in East Donegal Township, **Lancaster County**. This is a renewal of the Title V operating permit.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

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

23-00052: Crozer Chester Medical Center (One Medical Center Boulevard, Upland, PA 19013-3995) on February 1, 2008, for operation of a hospital in Upland Borough, **Delaware County**. The permit is for a non-Title V (State-only) facility. The hospital has the potential to emit 24.95 tpy of NO_x. A new source has been added as Source 109 (750 kW diesel-fired emergency generator) of the operating permit. The aggregate NO_x limit (permits 23-00052 and 23-00007) has been rewritten because the Department of Environmental Protection has revoked permit number 23-00007. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00053: The Chester County Hospital (701 East Marshall Street, West Chester, PA 19320) on February 1, 2008, for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in West Chester Borough, **Chester County**. The Chester County Hospital operates and maintains two boilers and three emergency generators. The facility has a potential to emit 11.4 tons of NO_x per year, 32.7 tons of SO₂ per year, 2.53 tons of PM per year and 0.232 tons of VOCs per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

23-00029: Upper Darby High School (601 North Lansdowne Avenue, Drexel Hill, PA 19026) on February 1,

2008, for a renewal of a State-only, Natural Minor Operating Permit in Upper Darby Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The school's main sources include: three fuel oil and natural gas fired boilers, two natural gas fired chillers, one fuel oil fired emergency generator, and three natural gas fired emergency generators. The permit will include monitoring, recordkeeping and reporting requirements to address all applicable air quality requirements.

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

64-00007: Hanson Aggregates PA, Inc. (1900 Sullivan Trail, Easton, PA 18040) on January 30, 2008, to re-issue a State-only (Natural Minor) Operating Permit to operate a rock crushing operation and associated air cleaning devices, including the requirements of operating permit 64-310-010 for a portable crusher, at their facility in Lake Township, **Wayne County**.

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

01-05031: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Germantown Substation in Mount Joy Township, **Adams County**. This is a renewal of the State-only operating permit.

67-05086: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Hill Substation in Shrewsbury Township, **York County**. This is a renewal of the State-only operating permit.

67-05087: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Pleasureville Substation in Springettsbury Township, **York County**. This is a renewal of the State-only operating permit.

67-05088: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Roundtop Substation in Warrington Township, **York County**. This is a renewal of the State-only operating permit.

67-05089: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Westgate Substation in York City, **York County**. This is a renewal of the State-only operating permit.

67-05090: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Yoe Substation in Windsor Township, **York County**. This is a renewal of the State-only operating permit.

67-05109: Metropolitan Edison County (P. O. Box 16001, Reading, PA 19612-6001) on January 29, 2008, to operate their Queen Street Substation in York Township, **York County**.

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

08-00020: Calvin C. Cole, Inc. (27321 Route 220, Milan, PA 18831) on January 22, 2008, to operate an asphalt pavement plant in Athens Township, **Bradford County**.

60-00001: Bucknell University (Lewisburg, PA 17837) on January 29, 2008, to operate a university in East Buffalo Township, **Union County**.

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

S04-010: Department of Veteran's Affairs Medical Center and Nursing Home Care Unit (University and Woodland Avenues, Philadelphia, PA 19104) on January 15, 2008, to operate a hospital and nursing home in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include the following: three 29.4 mmBtu/hr boilers with low NOx burners firing No. 6 oil, No. 2 oil or natural gas; one 17.3 mmBtu/hr boiler firing No. 6 oil, No. 2 oil or natural gas; two 6.35 mmBtu/hr boilers firing No. 2 oil or natural gas; two natural gas hot water heaters; seven emergency generators firing No. 2 oil and one ethylene oxidizer.

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.

15-00027: Johnson Matthey, Inc.—Catalyst Systems Division (456 Devon Park Drive, Wayne, PA 19087-1816) on February 1, 2008, to operate a catalytic converter manufacturing, research and development facility in Tredyffrin Township, **Chester County**. The Title V Operating Permit is being amended to incorporate the following changes:

(i) Removed sources/equipment that is no longer in operation at the facility.

(ii) Several washcoat mixing tanks have been reclassified as miscellaneous sources and have been removed from Sections A, D and F and have been placed in Section G (Miscellaneous).

(iii) Sources CO12A, CO12B and CO12C: Revised permit language to include provisions for monitoring once per shift, three times daily, for all parameters other than pH. Revised scrubber pressure drop limits and current excursion definitions to reflect approved operating ranges.

(iv) Sources CO12A, CO12B and CO12C: Revised permit language to specify that the 90% monitoring requirement is measured on a monthly basis.

(v) Sources CO12A and CO12B: Revised permit language to reflect that compliance with control device removal efficiency is measured across the multicomponent control system and compliance can be demonstrated during stack testing as approved by the Department of Environmental Protection.

(vi) Sources 115—119: Revised permit language to reflect that the dust collectors are cartridge filters and that all cartridge filters must meet manufacturer's specifications.

(vii) Sources 115, 117—119, CO13A, CO13B and CO14: Revised permit language to allow calculations or manufacturer's specifications to be used in lieu of stack testing.

(viii) Sources 128—130: Revised permit language to reflect that trace chlorides already present within incoming raw materials do not prohibit bypass of the acid gas scrubber.

Comments will only be taken on the changes covered in this notice.

46-00168: Moss Rehab—Einstein at Elkins Park Hospital (60 East Township Line Road, Elkins Park, PA 19027-2220) on February 1, 2008, located in Cheltenham Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. NOx emissions are electively capped to less than 25 tpy. Administrative Amendment of the State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from general permit 46-302-234GP, for the installation and operation of a new Clever Brooks Boiler rated at 16.7 mmBtu/hr, fired by natural gas and No. 2 fuel oil. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility 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.

63-00147: International Paper—Eighty Four Container (10 Wilson Road, Eighty Four, PA 15330-2846) on January 31, 2008, the owner/operator requested a change in the mailing address, responsible official and contact person. The plant is in North Strabane Township, **Washington 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 03851601 and NPDES Permit No. PA0214540, TJS Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to renew the permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received January 1, 2007. Permit issued January 28, 2008.

Permit Number 30841302 and NPDES Permit No. PA0213918, Consolidation Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Humphrey Mine No. 7 in Perry Township, **Greene County** to change the land use for 14.4 acres at the Mt. Morris portal site from unmanaged natural habitat to industrial/commercial. No additional discharges. Application received October 4, 2005. Permit issued February 1, 2008.

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

32060101 and NPDES No. PA0249891. D J & W Mining, Inc., P. O. Box 425, Indiana, PA 15701, revision of an existing bituminous surface mine to change from commercial forestland, unmanaged natural habitat and forestland to pastureland occasionally cut for hay, in Washington Township, **Indiana County**, affecting 80.3 acres. Receiving streams: UNTs to and South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Permit issued January 30, 2008.

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

26070104 and NPDES Permit No. PA0251135. Stash Mining Company (P. O. Box 20, Waltersburg, PA 15488). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Menallen Township, **Fayette County**, affecting 77.5 acres. Receiving streams: UNTs to Redstone Creek and Redstone Creek. Application received April 17, 2007. Permit issued January 28, 2008.

03050103 and NPDES Permit No. PA0250961. Mountain Coal County, Inc. (11931 SR 85, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in Madison Township, **Armstrong County**, affecting 140.8 acres. Receiving streams: UNT to Allegheny River. Application received August 9, 2006. Permit issued January 29, 2008.

03030106 and NPDES Permit No. PA0250431. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Permit issued for continued reclamation only of a bituminous surface mining site located in Redbank Township, **Armstrong County**, affecting 66.0 acres. Receiving streams: UNTs to Sugar Camp Run to Sugar Camp Run to Pine Run. Application received December 13, 2007. Reclamation only renewal issued January 31, 2008

03060104 and NPDES Permit No. PA0250996. Short Brothers, Inc. (15 Rayne Run Road, Marion Center, PA 15759). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in Manor and Kittanning Townships, **Armstrong County**, affecting 85.4 acres. Receiving streams: UNTs to Campbell Run. Application received November 6, 2006. Permit issued February 1, 2008.

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

17990103 and NPDES No. PA0238244. River Hill Coal County, Inc. (Memorial Street, P. O. Box 141, Kylertown, PA 16847), permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Bigler Township, **Clearfield County**, affecting 228.8 acres. Receiving streams: Alexander Run, UNT to Upper Morgan Run and Upper Morgan Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 10, 2007. Permit renewed January 23, 2008.

17070103 and NPDES No. PA0256498. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650), commencement, operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 280.0 acres. Receiving streams: UNTs to Deer Creek; UNTs to Little Deer Creek; Deer Creek,

classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 19, 2007. Permit issued January 29, 2008.

57960201 and NPDES No. PA0220671. Falcon Coal & Construction Company (P. O. Box 207, Mildred, PA 18632), permit renewal for the continued operation and restoration of a bituminous surface coal extraction and coal refuse reprocessing mine in Cherry Township, **Sullivan County**, affecting 12.1 acres. Receiving stream: Birch Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2007. Renewal issued January 28, 2008.

57000901 and NPDES No. PA0242837. Falcon Coal & Construction Company (P. O. Box 207, Mildred, PA 18632), permit renewal for the continued operation and restoration of a bituminous surface coal extraction and coal refuse reprocessing mine in Cherry Township, **Sullivan County**, affecting 18.5 acres. Receiving stream: Birch Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2007. Renewal issued January 28, 2008.

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

54763204R4. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), renewal of an existing anthracite coal refuse reprocessing and disposal operation in Ashland Borough and Butler Township, **Schuylkill County** affecting 109.0 acres, receiving stream: none. Application received June 29, 2005. Renewal issued January 30, 2008.

54851325R4 and NPDES Permit No. PA0223255. B & B Anthracite Coal Company, (225 Main Street, Joliett, PA 17891), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 8.0 acres, receiving stream: Lorberry Creek. Application received December 21, 2005. Renewal issued January 30, 2008.

Noncoal Permits Actions

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

33020303. Glen Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Renewal of NPDES Permit No. PA0242144 in Oliver Township, **Jefferson County**. Receiving streams: UNTs to Little Sandy Creek. Application received December 10, 2007. Permit issued January 30, 2008.

25070301. Raymond D. Showman & Sons, Inc. (12851 Sharp Road, Edinboro, PA 16412) Commencement, operation and restoration of a large noncoal sand and gravel operation in LeBoeuf Township, **Erie County** affecting 21.8 acres. Receiving streams: UNT to Wheeler Creek. Application received March 14, 2007. Permit issued January 31, 2008.

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

08040804. Jeffery Osmun (R. R. 2, Box 1443, New Milford, PA 18834), noncoal mining operation in Tuscarora Township, **Bradford County**. Restoration of 2.0 acres completed. Application received January 14, 2008. Final bond release January 24, 2008.

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

58070867. Richard A. Jenkins, (R. R. 2, Box 247 C, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affection 5.0 acres, receiving stream: none. Application received November 9, 2007. Permit issued January 28, 2008.

58070829. Diaz Stone and Pallet, Inc., (R. R. 2, Box 205, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received April 16, 2007. Permit issued January 29, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

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

28084101. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is June 15, 2009. Permit issued January 23, 2008.

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

63084001. Hilltop Energy Inc. (6978 Lindentree Road, Mineral City, OH 44656). Permit issued for new cell holes at the Waste Management Inc. site located in Chartiers Township, **Washington County**, with an expected duration of approximately 10 months. Permit issued January 28, 2008.

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

42084001. Kesco, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for road construction in Bradford Township, **McKean County**. This blasting activity permit will expire on July 18, 2008. Application received January 15, 2008. Application issued January 28, 2008.

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

15084102. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Target on Eagleview Boulevard in Uwchlan Township, **Chester County** with an expiration date of December 31, 2008. Permit issued January 28, 2008.

40084103. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Slocum Estates in Kingston Township, **Luzerne County** with an expiration date of January 25, 2009. Permit issued January 28, 2008.

35084103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Circle Green Development in South Abington Township,

Lackawanna County with an expiration date of January 31, 2009. Permit issued January 31, 2008.

35084105. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a single dwelling in Archbald Borough, **Lackawanna County** with an expiration date of December 31, 2008. Permit issued January 31, 2008.

66084101. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Hayduk Enterprises in Lemon Township, **Wyoming County** with an expiration date of January 31, 2009. Permit issued January 31, 2008.

66084102. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Shupp's Development in Clinton Township, **Wyoming County** with an expiration date of January 31, 2009. Permit issued January 31, 2008.

66084001. Richard Lawson, (834 SR 6W, Tunkhannock, PA 18657) and Brainard Explosives, (R. R. 1, Box 275, Kingsley, PA 18876), construction blasting for Parking Lot Improvement in Tunkhannock Township, **Wyoming County** with an expiration date of January 31, 2009. Permit issued January 31, 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

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

E64-267. DEPG Bartonsville Associates, LP, Plymouth Corporate Center, 625 Ridge Pike, Suite A-107, Conshohocken, PA 19428. Stroud Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To place fill in approximately 0.43 acre of PFO wetlands for the purpose of constructing a shopping center and hotel. The project is located on the south side of SR 0611 approximately 0.25 mile east of the Bartonsville Interchange of I-80 (Saylorburg, PA Quadrangle N: 22.3 inches; W: 2.0 inches). (Subbasin: 1E)

E45-499. DEPG Stroud Associates, LP, 625 Ridge Pike, Suite A-107, Conshohocken, PA 19428. Stroud Township, **Monroe County**, United States Army Corps of Engineers Philadelphia District.

To place fill in an approximately 0.28 acre of Exceptional Value wetlands for the purpose of constructing an entrance road to a commercial shopping center. The permittee is required to provide 0.28 acre of replacement wetlands. The project is located along SR 0611, approximately 0.5 mile east of the Bartonsville Exit from Interstate 80. (Saylorburg, PA Quadrangle N: 22.5 inches; W: 1.7 inches). (Subbasin: 1E)

E40-672. Aqua Pennsylvania, Inc., 700 West Spraul Road, Springfield, PA 19064. Kingston Township, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To construct and maintain two utility streamline crossings as follows: (1) an 8-inch diameter pipe under a culvert carrying a tributary to Toby Creek (CWF); and (2) a 12-inch diameter pipe under a tributary to Toby Creek and under 250 L.F. of PSS wetlands. The stream crossings will be installed using directional drilling techniques and are associated with a water transmission main project that will serve the proposed Saddle Ridge residential development (Kingston, PA Quadrangle N: 15.5 inches; W: 6.9 inches). (Subbasin: 5B)

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

E67-836: Department of Transportation Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, Conewago and Newberry Townships, **York County**, United States ACOE Baltimore District

To (1) remove an existing five span reinforced concrete arch bridge having a centerline clear span of 388 feet, a width of 24 feet and minimum underclearance of 16.3 feet, (2) to construct and maintain a three span P/S Concrete I-Beam bridge having a centerline clear span of

445 feet, a width of 40 feet and a minimum underclearance of 30.3 feet carrying SR 0295, Section 001 over Conewago Creek (WWF) (Dover, PA Quadrangle N: 18.5 inches; W: 2.0 inches, Latitude 40° 06' 00.5"; Longitude: 76° 45' 49.8"), (3) construct and maintain five stormwater outfall structures with associated scour protection, (4) to construct and maintain two temporary causeways for the construction and removal of the bridges, (5) to temporarily maintain fill within 0.02 acre of PEM wetland as part of the temporary causeway, (6) to place approximately 17,709 cubic yards of fill within the floodplain of Conewago Creek, and (7) to remove 1,084 cubic yards of fill within the floodplain of Conewago Creek. The purpose of this project to replace the SR 0295, Section 001 Bridge over Conewago Creek in Conewago and Newberry Townships, York County. The project will result in 574 linear feet of temporary perennial stream impacts, 41 linear feet of permanent perennial stream impacts and 0.02 acre temporary wetland impacts. No wetland replacement is required.

E06-627: Reading Regional Airport Authority, Terry Sroka, 2501 Bernville Road, Reading, PA 19605, Bern Township, **Berks County**, United States ACOE Philadelphia District.

To construct and maintain a 300.0-foot long, 72.0-inch diameter reinforced concrete culvert pipe in a UNT to the Schuylkill River (CWF), and to construct and maintain a 15.0-foot wide, 345-foot long vegetated channel located next to the proposed pipe, for the purpose of conveying stormwater to, and controlling overflow from the Schuylkill River (CWF), all for the purpose of relocating an existing Township Road, Leisz Bridge Road (T-938), to allow for a runway expansion (Temple, PA Quadrangle N: 2.2 inches; W: 10.5 inches, Latitude: 40° 23' 8.7"; Longitude: 75° 57' 56.4") in Bern Township, Berks County.

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

3079703-A1. Allegheny Energy Supply County, 800 Cabin Hill Drive, Greensburg, PA 15601. To expand barge loading/unloading facility in Cumberland and Monongahela Townships, **Greene County**, Pittsburgh United States ACOE District. (Masontown, PA Quadrangle, N: 20.9 inches; W: 7.9 inches, Latitude: 39° 51' 54"; Longitude: 79° 55' 53"). To amend permit No. 3079703, which authorized the construction and maintenance of a series of coal barge mooring and ice breaker cells, to expand the Hatfield's Ferry barge loading/unloading facility by increasing the mooring to 14.9 acres and facilities area to 5.25 acres along the left descending bank of the Monongahela River (WWF), between mile points 78.1—79.1. This unloading facility will impact 567 linear feet of streambank of excavating 18,000 cubic yards of said bank and installing a retaining wall along the length of the new facility. This permit also authorizes maintenance dredging in this new area of river bottom. The amendment also includes several stream crossings over Little Whiteley Creek, consisting of a belt conveyor to transfer limestone from the hopper to a conveyor system on shore, and 3 aerial pipeline crossings (a 6-inch pipeline to transport FGD wastewater, a 12-inch pipeline to convey stormwater runoff, and a 16-inch pipeline to transfer water from their ash settling basins to the FGD scrubber for consumption). All aerial crossings will be installed on top of an existing pipe bridge crossing in a fashion that will not impact any additional length of Little Whiteley Creek. An intake structure will also be

installed in the above mentioned ash settling basin to transport water through the 16-inch service line. The permittee will provide stream mitigation on site in 2 areas. They are proposing top plant this river bank with woody species of trees and shrubs. The area is approximately 575 feet long, of which 150 feet (0.24 acre) will be planted with 144 individual trees with unlimited growth potential. The other 435 feet (0.27 acre) will be planted with relatively low-growing shrub species due to the fact that this area has a 500 kV transmission line over it, and they must provide for vertical clearance. They will be planting a total of 240 shrubs.

E02-145 A1. Orion Power Midwest, LP, 121 Champion Way, Canonsburg, PA 15317. Amendment to include the construction of a Gypsum Conveyor in Springdale Borough, **Allegheny County**, Pittsburgh United States ACOE District. (New Kensington West, PA Quadrangle N: 7.1 inches; W: 6.0 inches, Latitude: 40° 32' 21"; Longitude: 79° 47' 35"). To amend permit No. E02-145 to include the construction and maintenance of a Gypsum Conveyor on the right bank of the Allegheny River (WWF) for the purpose of loading and unloading barges. The project is located at River Mile 15.6 at the Cheswick Power Station, approximately 6,100 feet upstream from the Lock and Dam No. 3.

SPECIAL NOTICES

Planning Grant Awards under section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P.L. 556, section 901 and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast	Bucks	Bucks County	Plan Revision	\$81,277
Northeast				
Southcentral				
Northcentral				
Southwest	Westmoreland	Westmoreland County	Plan Revision	\$70,000
	Allegheny	Allegheny County	Feasibility Study and Establish Commercial Recycling Council	\$198,568
	Armstrong	Armstrong County	Recycling Study	\$52,400
Northwest				

Certification to Perform Radon-Related Activities in Pennsylvania

In the month of January 2008 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A.R.T.	34 East Germantown Pike No. 282 Norristown, PA 19401	Mitigation
Adam Buckius	1899 Lititz Pike Lancaster, PA 17601	Testing
Joseph Cline	P. O. Box 1145 121 East Simpson Street Mechanicsburg, PA 17055	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
John Farmer	657 Eastside Drive Landisville, PA 17538	Mitigation
Daniel Frick	111 Naftzingertown Road Mohrsville, PA 19541	Testing
Cordell Tracy Griffin	1880 Loops Lane Easton, PA 18041	Testing
Gregg Harwood	1278 Vestal Avenue Binghamton, NY 13903	Mitigation
Gregg Harwood Professional Home Inspection Service	1278 Vestal Avenue Binghamton, NY 13903	Testing
Harold Henry	2820 West 23rd Street Erie, PA 16506	Testing
Lawrence Heston	P. O. Box 467 220 North Mann Avenue Ext. Yeagertown, PA 17099	Testing
Judith Hood-Scheidler	5676 Valleyview Drive Bethel Park, PA 15102	Testing
Edward Johnston	1902 Concord Road Ambridge, PA 15003	Testing
Daniel Jones	98 Porter Avenue Scottsdale, PA 15683	Testing
Kevin LeCompte	2370 Vista Valley Road Washington, PA 15301	Mitigation
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Tim McDaniel	330 South Saint Elmo Street Allentown, PA 18104	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Mitigation
Dwayne Ott	667 Park Avenue Rear Tyrone, PA 16686	Testing
Frederick Ruziecki Eagle Inspection	P. O. Box 205 Wind Gap, PA 18091	Testing
David Scholtz	P. O. Box 118 Effort, PA 18330	Laboratory
Gar Shoemaker	104 Valley View Drive Parkesburg, PA 19365	Testing
Bruce Thomas A-Z Tech Home Inspections, Inc.	17 Fosterville Road Greensburg, PA 15601	Testing
James Weber	56 Bentwood Road Drums, PA 18222	Testing
Frederick Wedman Moyer & Son, Inc.	113 East Reliance Road Souderton, PA 18964	Mitigation
Gary Zimmerman	932 White Hall Road Danville, PA 17821	Testing

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

Notice of Final Settlement

On December 1, 2007, a Notice of Proposed Settlement Agreement among the Department of Environmental Protection, the Fish and Boat Commission, the Game Commission, the Department of Conservation and Natural Resources, the Norfolk Southern Corporation and Norfolk Southern Railway Company was published in the *Pennsylvania Bulletin* and the Cameron County Endeavor. The Settlement Agreement addresses the Norfolk Southern Railway Company train derailment and subsequent spill

of sodium hydroxide that occurred on June 30, 2006 in Norwich Township, **McKean County**. The notice was published pursuant to the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305); Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17); 30 Pa.C.S. §§ 101—7314 (relating to Fish and Boat); Conservation and Natural Resources Act (71 P. S. §§ 1340.101—1340.1102); Pennsylvania Scenic Rivers Act (32 P. S. §§ 820.21—820.29); Wild Resources Conservation Act (32 P. S. §§ 5301—5314); and 34 Pa.C.S. §§ 101—

2901 (relating to Game and Wildlife Code). No public comment was received. The Settlement Agreement is now final.

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

NPDES Permit No. PA0064041. On August 16, 2007, the Department of Environmental Protection (Department) issued the permit to Lehigh Heavy Forge Corporation for the discharge of industrial wastewater from its iron and steel forging facilities located in the City of Bethlehem, **Northampton County**. On October 9, 2007, Lehigh Heavy Forge Corporation filed an appeal with the Environmental Hearing Board challenging the Department's issuance of NPDES Permit No. PA0064041. On January 25, 2008, the Department vacated the August 16, 2007 issuance of NPDES Permit No. PA0064041 to allow for reconsideration of the permit application in accordance with the terms of a settlement agreement entered into by the Department and Lehigh Heavy Forge Corporation. Also on January 25, 2008, pending reconsideration of the application, the Department reinstated NPDES Permit No. PA0011177 retroactive to August 17, 2007, which was the permit that previously governed the discharge from the Lehigh Heavy Forge facility prior to August 16, 2007.

[Pa.B. Doc. No. 08-266. Filed for public inspection February 15, 2008, 9:00 a.m.]

Agriculture Advisory Board; Meeting Cancellation Notice

The Agricultural Advisory Board meeting scheduled for February 20, 2008, has been cancelled. The next meeting is scheduled to occur on April 16, 2008, at 10 a.m. at the PPL Montour Preserve, 700 Preserve Road, Danville, PA 17821.

Questions concerning the cancellation of the February 20, 2008, meeting or the April 16, 2008, meeting should be directed to Frank X. Schneider, Bureau of Watershed Management, (717) 772-5972, fschneider@state.pa.us. The agenda and materials for the April 16, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-267. Filed for public inspection February 15, 2008, 9:00 a.m.]

Bid Opportunity

DMF 016-101.1, Bark Camp Stream Enclosure Removal Project, Gobbler Knob South, Mining Permit No. 268M016, Huston Township, Clearfield County. The principal items of work and approximate quantities include 92,500 cubic yards of Grading, 1,145 square yards of Rock Lining and 10 acres of Seeding. This project

issues on February 15, 2008 and bids will be opened on March 13, 2008. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-268. Filed for public inspection February 15, 2008, 9:00 a.m.]

Bid Opportunity

OSM 33(3465)101.1, Abandoned Mine Reclamation Project, Baxter North, Clover Township, Jefferson County. The principal items of work and approximate quantities include 2,050 linear feet of Rock Underdrain, 915 tons of Alkaline Addition, 800 linear feet of Permanent Swale, 1,830 linear feet of Permanent Access Roads, 236,355 cubic yards of Grading Area 1, 368,786 cubic yards of Grading Area 2, 31,001 cubic yards of Grading Area 3, 45,670 cubic yards of Grading Area 4, 49.3 acres of Seeding and Planting 40,425 Trees. This project issues on February 15, 2008 and bids will be opened on March 13, 2008 at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-269. Filed for public inspection February 15, 2008, 9:00 a.m.]

Certification Program Advisory Committee; Revised Meeting Schedule for 2008

The Certification Program Advisory Committee (Committee) has revised its 2008 meeting schedule, which was previously advertised in the *Pennsylvania Bulletin* at 37 Pa.B. 6846 (December 22, 2007). The Committee will meet on Monday, April 7, 2008, and on Monday, April 21, 2008. The meetings will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Prior to the meetings, contact Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us or visit the Department of Environmental Protection's web site at www.depweb.state.pa.us (DEP Keyword: Participate) to confirm the meeting room location.

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

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-270. Filed for public inspection February 15, 2008, 9:00 a.m.]

State Board for Certification of Water and Wastewater Systems Operators; Revised Meeting Schedule for 2008

The State Board for Certification of Water and Wastewater Systems Operators has revised its 2008 meeting schedule, which was previously advertised in the *Pennsylvania Bulletin* at 37 Pa.B. 6846 (December 22, 2007). Except as noted, all meetings will be held in the Rachel Carson State Office Building (RCSOB), 400 Market Street, Harrisburg, PA 17105. The revised 2008 meeting schedule is as follows:

February 29	9:30 a.m.— 3 p.m.	12th Floor, RCSOB—Board Meeting
April 9	10 a.m.— 3 p.m.	SouthCentral Regional Office 909 Elmerton Avenue Harrisburg, PA 17110 Susquehanna Rooms A & B Board Meeting
April 25	10 a.m.— 3 p.m.	Room 105, RCSOB—Board Meeting
June 5	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call
July 11	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call
September 11	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call
November 13	10 a.m.— 12 p.m.	11th Floor, RCSOB—Conference Call

Prior to the meetings, contact Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us or visit the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: Participate) to confirm the meeting room location.

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

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-271. Filed for public inspection February 15, 2008, 9:00 a.m.]

Statewide Water Resources Committee; Meeting Cancellation Notice

The Statewide Water Resources Committee meeting scheduled for February 21, 2008, has been cancelled. The next meeting is scheduled to occur on March 20, 2008, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the cancellation of the February 21, 2008, meeting should be directed to Susan Weaver, Bureau of Watershed Management, (717) 772-4048, suweaver@state.pa.us. The agenda and materials for the March 20, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords; Participate).

Persons with a disability who require accommodations to attend the meeting listed previously should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 08-272. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Carlisle Outpatient Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Outpatient Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

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.

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. 08-273. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Center for Reproductive Surgery, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Center for Reproductive Surgery, LLC, has requested an exception to the requirements of 28 Pa. Code § 555.24(d) (relating to postoperative care).

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. 08-274. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 569.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.1 (relating to principle):

Heritage Valley Surgery Center
Turk's Head Surgery Center
Center for the Surgical Arts
Saint Vincent Surgery Center
Southwestern Pennsylvania Eye Surgery Center
PRISM Center for Spine and Pain Care
Carlisle Outpatient Surgery Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-275. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Heritage Valley Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Surgery Center has requested

an exception to the requirements of 28 Pa. Code §§ 553.1, 553.5, 553.4, 553.31, 555.3, 555.4, 567.2(2) and Chapter 557.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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. 08-276. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Muncy Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muncy Valley 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: 5.6.4.3 (relating to hand washing stations), 5.6.4.4 (relating to dose administration area), 5.6.4.5(1) (relating to consultation area), 5.6.4.5 (2) (relating to patient holding area), 5.6.4.5(3) (relating to medical staff offices), 5.6.4.5(5) (relating to computer room), 5.6.4.5(6) (relating to soiled workroom or holding room) and 5.6.4.7(2) (relating to patient dressing rooms).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 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 Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-277. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of Reading Endoscopy Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Endoscopy Center, LLC has requested an exception to the requirements of 28 Pa. Code § 551.31 (relating to licensure).

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.

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. 08-278. Filed for public inspection February 15, 2008, 9:00 a.m.]

Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's 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 standard contained in this publication: 3.1—2.3.1 (relating to laboratory work counters).

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.

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. 08-279. Filed for public inspection February 15, 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 standard contained in this publication: 10.2.1.1.2(c) (relating to fan coil units).

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.

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 Services at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-280. Filed for public inspection February 15, 2008, 9:00 a.m.]

Equipment to Determine Blood Alcohol Content

The Department of Health (Department) has approved the following equipment for determining the alcohol content of blood by analysis of a person's breath. This list of approved equipment replaces the previous list published at 37 Pa.B. 5435 (October 6, 2007) and is published under the authority of the Motor Vehicle Code, 75 Pa.C.S. § 1547(c)(1) (relating to chemical testing to determine amount of alcohol or controlled substance), the Fish and Boat Code, 30 Pa.C.S. § 5125(c)(1) (relating to chemical testing to determine amount of alcohol or controlled substance), the Game and Wildlife Code, 34 Pa.C.S. § 2502(c) (relating to chemical test to determine amount of alcohol) and The Administrative Code of 1929 (71 P. S. § 532).

Equipment approved under this notice may be used by law enforcement officials to obtain test results which will be admissible in evidence in any summary or criminal proceeding in which the defendant is charged with a violation of 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance), any other violation of the Vehicle Code arising out of the same action, 30 Pa.C.S. § 5502 (relating to operating watercraft under influence of alcohol or controlled substance), any other violation of the Fish and Boat Code arising out of the same action, 34 Pa.C.S. § 2501 (relating to hunting or furtaking under influence of alcohol or controlled substance) or any other violation of the Game and Wildlife Code arising out of the same action. Law enforcement agencies should determine that an approved training program in the use of the equipment is available in accordance with the previously referenced statutes before purchasing any of the devices contained on this list.

The approval of equipment by the Department is based on the evaluation of the equipment by the National Highway Traffic Safety Administration (NHTSA) of the United States Department of Transportation. Equipment which met the Federal requirements was published at 72 FR 71480 (December 17, 2007) as a Conforming Products List. The list contained in this notice is based on that Conforming Products List.

Instruments marked with an asterisk meet the model specifications detailed in 49 FR 48854 (December 14, 1984) (that is, instruments tested at breath alcohol concentrations of 0.000, 0.050, 0.101 and 0.151 grams of alcohol per 210 liters of air). Instruments not marked with an asterisk meet the model specifications detailed in 58 FR 48705 (September 17, 1993), and were tested at breath alcohol concentrations of 0.000, 0.020, 0.040, 0.080 and 0.160 grams of alcohol per 210 liters of air. The amended specifications that were published on September 17, 1993, added a test for the presence of alcohol to include other low molecular weight alcohols including methyl and isopropyl. Instruments whose precision and accuracy have been evaluated in the latter concentration range (that is, devices not marked with an asterisk) should be used when reliable results are required at blood concentrations below 0.050%.

The NHTSA also evaluates equipment to determine if it must be operated at fixed locations (that is, nonmobile equipment) or can be transported to nonfixed operational sites in the field (mobile equipment). Equipment on the list is approved for mobile and/or nonmobile operation unless otherwise specified.

The NHTSA's amended Conforming Products List published at 72 FR 71480 includes six additional devices that were not included on the previous Federal conforming products list that were published at 71 FR 37159 (June 29, 2006). The six additional devices are:

- 1) The CMI Intoxilyzer 240 (a/k/a the Lion Alcolmeter 400+, outside U.S.) manufactured by CMI, Inc., Owensboro, Kentucky.
- 2) The "Alcotest 9510" manufactured by Draeger Safety, Inc., Durango, Colorado.
- 3) The "AlcoQuant 6020" manufactured by EnviteC by Honeywell GmbH, Fond Lu Lac, Wisconsin.
- 4) The "EC-IR-II (Enhanced with serial numbers above 10,000)," manufactured by Intoximeters, Inc., St. Louis, Missouri.
- 5) The "Phoenix 6.0," manufactured by Lifeloc Technologies, Inc., Wheat Ridge, Colorado.
- 6) The "ALC-PRO II (US)," manufactured by Tokai-Denshi, Inc., Tokyo, Japan.

The Draeger Safety Alcotest 9510 and the Intoximeters EC-IR II enhanced with serial number 10,000 or higher meet the NHTSA requirements for nonmobile operations only. The other four devices meet the NHTSA requirements for both nonmobile or mobile operations.

Law enforcement agencies that plan to utilize a device which does not appear on the following list should contact the manufacturer of the equipment to verify that it has been evaluated by NHTSA and found by NHTSA to meet NHTSA's performance requirements. If a device is approved by NHTSA after the date of this publication, the manufacturer of the device will need to forward documentation of NHTSA acceptability to Dr. M. Jeffery Shoemaker at the address given so that the Department has information sufficient to enable it to publish a notice in the *Pennsylvania Bulletin* identifying the device as breath testing equipment approved by the Department.

To facilitate accessibility to information concerning breath alcohol testing devices which are approved for law enforcement purposes in this Commonwealth, the Department will publish revisions of this list of equipment annually as notices in the *Pennsylvania Bulletin* in addition to publishing a notice of a newly approved device when the necessary information is provided to the Department. This practice will proceed even if an updated conforming products list has not appeared in the *Federal Register* since the Department's last annual publication of approved breath testing devices.

Inquiries concerning this notice may be directed to M. Jeffery Shoemaker, Ph.D., Director, Division of Chemistry and Toxicology, Bureau of Laboratories, Department of Health, P. O. Box 500, Exton, PA 19341-0500, (610) 280-3464, Ext. 3229.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Dr. Shoemaker at the previously referenced address or phone number. Persons who are speech or hearing impaired may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Conforming Products List of Evidential Breath Measurement Devices		Manufacturer and Model		Mobile Nonmobile	
Manufacturer and Model	Mobile	Nonmobile	7410-II	X	X
Alcohol Countermeasure Systems Corp., Mississauga, Ontario, Canada:			EnviteC by Honeywell GmbH, Fond du Lac, WI		
Alert J3AD*	X	X	AlcoQuant 6020	X	X
Alert J4X.ec	X	X	Gall's Inc., Lexington, KY:		
PBA3000C	X	X	Alcohol Detection System -A.D.S. 500	X	X
BAC Systems, Inc., Ontario, Canada:			Guth Laboratories, Inc., Harrisburg, Pennsylvania:		
Breath Analysis Computer*	X	X	Alcotector BAC-100	X	X
CAMEC Ltd., North Shields, Tyne and Ware, England:			Alcotector C ₂ H ₅ OH	X	X
IR Breath Analyzer*	X	X	Intoximeters, Inc., St. Louis, MO:		
CMI, Inc., Owensboro, KY:			Photo Electric Intoximeter*	—	X
Intoxilyzer Model:			GC Intoximeter MK II*	X	X
200	X	X	GC Intoximeter MK IV*	X	X
200D	X	X	Auto Intoximeter*	X	X
240 (aka Lion Alcolmeter 400 + outside the US)	X	X	Intoximeter Model:		
300	X	X	3000*	X	X
400	X	X	3000 (rev B1)*	X	X
400PA	X	X	3000 (rev B2)*	X	X
1400	X	X	3000 (rev B2A)*	X	X
4011*	X	X	3000 (rev B2A) w/FM option*	X	X
4011A*	X	X	3000 (Fuel Cell)*	X	X
4011AS*	X	X	3000D*	X	X
4011AS-A*	X	X	3000DFC*	X	X
4011AS-AQ*	X	X	Alcomonitor	—	X
4011AW*	X	X	Alcomonitor CC	X	X
4011A27-10100*	X	X	Alco-Sensor III	X	X
4011A27-10100 with filter*	X	X	Alco-Sensor III (Enhanced with Serial Numbers above 1,200,000)	X	X
5000	X	X	Alco-Sensor IV	X	X
5000 (w/Cal. Vapor Re-Circ.)	X	X	Alco-Sensor IV-XL	X	X
5000 (w/3/8" ID hose option)	X	X	Alco-Sensor AZ	X	X
5000CD	X	X	Alco-Sensor FST	X	X
5000CD/FG5	X	X	EC/IR	X	X
5000EN	X	X	EC/IR II	X	X
5000 (CAL DOJ)	X	X	EC/IR II (enhanced with serial number 10,000 or higher)	—	X
5000 (VA)	X	X	Portable EC/IR II	X	X
8000	X	X	RBT-AZ	X	X
PAC 1200*	X	X	RBT III	X	X
S-D2	X	X	RBT III-A	X	X
S-D5	X	X	RBT-IV	X	X
Draeger Safety, Inc., (aka: National Draeger) Durango, CO:			RBT-IV with CEM (cell enhancement module)	X	X
Alcotest Model:			Komyo Kitagawa, Kogyo, K.K.:		
6510	X	X	Alcolyzer DPA-2*	X	X
6810	X	X	Breath Alcohol Meter PAM 101B*	X	X
7010*	X	X	Lifeloc Technologies, Inc. (formerly Lifeloc, Inc.) Wheat Ridge, CO:		
7110*	X	X	PBA 3000-B	X	X
7110 MKIII	X	X	PBA 3000-P*	X	X
7110 MKIII-C	X	X	PBA 3000-C	X	X
7410	X	X	Alcohol Data Sensor	X	X
7410 Plus	X	X	Phoenix	X	X
9510	—	X	Phoenix 6.0	X	X
Breathalyzer Model:			EV 30	X	X
900	X	X	FC 10	X	X
900A*	X	X			
900BG*	X	X			
7410	X	X			

Manufacturer and Model	Mobile	Nonmobile
FC 20	X	X
Lion Laboratories, Ltd., Cardiff, Wales, UK: Alcolmeter Model:		
300	X	X
400	X	X
400 + (aka: Intoxilyzer 240 in the U.S.)	X	X
SD-2*	X	X
SD-5 (aka: S-D5 in the U.S.)	X	X
EBA*	X	X
Intoxilyzer Model:		
200	X	X
200D	X	X
1400	X	X
5000 CD/FG5	X	X
5000 EN	X	X
Luckey Laboratories, San Bernardino, CA: Alco-Analyzer Model:		
1000*	—	X
2000*	—	X
National Patent Analytical Systems, Inc., Mansfield, OH: BAC DataMaster (with or without the Delta-1 accessory):		
BAC Verifier DataMaster (with or without the Delta-1 accessory)	X	X
DataMaster cdm (with or without the Delta-1 accessory)	X	X
DataMaster DMT	X	X
Omicron Systems, Palo Alto, CA:		
Intoxilyzer 4011*	X	X
Intoxilyzer 4011AW*	X	X
Plus 4 Engineering, Minturn, CO:		
5000 Plus 4*	X	X
Seres, Paris, France:		
Alco Master	X	X
Alcopro	X	X
Siemens-Allis, Cherry Hill, NJ:		
Alcomat*	X	X
Alcomat F*	X	X
Smith and Wesson Electronics, Springfield, MA: Breathalyzer Model:		
900*	X	X
900A*	X	X
1000*	X	X
2000*	X	X
2000 (Nonhumidity Sensor)*	X	X
Sound-Off Inc., Hudsonville, MI:		
AlcoData	X	X
Seres Alco Master	X	X
Seres Alcopro	X	X

Manufacturer and Model	Mobile	Nonmobile
Stephenson Corp.: Breathalyzer 900*	X	X
Takai-Denshi Inc., Tokyo, Japan: ALC-PRO II (US)	X	X
U.S. Alcohol Testing, Inc./Protection Devices, Inc., Rancho Cucamonga, CA:		
Alco-Analyzer 1000	—	X
Alco-Analyzer 2000	—	X
Alco-Analyzer 2100	X	X
Verax Systems, Inc., Fairport, NY:		
BAC Verifier*	X	X
BAC Verifier Datamaster	X	X
BAC Verifier Datamaster II*	X	X

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-281. Filed for public inspection February 15, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Elm Terrace Gardens
660 North Broad Street
Lansdale, PA 19446-2361

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Saint Mary's East
607 East 26th Street
Erie, PA 16504
FAC ID 191302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.31 (relating to storage).

John Heinz Senior Rehab Care
150 Mundy Street
Wilkes-Barre Township, PA 18702

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department

and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-282. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Deal Or No Deal™ Instant Lottery Game Amended

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 a change to the Pennsylvania Deal Or No Deal™ instant lottery game rules that were published at 37 Pa.B. 4717 (August 25, 2007).

This amendment adds an additional prize tier to the Deal Or No Deal™ Trip Package Prize Description, Section 12(a)(4) of the Pennsylvania Deal Or No Deal™ instant lottery game notice, modifying the description of the prizes available to be won in the briefcases by including a \$15,000 prize amount.

In addition, the Deal Or No Deal™ Trip Package Prize Description, Section 12(a)(4) of the Pennsylvania Deal Or No Deal™ instant lottery game notice, is hereby modified to state that the briefcase entitling the winner to play Deal Or No Deal™ will contain a \$5,000 prize amount and the word CONTESTANT.

The correct version of Section 12(a)(4) is as follows, with ellipses referring to the existing text of the document as it appeared at 37 Pa.B. 4717—4722:

* * * * *

12. Deal Or No Deal™ Trip Package Prize Description:

(a) Each Deal Or No Deal™ Second-Chance Drawing prize will have an average value of approximately \$12,500 including a \$3,125 Federal Withholding Credit. The Trip Package consists of the following:

* * * * *

(4) One opportunity to participate in a random drawing to play Deal Or No Deal™. Each Deal Or No Deal™ Trip Package winner selected by the Pennsylvania Lottery, in accordance with section 11, will, in the order in which they were selected by the Pennsylvania Lottery, randomly select a briefcase. All of the briefcases will contain a dollar amount of \$5,000, \$10,000, \$15,000 or \$25,000. The winners who select a briefcase will win the dollar amount noted in their briefcase, less required Federal withholding. The Pennsylvania Deal Or No Deal™ Trip Package winner who selects the briefcase containing a \$5,000 prize amount and the word CONTESTANT will play Deal Or No Deal™ and will win an additional guaranteed prize of

between \$.01 and \$1 million, less required Federal withholding, in accordance with the Deal Or No Deal™ Television Game Show rules. There is no guarantee that the Deal Or No Deal™ show will be aired on television.

* * * * *

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-283. Filed for public inspection February 15, 2008, 9:00 a.m.]

Pennsylvania Money To Burn 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 Money To Burn.

2. *Price:* The price of a Pennsylvania Money To Burn instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Money To Burn instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYSIX), 26 (TWENTYEIGHT), 27 (TWENTYNINE) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYSIX), 26 (TWENTYEIGHT), 27 (TWENTYNINE), 30 (THIRTY), Moneybag Symbol (MONEYBAG), Flame Symbol (FLAME) and a 10X symbol (TENTIMES).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,000 (TWO THO), \$25,000 (TWYFIVTHO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,000, \$25,000 and \$250,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Money To Burn instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,000 (TWO THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$200 (TWO HUN) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$2,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$1,000 (ONE THO) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$500 (FIV HUN) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$50\$ (FIFTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$400 (FOR HUN) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$40\$ (FORTY) appears

under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$200 (TWO HUN) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$200.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Flame symbol (FLAME), shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$20\$ (TWENTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$200.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$100 (ONE HUN) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$50\$ (FIFTY) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$40\$ (FORTY) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$25\$ (TWY FIV) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$25.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$20\$ (TWENTY) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$20.

(dd) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Moneybag symbol (MNYBAG), and a prize symbol of \$10^{.00} (TEN DOL) appears under the Moneybag symbol (MNYBAG), on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$10	20	300,000
\$10 w/MONEYBAG	20	300,000
\$5 x 2	24	250,000
\$20	60	100,000
\$20 w/MONEYBAG	60	100,000
\$5 x 4	120	50,000
\$10 x 2	120	50,000
\$25	200	30,000
\$25 w/MONEYBAG	60	100,000
\$5 x 5	200	30,000
\$40	600	10,000
\$40 w/MONEYBAG	600	10,000
\$5 x 8	600	10,000
\$10 x 4	600	10,000
\$20 x 2	100	60,000
\$50	600	10,000
\$50 w/MONEYBAG	600	10,000
\$5 w/10X	600	10,000
\$10 x 5	600	10,000
\$25 x 2	600	10,000
\$100	800	7,500
\$100 w/MONEYBAG	800	7,500
\$10 x 10	800	7,500
\$10 w/10X	387.10	15,500
\$20 x 5	800	7,500
\$25 x 4	800	7,500
\$50 x 2	800	7,500
\$200	2,400	2,500
\$200 w/MONEYBAG	2,400	2,500
\$200 w/FLAME	558.14	10,750
\$20 x 10	2,400	2,500
\$20 w/10X	2,400	2,500
\$40 x 5	2,400	2,500
\$50 x 4	2,400	2,500
\$100 x 2	2,400	2,500
\$400	40,000	150
\$400 w/MONEYBAG	40,000	150
\$40 x 10	40,000	150
\$40 w/10X	60,000	100
\$100 x 4	40,000	150

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

<i>Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
(\$200 w/FLAME) + (\$40 × 5)	\$400	40,000	150
\$500	\$500	40,000	150
\$500 w/MONEYBAG	\$500	40,000	150
\$50 × 10	\$500	40,000	150
\$100 × 5	\$500	40,000	150
\$50 w/10X	\$500	40,000	150
(\$200 w/FLAME) + (\$50 × 6)	\$500	40,000	150
\$1,000	\$1,000	24,000	250
\$1,000 w/MONEYBAG	\$1,000	24,000	250
\$100 × 10	\$1,000	24,000	250
\$100 w/10X	\$1,000	24,000	250
\$200 × 5	\$1,000	24,000	250
(\$100 × 2) + (\$400 × 2)	\$1,000	24,000	250
\$500 × 2	\$1,000	24,000	250
(\$200 w/FLAME) + (\$200 × 4)	\$1,000	24,000	250
\$2,000	\$2,000	120,000	50
(\$200 w/FLAME) + (\$200 × 9)	\$2,000	120,000	50
\$200 w/10X	\$2,000	120,000	50
\$25,000	\$25,000	240,000	25
\$250,000	\$250,000	600,000	10

Moneybag (MONEYBAG) Symbol = Win prize shown under it automatically.
 Flame (FLAME) Symbol = Win \$200 automatically.
 10X (10TIMES) Symbol = Win 10 times the prize shown under it.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money To Burn 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 Money To Burn, prize money from winning Pennsylvania Money To Burn 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 Money To Burn 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 Money To Burn or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-284. Filed for public inspection February 15, 2008, 9:00 a.m.]

Pennsylvania Red Hot 7's '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 Red Hot 7's '08.

2. *Price:* The price of a Pennsylvania Red Hot 7's '08 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Red Hot 7's '08 instant lottery game ticket will contain one play area featuring a "HOT NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "HOT NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTW), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions printed in black ink, located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTW), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions printed in red ink, located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTW), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 7 (RSVN) and a HOT symbol (HOT).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV

DOL), \$7⁰⁰ (SVN DOL), \$10⁰⁰ (TEN DOL), \$14\$ (FORTN), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$60\$ (SIXTY), \$70\$ (SEVENTY), \$100 (ONE HUN), \$700 (SVN HUN), \$7,000 (SVN THO) and \$70,000 (SVY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$7, \$10, \$14, \$20, \$40, \$50, \$60, \$70, \$100, \$700, \$7,000, and \$70,000. The player can win up to twelve times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Red Hot 7's '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$70,000 (SVY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$7,000 (SVN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$700 (SVN HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$700.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$700 (SVN HUN) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$700.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$700.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$70\$

(SEVENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$70.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$70\$ (SEVENTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$70.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$70.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$60\$ (SIXTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$60\$ (SIXTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$60.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a HOT symbol (HOT), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in twelve of the "prize" areas, on a single ticket, shall be entitled to a prize of \$60.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$40\$ (FORTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$20\$ (TWENTY) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$14\$ (FORTN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$14.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the

symbol and caption printed in red ink, and a prize symbol of \$14\$ (FORTN) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$14.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$10^{.00} (TEN DOL) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$7^{.00} (SVN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$7^{.00} (SVN DOL) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$7.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "HOT NUMBERS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 7 symbol (RSVN), with the symbol and caption printed in red ink, and a prize symbol of \$5^{.00} (FIV DOL) appears under that 7 symbol (RSVN), on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Numbers Match Any Of The Hot Numbers, Win with Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$5 w/RED 7	\$5	30	240,000
\$5	\$5	23.08	312,000
\$7 w/RED 7	\$7	40	180,000
\$7	\$7	40	180,000
\$10 w/RED 7	\$10	60	120,000
\$5 × 2	\$10	120	60,000
\$10	\$10	120	60,000
\$14 w/RED 7	\$14	60	120,000
\$14	\$14	300	24,000
\$7 × 2	\$14	200	36,000
\$20 w/RED 7	\$20	60	120,000
\$20	\$20	150	48,000
\$5 × 4	\$20	300	24,000
\$10 × 2	\$20	150	48,000
\$40 w/RED 7	\$40	300	24,000
\$40	\$40	300	24,000
\$20 × 2	\$40	300	24,000
\$5 × 8	\$40	300	24,000
(\$7 × 5) + \$5	\$40	300	24,000
\$60 w/RED 7	\$60	3,429	2,100
\$60	\$60	3,429	2,100
\$20 × 3	\$60	3,429	2,100
\$10 × 6	\$60	3,429	2,100
\$20 + \$40	\$60	3,429	2,100
\$5 × 12	\$60	3,429	2,100
HOT w/\$5 × 12	\$60	774.19	9,300
\$70 w/RED 7	\$70	4,800	1,500
\$70	\$70	4,800	1,500
\$14 × 5	\$70	4,800	1,500
\$10 × 7	\$70	4,800	1,500
\$7 × 10	\$70	4,800	1,500
HOT w/(\$5 × 10) + (\$10 × 2)	\$70	1,200	6,000
\$100 w/RED 7	\$100	4,800	1,500
\$100	\$100	4,800	1,500
(\$40 × 2) + (\$10 × 2)	\$100	4,800	1,500
\$20 × 5	\$100	4,800	1,500
\$10 × 10	\$100	4,800	1,500

*When Any Of Your Numbers
Match Any Of The Hot Numbers,
Win with Prize(s) Of:*

HOT w/(\$5 × 4) + (\$10 × 8)
\$700 w/RED 7
\$700
\$100 × 7
\$70 × 10
HOT w/(\$50 × 10) + (\$100 × 2)
\$7,000
\$70,000

Win:

\$100
\$700
\$700
\$700
\$700
\$700
\$7,000
\$70,000

*Approximate
Odds Are 1 In:*

1,600
60,000
60,000
60,000
60,000
15,000
240,000
480,000

*Approximate No.
Of Winners Per
7,200,000 Tickets*

4,500
120
120
120
120
480
30
15

Red '7' (RSVN) symbol = Win the prize shown under it automatically.
Hot (HOT) symbol = Win all 12 prizes shown.

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 Red Hot 7's '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Red Hot 7's '08, prize money from winning Pennsylvania Red Hot 7's '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 Red Hot 7's '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 Red Hot 7's '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-285. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF STATE

Bid Opportunities

The Department of State issued IFB No. 6100002531 to obtain the services of a certified public accountant or firm to audit lobbying disclosure registration statements and expense reports submitted by selected lobbyists, lobbying firms and principals in accordance with generally accepted auditing standards and to obtain written reports detailing the auditing findings. The IFB is available on

the Department of General Services web site at www.dgs.state.pa.us. The deadline to submit bids to the Department of State Bureau of Finance and Operations is February 27, 2008, at 2 p.m.

PEDRO A. CORTÉS,
Secretary of the Commonwealth

[Pa.B. Doc. No. 08-286. Filed for public inspection February 15, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Request for Bids

Property Demolition, Snyder County, SR 15-088

Sealed bids for the demolition and removal of the following property located in Selinsgrove, will be accepted by the Department of Transportation, 715 Jordan Avenue, Montoursville, PA 17754, in Conference Room "A," until 10 a.m. Tuesday, March 4, 2008. An inspection of the property will be held from 11 a.m. until 1 p.m. on Friday, February 15, 2008. Questions should be directed to Eugene McGill, (570) 368-4315.

The property address is 1 Colonial Drive, Selinsgrove, PA 17870. Directions to the property are as follows, South on Route 15 to Shamokin Dam, turn Right on Park Road (look for Cindy Rowe Auto Glass), drive approximately 1 mile on Park Road and make a sharp right on Fisher Road, located just past the old one room school house. Follow Fisher Road approximately 1/2 mile and turn left onto Colonial Drive. The house is the first building on the right.

Parcel Number 54; Claim Number 5400085000; Split level, 1,232 s.f. frame construction home with an integrated 2 car garage and an attached 120 s.f. wooden deck. There is no asbestos identified in this structure.

Prequalification of bidders is not required on bids under \$25,000.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-287. Filed for public inspection February 15, 2008, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Special Regulations Applicable to Lake Erie Tributary Streams

Currently, from the day after Labor Day until the opening day of trout season in April, all Lake Erie tributary streams are closed to fishing from 10 p.m. to 5 a.m., except for Walnut and Elk Creeks north of Route 5. The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend the Commission's regulations at 58 Pa. Code § 69.12a (relating to special regulations applicable to Lake Erie tributary streams) to prohibit fishing in Walnut Creek from Route 5 north to Manchester Road Bridge between 10 p.m. and 5 a.m. As modified, the regulation states that "from 12:01 a.m. on the day after Labor Day, until the first Saturday after April 11 of the following year, all Lake Erie tributary streams are closed to fishing from 10:00 p.m. until 5 a.m. on the following day except for Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5."

The Executive Director has found that this action is necessary and appropriate to conserve and preserve fishing opportunities, and the Executive Director will cause this temporary modification to be posted in the vicinity of the area affected. When so posted, the modified regulation will be fully effective and enforceable. This temporary modification will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the amendment. The Commission, under a separate notice of proposed rulemaking, will seek public comments on a permanent change to the Commission's fishing regulations.

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

[Pa.B. Doc. No. 08-288. Filed for public inspection February 15, 2008, 9:00 a.m.]

HISTORICAL AND MUSEUM COMMISSION

Approves Pennsylvania Register of Historic Places Policy

Under 37 Pa.C.S. § 502(2) (relating to powers and duties of commission), empowers the Historical and Museum Commission (Commission) to compile, maintain, revise and publish a selected inventory of significant historic resources in the Commonwealth, to be known as the Pennsylvania Register of Historic Places, under criteria of significance approved by the Commission.

The policy and practice of the Commission is and has been that properties listed in or eligible for the National Register of Historic Places shall constitute the Pennsylvania Register of Historic Places.

The Commission's policy of maintaining a Pennsylvania Register of Historic Places was officially approved at its

quarterly meeting on March 15, 2006, and recorded in the minutes of that meeting to confirm the existing practice.

BARBARA FRANCO,
Executive Director

[Pa.B. Doc. No. 08-289. Filed for public inspection February 15, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, January 31, 2008, and announced the following:

Regulation Approved:

Environmental Quality Board #7-406: Notification of Proximity to Airports (amends 25 Pa. Code Chapters 271, 279, 287 and 293)

Approval Order

Public Meeting held
January 31, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David J. DeVries, Esq.; John F. Mizner, Esq., by Phone

*Environmental Quality Board
Notification of Proximity to Airports
Regulation No. 7-406 (#2587)*

On December 7, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board. This rulemaking amends 25 Pa. Code Chapters 271, 279, 287 and 293. The proposed regulation was published in the December 23, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on December 13, 2007.

This regulation adds the term "military airports" to the definition of "airport" under existing waste facility regulations and adds a requirement for waste transfer facilities to notify "airports" of an anticipated expansion or a planned new facility if that facility will be within six miles of the "airport" runway.

We have determined this regulation is consistent with the statutory authority of the Environmental Quality Board (35 P.S. § 6018.105(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.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-290. Filed for public inspection February 15, 2008, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-255	Pennsylvania Public Utility Commission Retail Electricity Choice Activity Reports 37 Pa.B. 5895 (November 3, 2007)	1/2/08	2/1/08
57-256	Pennsylvania Public Utility Commission Implementation of the Public Utility Confidential Security Information Disclosure Protection Act 37 Pa.B. 6421 (December 8, 2007)	1/7/08	2/6/08
6-308	Department of Education Charter School and Cyber Charter School Services Programs for Children with Disabilities 37 Pa.B. 6405 (December 8, 2007)	1/7/08	2/6/08

**Pennsylvania Public Utility Commission
Regulation #57-255 (IRRC #2648)**

Retail Electricity Choice Activity Reports

February 1, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the November 3, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. Section 54.202. Definitions.—Economic impact; Reasonableness.

Large, Medium and Small Commercial and Industrial (C & I) customers

The definitions section separates customers into the following classes:

<i>Term</i>	<i>Definition</i>
<i>Large C & I customers</i>	Commercial and industrial customers with PLCs greater than 500 kW.
<i>Medium C & I customers</i>	Commercial and industrial customers with PLCs ranging from 25 kW up to and including 500 kW.
<i>Small C & I customer</i>	Commercial and industrial customers with PLCs less than 25 kW.
<i>PLC—Peak Load Contributions</i>	The highest level of demand for a particular customer, based on the PJM Interconnection, LLC, peak load contribution standard, or its equivalent for a Pennsylvania EDC outside of PJM.

Several commentators stated that this breakdown is not consistent with their rate schedules and that the cost of converting data to meet the requirements in this regulation would be substantial. To the contrary, the PUC estimates that compliance costs will be minimal because

both Electric Distribution Companies (EDCs) and Electric Generation Suppliers (EGSs) already collect and compile sales information for their own use. The PUC should provide a dollar estimate of the cost to EDCs and EGSs to report data using the customer classifications contained in the proposed regulation. The PUC should also explain why classifying customer classes based on existing rate schedules would not be sufficient.

PLC—Peak Load Contributions

This definition contains the acronyms “LLC” and “PJM.” The regulation should define these acronyms.

Definitions and uniform data

The reporting requirements in Section 54.203(a)(4) use the undefined terms “hybrid rate customer accounts” in subparagraph (v) and “green power customer accounts” in subparagraph (vii). Without a specific definition of what accounts would come under these customer accounts, the data filed may not be uniform across EGSs. We recommend defining these terms so that uniform data is reported.

2. Section 54.203. Reporting requirements.—Reasonableness; Need; Clarity

Total sales, total customers and total sales of all EGSs serving the territory

Commentators requested the addition of “total sales,” “total customers” and “total sales of all EGSs serving the territory” to the list of reporting requirements in Paragraph (a)(2). In regard to EGS sales, we recognize that confidentiality has to be considered if there is only one EGS or just a few EGSs serving a territory. Nonetheless, the PUC should consider adding these reporting requirements.

No later than 15 days

Paragraph (a)(5) requires reports “no later than 15 days” after the end of the quarter. Commentators have suggested a longer period such as 30 days so that sales data can be reconciled. The PUC should explain why data is needed “no later than 15 days” after the end of the quarter and how the EDCs can reasonably meet that requirement.

3. Section 54.204. Public information.—Adverse effects on competition.

Confidentiality

While there is general agreement that confidentiality is needed in relation to information provided by EGSs, the PUC has not explained how confidentiality will be accomplished. The handling of confidential information could affect competition and the reporting of data. What protocols and procedures will the PUC use to protect the confidentiality of EGS information in its possession?

Pennsylvania Public Utility Commission Regulation #57-256 (IRRC #2651)

Implementation of the Public Utility Confidential Security Information Disclosure Protection Act

February 6, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the December 8, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a (a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. General—Consistency with statute; Clarity.

The proposed regulation includes certain parts, verbatim, from the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. §§ 2141.1—2141.6) (CSI Act), while other provisions are not included. For example, various definitions are duplicated, while the exception for disclosure of confidential information contained in Section 2141.5(b) of the CSI Act is not mentioned or referenced in the regulation. Another example is the term “violent offense,” which is defined in the CSI Act, but not included in the proposed regulation. However, this term is used in the definition of “terrorist act” which is defined in the CSI Act and is included in the proposed regulation. The PUC should consider using references to the CSI Act for all the statutory definitions and substantive statutory provisions rather than including some but not others. If the final-form regulation continues to include only parts of the CSI Act, then the PUC needs to carefully explain why some statutory definitions and provisions are included and others are not.

2. Section 102.2. Definitions.—Fiscal impact; Reasonableness; Implementation procedure; Clarity.

Confidential security information

This definition defines “confidential security information” as: “Information contained within a record maintained by the Commission [PUC] **in any form** . . .” (Emphasis added.) Does “any form” include “electronic filings”? If so, this provision is inconsistent with Section 102.3(f), which states that electronic filings are not confidential. To improve clarity, the final-form regulation should reference the statutory definition. If the PUC opts to retain this definition verbatim in the final-form regulation, the PUC should consider changing the final-form rulemaking to state: “**in any form, except electronic filings**.” (Emphasis added.) Subsection (v) of this definition states that: “[n]othing in this definition may be construed to prevent the disclosure of monetary amounts.” This sentence is vague and the final-form rulemaking should clarify who would make such disclosures and for what purpose.

Member of the public

Is the definition of “member of the public” limited to citizens of the Commonwealth? In light of the recent holding of the 3rd Circuit Court of Appeals in *Lee v. Minner*, which prohibits denying access to records based on the residency of the requester, the PUC should clarify the intent of this provision and consider the fiscal impact of implementing a regulation that seems to conflict with current federal case law. See 458 F.3d 194 (3rd Cir. 2006).

3. Section 102.3. Filing procedures.—Consistency with statute; Reasonableness of implementation procedures; Fiscal impact; Clarity.

(a) *Maintenance of records onsite.*

Subsection (a) provides proper procedures for utilities to maintain confidential security information onsite. We identified four issues.

First, subsection (a)(2) requires a utility to certify that the record is present and up-to-date, and references Chapter 101. Would this certification process involve information added to the Self Certification Form (Form) described in Chapter 101? If so, how does this procedure address the concern raised by a commentator concerning confidential security information that may be transmitted with this Form?

Second, how will PUC staff monitor “onsite maintenance” to verify that utilities are correctly classifying information as “confidential”?

Third, for how long is a utility required to maintain confidential records?

Finally, is the utility required to follow the same filing requirements that the CSI Act sets forth for agencies? See 35 P. S. § 2141.3(d). For example, does the regulation establish a “document tracking system” for utilities to trace confidential information to a single person, as required by section § 2141.3(d)(5) of the CSI Act? The final-form regulation should clarify how the PUC intends to implement these statutory requirements.

(b) *Filing requirements.*

The term “affected page,” as used in Subsection (b)(3), is vague. The PUC should clarify if this term applies to every page that actually contains confidential security information, or whether it could be read to include pages that are broadly “affected” by confidential security information contained in another document or page.

In addition, Subsection (b)(3) appears to permit utilities to designate entire pages as confidential, no matter how minimal the amount of actual confidential material they contain. The PUC should explain the basis for protecting entire pages that may contain confidential as well as nonconfidential information. Has the PUC considered using redaction to eliminate confidential information from a page and allow access to the rest of the page? If not, how does this broad designation relate to the Right-to-Know Law, which allows agencies to redact only that information that is contained in a public record and is not “subject to access”? See 65 P. S. § 66.3-2.

(c) *Public utility’s responsibility.*

This subsection declares that the public utility has the responsibility to identify records that contain confidential security information. The second and third sentences in the subsection read:

When the public utility fails to designate a record as containing confidential security information, it does not obtain the protections offered in this chapter and

in Act 156 [CSI Act]. Any record that is not identified, stamped and separated as set forth in subsection (b), will be made available to the public under the Right-to-Know Law.

The third sentence is overly broad because not every record may be accessible under the Right-to-Know Law. The word “will” should be replaced with “may” in the final-form regulation.

(d) *Status of previously-filed unmarked records.*

Subsection (d) indicates that confidential documents filed with the PUC before May 29, 2007, are not covered by the protections in this chapter and in the CSI Act, and must be resubmitted to the PUC under the new filing procedures in order to ensure confidentiality. If a public utility follows this procedure, what guarantee will the PUC provide that the old files are now secure or have been destroyed? The PUC should review and develop cost estimates for the fiscal impact of this requirement on the regulated community. This information should be provided with the submittal of the final-form regulation.

(e) *Commission’s responsibility with unmarked records.*

This subsection asserts that: “The Commission [PUC] and its staff are under no legal obligation to protect confidential security information already on file with the Commission that has not been marked ‘Confidential Security Information.’ This subsection contains non-regulatory language. Regulations establish binding norms of general applicability and future effect. They cannot establish limitations of liability for an agency. In addition, the first sentence of this subsection is redundant and the requirement that utilities are to re-file records is already established in Subsection (d). Hence, the first sentence is unnecessary and its narrative should be moved to the Preamble of the final-form regulation.

The second part of Subsection (e) establishes what appear to be internal procedures for the PUC. It is also not necessary to include this segment in a regulation since it is not establishing rules or standards that apply to any regulated party. Therefore, the PUC should either provide this information in the Preamble of the final-form regulation or in a secretarial letter to the utilities, or both.

(f) *Electronic submissions.*

This subsection is framed as an announcement or policy statement and contains non-regulatory language. These provisions need to be rewritten to set clear compliance standards. Subsection (f) should explicitly prohibit the submission of confidential security information in an electronic form. When the PUC is ready and able to accept electronic submissions and maintain their confidentiality and security, it will need to amend the regulation to allow utilities to use electronic filings.

4. Section 102.4. Challenge procedures to confidentiality designation.—Consistency with the statute; Implementation procedures; Reasonableness; Need; Clarity.

(a) *General rule for challenges or requests to review.*

Subsection (a) mentions that a person who is not a statutory advocate must provide certain information, including his/her Social Security number, to the PUC in order to review confidential information. The PUC should clarify its intent for requiring such information, and further explain how it will protect such information, which should be considered confidential.

This subsection also includes these two sentences:

Only records filed with the Commission [PUC] as confidential security information are subject to a challenge or written request to review under this subsection and Act 156 [CSI Act]. Records maintained onsite by the public utility are not subject to challenge or request to review.

These statements are overly broad and do not acknowledge that confidential security files may be accessed during litigation. If the intent is to state that onsite CSI cannot be challenged or reviewed via the process prescribed by this proposed regulation and the CSI Act, then this is what should be specifically stated. However, if the PUC is gaining access to onsite files and using them in its deliberations, why are others denied access? The PUC should explain this prohibition and describe other ways by which the statutory advocate or the public can obtain access to the utility’s information. Based on a commentator’s suggestion, has the PUC considered adding language similar to existing section 5.423 (52 Pa. Code § 5.423), which provides procedures to establish orders to limit availability of proprietary information?

Subsections (a)(3)(iv) and (v) mention a 15-day time limit for various filings. How did the PUC determine that this was a reasonable time limit?

(b) *Relevant factors to be considered.*

This subsection describes a balancing test for the PUC to use in determining access to confidential security information. What is the PUC’s basis for this balancing test? Section 2141.3(c)(4) of the CSI Act uses different language to describe an agency’s decision process, including the term “reasonable grounds.” Why isn’t the statutory language used or referenced in the regulation? The PUC should review this language and provide a test that is consistent with the CSI Act.

(d) *Appeal of Commission decision.*

Subsection (d) is essentially the same as section 2141.3(c)(6) of the CSI Act. Is this subsection necessary? Has the PUC considered referencing the CSI Act rather than paraphrasing it?

**Department of Education
Regulation #6-308 (IRRC #2653)**

**Charter School and Cyber Charter School Services
and Programs for Children with Disabilities**

February 6, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the December 8, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Education (Department) to respond to all comments received from us or any other source.

1. Section 711.1. Definitions.—Clarity.

Cyber charter school

This section defines a “cyber charter school” as that which: “[u]ses technology to provide a *significant portion* of its curriculum and to deliver a *significant portion* of its instruction to its students through the Internet or *other electronic means*” (Emphasis added.) We have two concerns. First, what would constitute a “significant portion” of curriculum as well as

instruction? Second, the phrase “other electronic means” is vague and should be further defined.

IDEA

The citation noted in this definition (20 U.S.C.A. §§ 1400—1485) differs from the citation noted in the Preamble (20 U.S.C.A. §§ 1400—**1419**). (Emphasis added.) The Board should review the citation in this definition, and make the appropriate changes to the final-form regulation.

Regional charter school

The following sentences are being added to this existing definition: “[a] regional charter school shall be organized as a public, nonprofit corporation. Charters may not be granted to any for-profit entity.” This language is substantive. In order to assist the regulated community with compliance and to improve clarity, this language should be moved to the body of the final-form regulation.

2. Section 711.2. Purposes and intent.—Clarity.

The term “pre-referral intervention strategies” is used in Subsection (e), but it is not defined. The final-form rulemaking should include a definition for this term.

3. Section 711.5. Personnel.—Reasonableness; Clarity.

Educational interpreters.

Subsection (b) pertains to educational interpreters. We raise three issues. First, we recommend that the final-form regulation define the term “educational interpreter.”

Second, what are the bases for both the required minimum of 20 hours of staff development activities and for a score of 3.5 on the Educational Interpreter Performance Assessment? What effect will these requirements have on the availability of educational interpreters throughout the Commonwealth?

Finally, the phrase “staff development activities” is vague, and should be defined in the final-form regulation.

4. Section 711.10. Complaint procedure.—Clarity.

This section states that the Department will establish a complaint procedure “consistent with 34 CFR 300.151—300.153.” Since the federal regulation already indicates to whom notice should be disseminated, the phrase “and disseminate notice of that procedure” should be deleted. See 34 CFR 300.151 (a)(2).

5. Section 711.23. Screening.—Clarity.

Subsection (c)(1) requires “[v]erification that the student was provided with . . . appropriate instruction in math.” We note that within Subsection (c)(1) the verification for reading includes the essential components of reading instruction. Why does that same paragraph not specify any criteria to evaluate appropriate math instruction?

Subsection (c)(4) also requires “research-based intervention” to increase the student’s rate of learning. This phrase is also used in Section 711.25(2)(i)(B). There are two concerns. First, it is not clear what a “research-based intervention” is, and therefore this term should be defined in the final-form regulation. Second, if a criterion of “research-based intervention” is used, would it have to be approved or sanctioned by the Department as effective?

6. Section 711.24. Evaluation.—Clarity.

Under Subsection (a), what are “qualified professionals”? The Department needs to define this term in the final-form regulation.

7. Section 711.25. Criteria for the determination of specific learning disabilities.—Implementation procedures; Clarity.

This section requires charter schools and cyber charter schools to include procedures for determining specific learning disabilities in their charter *application*. (Emphasis added.) We have three concerns. First, the final-form regulation should explain how *existing* charter and cyber charter schools will inform the Department of their implementation procedures. (Emphasis added.) Second, how would a school prove that a student received “high quality instruction” under Paragraph (2)(i)(A)? Finally, what are “qualified personnel” as mentioned in Paragraph (4)(i)? The final-form regulation should provide further clarification of these terms.

8. Section 711.42. Transportation.—Clarity.

Subsection (c) states that: “[i]f transportation is required as a related service in the IEP of the student with disabilities, who is enrolled in a cyber charter school, the cyber charter school shall provide the required transportation.” Unlike Subsection (a) which provides transportation for students with disabilities who are charter school students, this subsection does not place a limit on the distance the cyber charter school is permitted to travel in order to pick up the students. To improve consistency, we recommend that this subsection also include a distance limit.

In addition, the following sentence is non-regulatory language and should be deleted from the final-form regulation: “[t]he act does not require that a student’s school district of residence provide transportation for cyber charter school students.”

9. Section 711.45. Access to instructional materials.—Clarity.

Subsections (a), (b), (c) and (d) use the vague term “timely manner.” This term is subjective and does not give the regulated community direction regarding how to comply with this standard. This term should be replaced with clear time requirements.

10. Section 711.46. Behavior support.—Protection of the public health, safety and welfare; Need; Reasonableness; Feasibility; Clarity.

Restraints in general

This section relates to behavior supports, in particular in the form of restraints. The proposed amendments to Chapter 14 (“Special Education Services and Programs”), contain similar language which resulted in substantial public comment and concern. The public concerns included issues related to face down prone restraints, the 30 consecutive second time period and any use of restraints at all. Some of these same comments also were raised in response to this proposed regulation.

As we suggested in our comments on Chapter 14, the Department should provide an overall explanation of restraints and how the use of restraints as described in the regulation meets the criteria of protection of the public health, safety and welfare; need; and reasonableness. We will review this explanation, as well as the Department’s response to commentators, to determine whether the final-form regulation is in the public interest.

Definition of “positive techniques”

This definition in Subsection (b) lacks clarity because it uses the term being defined in the definition. This definition should be rewritten to improve clarity.

Definition of "restraints"

We have three concerns with this definition in Subsection (b). First, while we do not believe this was intended, the inclusion of the phrase "that last longer than 30 consecutive seconds" in the definition technically means a device is only a restraint during its use after 30 consecutive seconds. The definition should identify what specifically is a restraint. Substantive provisions and time specifications should be located in the body of the regulation.

Second, why is a time period of 30 consecutive seconds needed? The Department needs to explain the basis for choosing "30 consecutive seconds" and why it is a safe and appropriate time limit.

Third, this provision appears to be unenforceable and impractical. It seems that repeated use of these devices would be permitted as long as 30 consecutive seconds was never exceeded. Given the circumstances envisioned, such as aggressive behavior, how would the 30 consecutive second time period be measured, documented and enforced?

Parental notification

Subsection (c)(1) states:

When there is evidence to suggest that the emergency use of restrictive procedures, such as restraints may be necessary to ensure a student's safety or the safety of others, parental consent *should* be obtained. If a restrictive procedure is needed on an emergency basis, parents *should* be informed and consent for future uses obtained within 10 school days following the need for the use of a restrictive procedure. The need for restrictive procedures for safety *should* be noted in the student's IEP. (Emphasis added.)

There are three concerns. First, the term "should" is non-regulatory language which indicates that these provisions are optional. It is inappropriate to include optional provisions in a regulation. Regulations establish binding norms of general applicability and future effect. These provisions need to be rewritten to set clear compliance standards.

Second, this provision requires parental consent for future use of restraints "within 10 school days" of the use of an emergency restraint. However, it is not clear when parents are to be notified of the use of the emergency restraint. Does the 10 school day period apply? The final-form regulation should clarify the time frame for and required form of parental notice.

Finally, related to our first concern, Subsection (c)(1) states that: "[t]he need for restrictive procedures for safety *should be noted* in the student's IEP." (Emphasis added.) However, subsection (c)(2) refers to restraints and the "*[e]xplicit provisions* of the existing IEP." (Emphasis added.) The regulation needs to clarify when restraint procedures must be included in the IEP, for example if restraint procedures are used in an emergency, should they then be added to the student's IEP?

Face down prone restraints

Subsection (e) states:

The use of prone (face down) restraints is prohibited in educational programs, unless specifically directed by a physician and documented in the student's current IEP.

We have three concerns. First, the regulation prohibits the use of face down prone restraints, but allows an

exception if "specifically directed by a physician and documented in the student's current IEP." If a physician determined this type of restraint is necessary and it could be documented in the student's IEP, can a school entity still find this type of restraint to be unacceptable or too hazardous?

Second, the Department should explain how the restrained person's health, safety and welfare would be adequately protected by the school entity staff.

Third, the regulation allows any physician to make the determination that restraint is necessary. Why doesn't the regulation require a determination by the student's personal physician?

11. Miscellaneous Clarity.

The following is a list of vague language in the regulation. The Department should clarify this language in the final-form regulation.

- Sections 711.23(b)(2), 711.23(c)(5) and 711.25(4)(ii) use the phrase "reasonable intervals."

- Section 711.25(2)(i) uses the phrase "scientific, research-based intervention" and Sections 711.25 (1) and 711.25(4)(i) use the phrase "scientifically based instruction."

- Sections 711.45(c) and (e) use the phrase "reasonable steps."

- Section 711.46(a) mentions "demeaning treatment" and Section 711.46(f)(7) mentions "treatment of a demeaning nature."

- Section 711.46(b) mentions "systematic application" in the definition of "behavior support."

ARTHUR COCCODRILLI,

Chairperson

[Pa.B. Doc. No. 08-291. Filed for public inspection February 15, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT**Abington Memorial Hospital; Prehearing**

Appeal of Abington Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-025

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 21, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 26, 2008 at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 27, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 12, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 19, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-292. Filed for public inspection February 15, 2008, 9:00 a.m.]

Allegheny Neurosurgery and Spine Associates; Prehearing

Appeal of Allegheny Neurosurgery and Spine Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-030

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 7, 2008, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 26, 2008 at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 27, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 12, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 19, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-293. Filed for public inspection February 15, 2008, 9:00 a.m.]

AmeriHealth HMO; Prehearing

Appeal of AmeriHealth HMO under 40 P. S. §§ 991.2101—991.2193; Heather Marie Shultz; Doc. No. HC08-01-007

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II

(relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on March 19, 2008 at 1:30 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 19, 2008.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before March 11, 2008.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-294. Filed for public inspection February 15, 2008, 9:00 a.m.]

Butler Petroleum Corporation; Prehearing

Appeal of Butler Petroleum Corporation under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 07-065(F); Doc. No. UT07-12-019

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on March 17, 2008, at 2 p.m. A hearing shall occur on April 8, 2008, at 10 a.m., in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before February 27, 2008. Answers to petitions to intervene, if any, shall be filed on or before March 3, 2008.

On or before March 3, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-295. Filed for public inspection February 15, 2008, 9:00 a.m.]

Eric H. Grubb; Prehearing

License Denial; Doc. No. AG08-01-011

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for March 4, 2008 at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before February 20, 2008. A hearing will occur on April 8, 2008, at 9:30 a.m. at the address listed.

On or before March 24, 2008, each party shall file the Administrative Hearings Office a prehearing statement. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 27, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 4, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-296. Filed for public inspection February 15, 2008, 9:00 a.m.]

William M. Purner, Jr., D. O.; Prehearing

Appeal of William M. Purner, Jr., D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-008

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 29, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 19, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 26, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference except as requested in paragraph one. However, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 11, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-297. Filed for public inspection February 15, 2008, 9:00 a.m.]

William M. Purner, Jr., D. O.; Prehearing

Appeal of William M. Purner, Jr., D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-01-029

On or before March 5, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's November 29, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 19, 2008 at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 26, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

No prehearing memoranda or other written submissions are required for the prehearing telephone conference except as requested in paragraph one. However, the parties are encouraged to discuss settlement and possible stipulations pending the conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 4, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 11, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-298. Filed for public inspection February 15, 2008, 9:00 a.m.]

Pamela Spenser; Prehearing**Appeal of Pamela Spenser under 40 P. S.
§§ 991.2101—991.2193; Geisinger Health Plan;
Doc. No. HC08-01-012**

Under 40 P. S. §§ 991.2101—991.2193, notice is hereby given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures) and any other relevant procedure provisions of law.

A prehearing telephone conference initiated by the Administrative Hearings Office shall be conducted on March 10, 2008 at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 15, 2008.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before February 29, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene shall be filed on or before March 5, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-299. Filed for public inspection February 15, 2008, 9:00 a.m.]

William J. Strowhouer, D. O.; Prehearing**Appeal of William J. Strowhouer, D. O. under the
Medical Care Availability and Reduction of Error
(MCARE) Act (40 P. S. §§ 1303.101—1303.910);
Doc. No. MM08-01-024**

On or before February 29, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 31, 2007, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 21, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before February 27, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 12, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 19, 2008.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-300. Filed for public inspection February 15, 2008, 9:00 a.m.]

Kerry C. Wiley; Prehearing**Appeal of Kerry C. Wiley under the Storage
Tank and Spill Prevention Act; Underground
Storage Tank Indemnification Fund; USTIF File No.
07-074(F); Doc. No. UT07-12-015**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on March 11, 2008, at 2 p.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before February 29, 2008. Answers to petitions to intervene, if any, shall be filed on or before March 7, 2008.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-301. Filed for public inspection February 15, 2008, 9:00 a.m.]

**Workers' Compensation Security Fund Assess-
ment; Notice No. 2008-04**

The Insurance Department (Department) has determined that no contributions will be required for the Workers' Compensation Security Fund (Fund).

Section 5(1) of the Workers' Compensation Security Fund Act (act) (77 P. S. § 1059(1)) states ". . . If, due to the payment of liabilities or claims, the balance of the fund is reduced below \$500,000,000, the Department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of the evaluation date of December 31, 2007, the balance of the fund was \$504,741,814.36.

Therefore, insurers writing workers' compensation insurance in this Commonwealth will not be required to submit any contributions for the Fund in 2008.

The act may be viewed at www.ncigf.org under public resources/publications/guaranty fund laws and the rules

and regulations may be viewed at www.pacode.com Title 31, Chapter 165. Additional information regarding the Fund is located on the Department's web site under Special Funds at www.ins.state.pa.us.

No acknowledgement of this notice is required.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 08-302. Filed for public inspection February 15, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; 2007 Bulk Cream Disposal

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on April 2, 2008, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning adjustments to minimum wholesale and retail prices on an area-by-area basis to recognize uncharacteristic changes in bulk cream disposal during 2007.

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 March 10, 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 March 10, 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, email 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. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on March 18, 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 petitioner, 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 March 25, 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 March 31, 2008, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the previous requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or 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 March 21, 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. 08-303. Filed for public inspection February 15, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Order

Public Meeting held
January 24, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Winstar of Pennsylvania, LLC
(2003.0034.00); C-20078215; A-311171*

Default Order

By the Commission:

On September 6, 2007, the Law Bureau Prosecutory Staff (Prosecutory Staff) filed a formal complaint against Winstar of Pennsylvania, LLC (Winstar or Respondent) at Docket No. C-20078215. Respondent was issued a certificate of public convenience by the Commission on April 1, 2002 to operate in Pennsylvania as a facilities based interexchange toll carrier (IXC) as authorized by our order at A-311171, as a competitive local exchange carrier (CLEC) as authorized by our order at A-311171F0002; and as a competitive access carrier (CAP) as authorized by our order at A-311171F0003.

In the complaint, Prosecutory Staff alleged that Respondent is delinquent in paying its monthly Pennsylvania Universal Service Fund (USF) assessments pursuant to 52 Pa. Code §§ 63.161—63.171 and 66 Pa.C.S. §§ 3001—3009, and has failed to file the Telecommunications Relay Service Annual Access Line Summary Report

and Annual Tracking Report (hereinafter collectively referred to as TRS Reports) for 2005 in violation of Section 504 of the Public Utility Code, 66 Pa.C.S. § 504. The complaint requested that the Commission order respondent to file the TRS Reports and pay \$11,021.85 to the USF. In addition, the complaint requested that the Commission impose a civil penalty of \$1,000 for each violation alleged herein, and for each day's continuance of such violation, and/or cancel Winstar's certificate of public convenience.

According to the U. S. Postal Service return receipt, the complaint was served on September 10, 2007. To date, more than 20 days later, no answer has been filed to the complaint. Moreover the TRS Reports have not been filed and nor has the USF assessment total of \$11,021.85 plus late fees been paid. As of November 30, 2007, the unpaid USF assessment total was \$12,401.69. In addition, we are not aware that Respondent has any current local service customers in Pennsylvania, and Respondent no longer is assigned any NXX codes.

Winstar's total failure of response is absolutely unacceptable and will not be tolerated. By way of this order we reiterate that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedies as the Commission may deem appropriate. See 66 Pa.C.S. §§ 504—506 and 3301. Based on Respondent's failure to file an answer to the complaint and the TRS Reports, as well as its failure to pay its outstanding monthly USF assessments and late charges, we conclude that revocation of Winstar's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this order; *Therefore,*

It Is Ordered That:

1. The allegations in the Prosecutory Staff's complaint are deemed admitted and the complaint sustained.

2. Winstar of Pennsylvania, LLC is hereby required to file its 2005 TRS Reports and pay its outstanding USF assessment total of \$12,401.69 plus late fees.

3. The Secretary serve a copy of this tentative Default Order upon Winstar of Pennsylvania, LLC, Verizon Pennsylvania, Inc. and Verizon-North, Inc., the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this tentative Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

4. Absent the filing of a written response within the 20-day comment period, this Default Order shall become final without further order of this Commission.

5. Winstar of Pennsylvania, LLC shall immediately cease acquiring any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience absent adverse public comment within the 20-day time constraint established pursuant to Ordering Paragraph No. 3.

6. Absent the filing of adverse public comment, 30 days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificates of

public convenience held by Winstar of Pennsylvania, LLC at A-311171, A-311171F0002 and A-311171F0003 shall be cancelled, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-304. Filed for public inspection February 15, 2008, 9:00 a.m.]

Delegation of Additional Authority Regarding Vehicle Age Requirements; Doc. No. P-00072274

The Pennsylvania Public Utility Commission (Commission) at its May 30, 2007, public meeting delegated an additional routine ministerial and nonpolicymaking matter to its staff for disposition. In particular, the Commission ordered the following:

"That, in regard to vehicle age requirements at 52 Pa. Code §§ 29.314(d) and 29.333(e), the Bureau of Transportation and Safety is hereby given authority to approve/disapprove inspection requests, to schedule and conduct inspections and to grant or deny waivers."

Accordingly, this matter will be addressed by Secretarial Letter. The staff's action may be appealed to the Commission by filing a petition within 20 days after service of notice of the action, unless a different time period is specified. See 52 Pa. Code § 5.44 (relating to petitions for appeal from actions of the staff).

The contact person for this matter is Eric A. Rohrbach, Deputy Chief Counsel, Law Bureau (717) 787-5534.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-305. Filed for public inspection February 15, 2008, 9:00 a.m.]

Rescission Order

Public Meeting held
January 24, 2008

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

*Pennsylvania Public Utility Commission Law Bureau
Prosecutory Staff v. Lakeside Water Systems Inc.
(2006.0295.00); C-20077729; A-210069*

Rescission Order

On December 3, 2007, the Commission entered a Default Order at this docket against Lakeside Water Systems, Inc. (Lakeside), a water utility certificated at A-210069, for failure to file its 2005 Annual Report.

The Commission has subsequently learned that Deer Haven, LLC, on behalf of Lakeside, filed the 2005 Annual Report on April 4, 2007, but an internal administrative error in handling the filing did not properly credit the filing to Lakeside. The Secretary's Bureau is now in the

process of correcting this error. Based on review of Commission records, it is clear that Lakeside's 2005 Annual Report was properly filed before the Complaint in this matter was filed on April 23, 2007; *Therefore,*

It Is Ordered That:

1. The Default Order entered December 3, 2007, is hereby rescinded.

2. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-306. Filed for public inspection February 15, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 3, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2008-2014097. Fidel Barba t/a 24 Hour Taxi (139 Erie Street, Washington, Washington County, PA 15301-3466), begin right to transport, by motor vehicle, persons, upon call or demand in the County of Washington. *Attorney:* Angelo E. Quaranta, Esquire, 4160 Washington Road, Suite 208, McMurray, PA 15317.

A-2008-2019753. Kenneth and Isabel E. Gerber (8295 Adamsville Road, Hartstown, Crawford County, PA 16131), for the right to begin to transport persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Crawford, Mercer, Venango and Lawrence, to points in Pennsylvania, and return.

A-2008-2019757. York Cab, Inc. (1435 Guildford Lane, York, York County, PA 17404), begin right to transport, by motor vehicle, persons, upon call or demand in the County of York. *Attorney:* George E. MacDonald, Esquire, 2675 Eastern Boulevard, York, PA 17402.

A-2008-2020723. David W. Hayes (R. R. 1, Box 236, Roaring Spring, Blair County, PA 16673-9801)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Blair and Bedford, to points in Pennsylvania and return.

Applications of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-00123095. An Affair to Remember, LLC, t/a A Special Occasion Limousine Service. (214 Hall Drive, Hanover, York County, PA 17331), a limited liability company of the State of Maryland—for amendment to its common carrier certificate, to transport, by motor vehicle, persons, in limousine service, from points in the Counties of York, Adams, Cumberland and Lancaster, to points in Pennsylvania, and return, excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2019669. Eli-Al Cab Co., Inc. (8230 Fairview Road, Elkins Park, Montgomery County, PA 19027), inter alia—persons, upon call or demand, in the Township of Upper Merion, Montgomery County: *So As To Permit* the transportation of persons, upon call or demand in the Borough of Phoenixville and the Township of Schuylkill, Chester County. *Attorney:* Steven K. Bainbridge, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601.

Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under each application.*

A-2008-2020353. K & F Medical Transport, LLC (3927 Mary Street, Drexel Hill, Delaware County, PA 19026)—a limited liability company of the Commonwealth, for the right to begin to transport, as a contract carrier, by motor vehicle, persons between points in the City and County of Philadelphia for the Medical Assistance Transportation Program through Logisticare Solutions, LLC. *Attorney:* Heather C. Winett, Esquire, 1500 JFK Boulevard, Suite 200, Philadelphia, PA 19102-1706.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-307. Filed for public inspection February 15, 2008, 9:00 a.m.]

Telecommunications

A-2008-2020132. Verizon North, Inc. and Sterling Telecom, Inc. Joint petition of Verizon North, Inc. and Sterling Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Sterling Telecom, Inc., by its counsel, filed on January 9, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Sterling Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-308. Filed for public inspection February 15, 2008, 9:00 a.m.]

Telecommunications

A-2008-2020939. Verizon Pennsylvania, Inc. and Sterling Telecom, Inc. Joint petition of Verizon Pennsylvania, Inc. and Sterling Telecom, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Sterling Telecom, Inc., by its counsel, filed on January 9, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Sterling Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-309. Filed for public inspection February 15, 2008, 9:00 a.m.]

Tentative Order

Public Meeting held
January 24, 2008

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

*Re: Lifeline and Link-Up Programs;
Docket No. M-00051871*

Tentative Order

By the Commission:

By this Tentative Order, we amend our prior order, *In Re: Lifeline and Link-Up Programs* at Docket No. M-00051871, Final Order entered on May 20, 2005, so as to be consistent with the Federal Communication Commission's (FCC) Public Notice Released on July 10, 2007, DA 07-3088, regarding its *Lifeline Order*.¹ Notice is hereby given by the Commission that the action discussed herein is preliminary in nature and will become final in accordance with law after 30 days of the date of publica-

¹ *Federal-State Joint Board on Universal Service Lifeline and Link-Up, Report and Order and Further Notice of Proposed Rulemaking In the Matter of Lifeline and Link-Up*, at CC Docket No. 04-87, WC Docket No. 03-109, 18 FCC Rcd 8302 (2004) (*Lifeline Order*).

tion of this Tentative Order in the *Pennsylvania Bulletin* unless comments are received.

Procedural History

In 1984, the FCC established its "Lifeline" program to promote universal telephone service by providing low-income consumers with discounts on the monthly cost of dial tone service. By 1987, the FCC implemented "Link-Up America" (Link-Up) to help low-income households pay phone connection charges. With the passage of the Telecommunications Act of 1996 (TA-96), the FCC expanded its rules² so that Lifeline service could be provided to low-income consumers in every state regardless of whether a state provided support. Under the amended rules, telephone companies designated as eligible telecommunications carriers (ETCs) are required to provide Lifeline service to eligible consumers as a condition to eligibility for receiving federal universal service funding.

On April 29, 2004, the FCC released the *Lifeline Order*. The FCC modified its rules with the express intention of increasing the national telephone penetration rate above the current level of 94.7% and making phone service affordable to more low-income households. The order expanded the federal default eligibility criteria so as to include an income-based criterion of 135% of the Federal Poverty Guidelines (FPG) and added the National School Lunch Program's free lunch program (NSL)³ as a qualifying social assistance program.

In order to combat fraud, the FCC added a proof-of-eligibility provision that places an additional administrative requirement on the LECs to get their customers to certify in writing, under oath, that they meet the eligibility requirements for household income and participation in qualifying social assistance programs. The FCC further required ETCs to verify annually the continued eligibility of a statistically valid sample of their Lifeline subscribers.

In our *Lifeline and Link-Up Programs Order*⁴ we adopted a majority of the FCC's *Lifeline Order* provisions. Specifically, we adopted the FCC's statistically-valid sampling method except that because our order was being entered in late-May, we gave the ETCs a deadline of December 22, 2005, for submitting their verification samples to the Universal Service Administrative Company (USAC) instead of a deadline of June 22, 2005, which the FCC was imposing on ETCs operating in default states at the time. We did this in order to give the ETCs enough time to complete the verification sampling and send their results to USAC.

Discussion

The Public Notice at DA-07-3088 released on July 10, 2007, states that each year ETCs are required to verify the continued eligibility of a statistically-valid sample of their Lifeline subscribers. Under the terms of the FCC's *Lifeline Order*, states that have their own state-based low-income programs are required to establish state-specific verification procedures. These state procedures should anticipate how ETCs are to verify continued eligibility and specify to whom the results should be submitted. States that do not have state-based low-

² *Federal-State Board on Universal Service*, (FCC May 8, 1997) CC Docket No. 96-45, FCC 97-157.

³ To be eligible for the NSL free lunch program, a consumer's household income must be at or below 130% of the FPG. 68 Fed. Reg. at 6456-58. In addition, children are automatically eligible to participate in the NSL free lunch program if their household receives Food Stamps, benefits under the Food Distribution Program on Indian Reservations or, in most cases, benefits under the TANF program. <http://www.fns.usda.gov/cnd/About/faqs.htm>.

⁴ *In Re: Lifeline and Link-Up Programs*, M-00051871F0002, Final Order, May 23, 2005 (*Lifeline and Link-Up Programs Order*).

income programs are designated "Federal default states." ETCs in Federal default states must follow the certification and verification procedures set out in the *Lifeline Order*.

The FCC's Public Notice further declared that an ETC in a state with its own State-based low-income program must submit a certification, signed by an officer of the company to USAC by August 31, 2007, and on August 31 of each subsequent year thereafter, attesting that the ETC has complied with the state verification procedures. The FCC expressly stated that ETCs in Federal default states must also submit their annual Lifeline verification survey results to USAC under the same time schedule. See 47 CFR 1.4(e)(2)(j).

The Public Notice says that states with state-based Lifeline and Link-Up programs may either: (1) collect the verification results on a date that the state chooses; or (2) direct ETCs in their states to send the verification results to USAC. If companies are submitting the results to USAC, they should do so by August 31, 2007, and on August 31, of each subsequent year thereafter. Results submitted directly to USAC will be processed in the same manner as those received from ETCs in Federal default states.

The fact that Verizon is mandated to contribute to its Lifeline programs qualifies Pennsylvania as a "non-default" state according to the FCC rules. The significance of being a non-default state is that the Commission or the State legislature can establish rules specific to Pennsylvania and address any issues that may be unique to the Commonwealth. Our May 20, 2005, *Lifeline and Link-Up Programs Order* held in pertinent part:

Finally, PTA asserts that it does not oppose the Commission's proposed annual recertification requirement as long as no additional recertification obligations exceed those put in place by the FCC. We agree with the PTA regarding this issue and are satisfied that the statistically valid sampling method imposed by the FCC is sufficient and will be adopted here in Pennsylvania, with the exception that the FCC has a deadline of June 22, 2005 for the sampling to be complete, and we will offer jurisdictional LECs an additional six months from that date (until December 22, 2005) to submit their samples to the Universal Service Administrative [sic Administration] Company (USAC). The sample may be verified through DPW, DOR or LIHEAP's separate program.

Lifeline and Link-Up Programs Order at p. 10.

ETCs operating in Pennsylvania submitted their verification results to USAC after the August 31, 2007, deadline specified in the FCC's July 2007 Public Notice, but before the PUC's Lifeline and Link-Up Programs Order's deadline of December 22. In Ordering Paragraph Number 9 of our *Lifeline and Link-Up Programs Order*, we ordered that LECs offering Lifeline and Link Up services are directed to recertify their Lifeline customers at least annually. The FCC has since made it clear that in states such as ours with State-based lifeline and link-up programs, ETCs verification samplings annual recertification should be done so that the ETCs collect and send their verification results to USAC by August 31 of each year in order for their data to be incorporated in USAC's annual report to the FCC; *Therefore*,

It Is Ordered That:

1. In the event this Tentative Order becomes final, our prior Order entered on May 23, 2005, is hereby amended in accordance with the FCC's July 10, 2007, Public

Notice, that Pennsylvania-jurisdictional eligible telecommunications carriers are directed to send their verification results to the Universal Service Administrative Company (USAC) by August 31, 2008 and on August 31, of each subsequent year thereafter.

2. Comments to this Tentative Order shall be filed within 30 days of the date the Tentative Order is published in the *Pennsylvania Bulletin*.

3. If no adverse comments are filed to this Tentative Order by the end of the 30-day period, this Tentative Order shall become a Final Order by operation of law.

4. All LECs operating in this Commonwealth, the Pennsylvania Telephone Association, Nextel Partners, Inc., Office of Consumer Advocate, Department of Public Welfare, Pennsylvania Utility Law Project and AARP shall be served with a copy of this Tentative Order.

5. A copy of this Tentative Order shall be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-310. Filed for public inspection February 15, 2008, 9:00 a.m.]

Transfer of Property

A-2008-2020725. UGI Utilities, Inc. Application of UGI Utilities, Inc., for approval of the transfer, by sale, of property located at 1500 Paxton Street, Harrisburg, 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 March 3, 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: UGI Utilities, Inc.

Through and By Counsel: Mark C. Morrow, Senior Counsel, 460 North Gulph Road, King of Prussia, PA 19406

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-311. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. Josiah Middleton; Doc. No. 1266-42-2007

On December 13, 2007, Josiah Middleton, of Philadelphia, Philadelphia County, was assessed a civil penalty of \$100 in addition to the previously imposed civil penalty of \$100, for a total of \$200, based on his failure to comply with a previous State Board of Barber Examiners (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final 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.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 08-312. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

Bureau of Professional and Occupational Affairs v. Carla R. Blake; Doc. No. 0956-45-2006

On November 15, 2007, Carla R. Blake, of Chester, Delaware County, was assessed a civil penalty of \$500, in addition to a previously imposed civil penalty of \$500 for a total of \$1,000, based on her violation of a State Board of Cosmetology (Board) order.

Individuals 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 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. 08-313. Filed for public inspection February 15, 2008, 9:00 a.m.]

STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v. Walter J. Boone, Sr.; Doc. No. 2547-42-2007

On November 6, 2007, Walter J. Boone, Sr., license no. BM-093454, of Norristown, Montgomery County, was suspended under the Order of the Court of Common Pleas of Montgomery County dated December 19, 2007, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

GARY M. BARBERA,
Chairperson

[Pa.B. Doc. No. 08-314. Filed for public inspection February 15, 2008, 9:00 a.m.]