

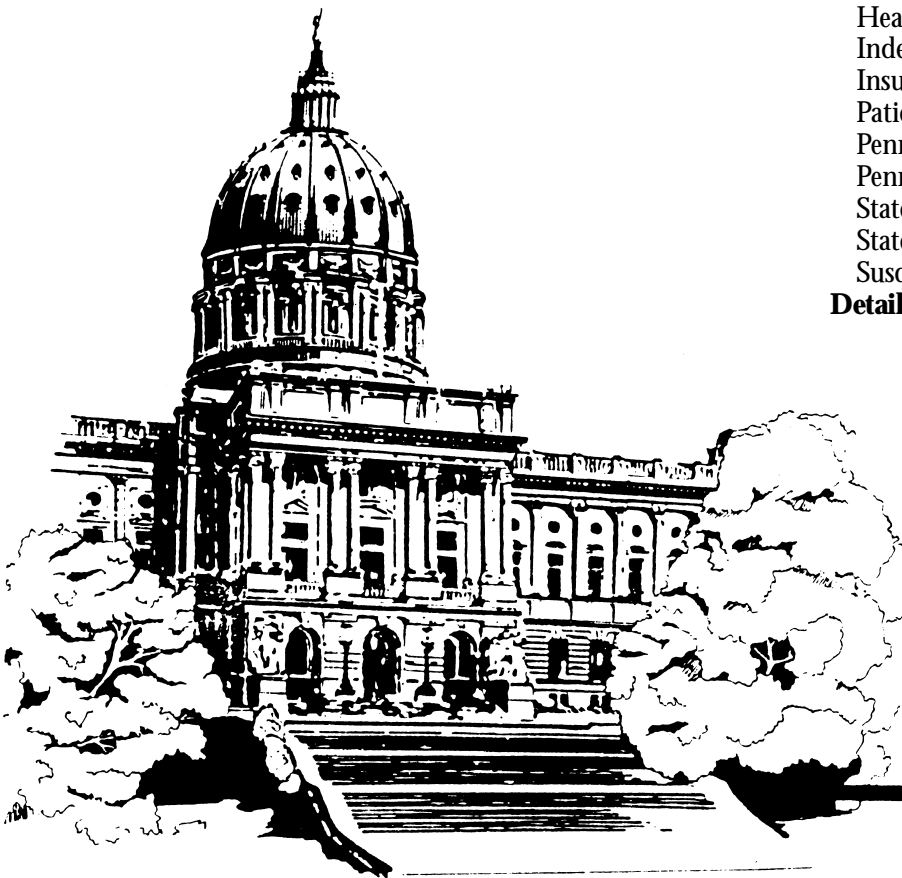
# PENNSYLVANIA BULLETIN

Volume 38  
Saturday, March 1, 2008 • Harrisburg, PA  
Number 9  
Pages 1031—1132

## Agencies in this issue

The Courts  
Department of Agriculture  
Department of Banking  
Department of Environmental Protection  
Department of Health  
Department of Labor and Industry  
Department of Revenue  
Environmental Hearing Board  
Health Care Cost Containment Council  
Independent Regulatory Review Commission  
Insurance Department  
Patient Safety Authority  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
State Board of Cosmetology  
State Conservation Commission  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 400, March 2008**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 61 ]

[Correction]

#### Amendment to Rule 7 of the Rules Governing the Conduct of Members of the Court of Judicial Discipline; Doc. No. 1 JD 94

An error occurred in the document which appeared at 38 Pa.B. 865 (February 16, 2008). The name and title of the individual submitting the document for publication should have been William H. Lamb, President Judge.

The correct version of the document is as follows:

#### Amendment to Rule 7 of the Rules Governing the Conduct of Members of The Court of Judicial Discipline; Doc. No. 1 JD 94

##### Order

*And Now*, this 4th day of February, 2008, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having proposed amendments to Rule 7 of the Rules Governing the Conduct of Members of the Court of Judicial Discipline, as more specifically hereinafter set forth, *It Is Hereby Ordered*:

That Court Administrator Wanda W. Sweigart provide for the publication of the Amendment in the *Pennsylvania Bulletin*, and

That interested parties shall submit suggestions, comments, or objections no later than thirty days from the publication of this Order in that Bulletin.

WILLIAM H. LAMB,  
*President Judge*

##### Annex A

#### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 61. RULES GOVERNING THE CONDUCT OF MEMBERS OF THE COURT OF JUDICIAL DISCIPLINE

##### Rule 7. Political Activity.

\* \* \* \* \*

C. Non-judicial members of the Court shall not hold office in any political party or political organization during the member's term of service[, **and should refrain from political activity inappropriate to the member's judicial office** ].

(1) Non-judicial members should not act [ **as leaders** ] in any capacity in any political organization of [ **or make speeches for or endorse** ] a candidate for judicial office or judicial appointment.

(2) Non-judicial members should not **publicly endorse** [ **solicit or contribute funds for** ] a candidate for judicial office **or judicial appointment** and [ **nor serve as officers, members or volunteers in the campaign**

**of a candidate for judicial office ] should not solicit or contribute funds for a candidate for judicial office.**

[Pa.B. Doc. No. 08-253. Filed for public inspection February 15, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### DAUPHIN COUNTY

#### Promulgation of Local Rules; No. 1793 S 1989

##### Order

*And Now*, this 11th day of February, 2008, Dauphin County Local Rule of Civil Procedure 1018.1 is amended as follows:

##### Rule 1018.1. Notice to Defend. Form.

(a) Every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall begin with a Notice to Defend, followed by a Notice Concerning Mediation.

(b)—(c) Reserved.

(d) The required Notice to Defend and the Notice Concerning Mediation shall be set forth in both English and Spanish and shall be in substantially the following form:

	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	DAUPHIN COUNTY, PENNSYLVANIA
	:	
vs.	:	NO.
	:	
Defendant	:	CIVIL ACTION —

##### NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE  
213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**NOTICE**  
**CONCERNING MEDIATION OF ACTIONS**  
**PENDING BEFORE**  
**THE COURT OF COMMON PLEAS OF**  
**DAUPHIN COUNTY**

The Judges of the Court of Common Pleas of Dauphin County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Dauphin County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help the parties act upon the requirement to consider good faith mediation at the optimal time.

The Dauphin County Bar Association provides mediation services and can be reached at (717) 232-7536. Free mediation sessions for pro bono cases referred by MidPenn Legal Services are available through the DCBA.

**AVISO**

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan mas adelante en las siguientes paginas, debe tomar accion dentro de los proximos veinte (20) dias despues de la notificacion de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aqui en contra suya. Se le advierte de que si usted falla de tomar accion como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamacion o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin mas aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

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213 North Front Street  
Harrisburg, PA 17101  
(717) 232-7536

**AVISO**

**REFERENCIAS A LA MEDIACIÓN DE LAS**  
**ACCIONES PENDIENTES ANTES LA CORTE DE**  
**SOPLICAS COMUNES DEL CONDADO DE**  
**DAUPHIN**

Los jueces de la corte de súplicas comunes del condado de Dauphin creen que la mediación de pleitos es un componente muy importante de la resolución del conflicto. Virtualmente todos los pleitos pueden beneficiar de cierta manera de la mediación.

La code ha adoptado la regla local de condado de Dauphin 1001 para animar el use de la mediación. Esta alarma temprana permite a litigantes determinar la mejor época durante la vida de su pleito para una sesión de la mediación. El intento de esta alarma temprana es actuar sobre la mediación de la buena fe en el tiempo óptimo.

La asociación de la barra del condado de Dauphin proporciona servicios de la mediación y se puede alcanzar en (717) 232-7536. La sesión libre de la mediación para los favorables casos del bono se refinio por MidPenn que los servicios juridicos están disponibles con el DCBA.

An adequate supply of forms containing the bilingual notices required by these Rules shall be furnished by the Dauphin County Bar Association to the Office of the Prothonotary and shall be available for use by litigants and their attorneys.

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

*By the Court*

RICHARD A. LEWIS,  
*President Judge*

[Pa.B. Doc. No. 08-347. Filed for public inspection February 29, 2008, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that on February 14, 2008, under Rule 214, Pa.R.D.E., the Supreme Court of Pennsylvania ordered that Sherry L. Freebery be placed on temporary suspension from the practice of law, effective March 15, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 08-348. Filed for public inspection February 29, 2008, 9:00 a.m.]



# PROPOSED RULEMAKING

## PENNSYLVANIA GAMING CONTROL BOARD

[ 58 PA. CODE CH. 441a ]  
Independent Audit Committee

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) proposes to amend Chapter 441a (relating to slot machine licensing) to read as set forth in Annex A.

### *Purpose of the Proposed Rulemaking*

This proposal adds new provisions related to independent audit committees.

### *Explanation of Amendments to Chapter 441a*

Section 465a.11(c) requires the supervisors of the surveillance and internal audit departments to report directly to some form of an independent audit committee. While publicly traded corporations have Security and Exchange Commission requirements that must be met concerning independent audit committees, nonpublicly traded entities do not.

To ensure the financial integrity of gaming in this Commonwealth, the Board has developed criteria that must be met for independent audit committees of nonpublicly traded slot machine licensees. These criteria are similar to those that must be met by publicly traded slot machine licensees.

### *Affected Parties*

This proposed rulemaking will affect any slot machine licensee that is not a publicly traded corporation. Currently, three slot machine licensees would be affected by this proposed rulemaking.

### *Fiscal Impact*

#### *Commonwealth*

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

### *Political Subdivisions*

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

### *Private Sector*

Slot machine licensees that are not publicly traded corporations will have to establish independent audit committees that meet these standards. The annual cost for the one nonpublicly traded slot machine licensee that has established an independent audit committee that meets these criteria is estimated to be approximately \$250,000.

### *General Public*

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

### *Paperwork Requirements*

The independent audit committee will be responsible for filing certain financial reports and annual certifications with the Board.

### *Effective Date*

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

### *Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation No. 125-82.

### *Contact Person*

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

### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 20, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,  
*Chairperson*

**Fiscal Note:** 125-82. No fiscal impact; (8) recommends adoption.

### **Annex A**

#### **TITLE 58. RECREATION**

#### **PART VII. GAMING CONTROL BOARD**

#### **Subpart C. SLOT MACHINE LICENSING**

#### **CHAPTER 441a. SLOT MACHINE LICENSES**

#### **§ 441a.24. Independent audit committee.**

Slot machine licensees that are not publicly traded corporations or whose holding or intermediary companies are not publicly traded corporations shall establish an independent audit committee as required under § 465a.11(c) (relating to slot machine licensee's organization) which meets the following requirements:

(1) Be established with the general purpose and duty to monitor and report to the Board on the operations and financial control of the slot machine licensee.

(2) Be established by a charter which outlines its purpose, objectives and organization. The charter must, at a minimum:

(i) Set fixed terms for the members.

(ii) Set a minimum number of meetings to be held throughout the year.

(iii) Set the number of members required to be in attendance to conduct business.

(iv) Address situations in which there is a tie vote on a matter before the independent audit committee.

(v) Require the independent audit committee to establish a code of conduct for the independent audit committee.

(vi) Require the independent audit committee to review and approve the code of conduct for the slot machine licensee.

(3) The charter required under paragraph (2), any amendments thereto and the code of conduct required under paragraph (2)(v) must be approved by the Board.

(4) The independent audit committee shall consist of at least three, but no more than five, members appointed by the slot machine licensee, approved by the Board and licensed as principals.

(5) Members of the independent audit committee shall be independent in character and judgment, and there may be no relationships or circumstances which could affect, or might appear to affect, the member's independent judgment.

(6) A member of the independent audit committee may not have any ownership interest in the slot machine licensee or any entity owned by the slot machine licensee.

(7) A member of the independent audit committee may not have a material relationship with the slot machine licensee or any of the slot machine licensee's principals beyond membership on the independent audit committee. A member of the independent audit committee has a material relationship with the slot machine licensee or a principal of the slot machine licensee if:

(i) The member of the independent audit committee receives any compensation from the slot machine licensee or any of the slot machine licensee's principals, other than the compensation received for serving as a member of the independent audit committee.

(ii) The member of the independent audit committee receives any compensation from the slot machine licensee or any of the slot machine licensee's principals, other than the compensation received for serving as a member of the independent audit committee.

(iii) The member of the independent audit committee is, or has been within the last 3 years, employed by the slot machine licensee or any of the slot machine licensee's principals, or any company affiliated with the slot machine licensee or any of the affiliated company's principals.

(iv) The member of the independent audit committee is, or has within the last 3 years, served as an executive officer in any firm or business engaged by the slot machine licensee or any of the slot machine licensee's principals to perform any external or internal auditing functions.

(v) The member of the independent audit committee is, or has within the last 3 years, been employed by any company that has made payments to or received payments from the slot machine licensee or any of the slot machine licensee's principals, or any company affiliated with the slot machine licensee or any of the affiliated company's principals, exceeding \$1 million in any of the last 3 years.

(8) Members of the independent audit committee shall have contracts for the fixed term specified under the charter required under paragraph (2) and may not be terminated, except for "good cause." Any termination of a member of the independent audit committee must be approved by the Board.

(9) At least one member of the independent audit committee shall be an "audit committee financial expert," as that term is defined by the Securities and Exchange Commission under the Sarbanes-Oxley Act of 2002, the act of July 30, 2002 (Pub. L. No. 107-204, 116 Stat. 745).

(10) The independent audit committee shall have the resources, as determined by the independent audit committee and provided or funded by the slot machine licensee, necessary to fully execute its powers and duties established in the charter.

(11) The independent audit committee is directly responsible for the appointment, compensation, retention and oversight of the independent certified public accountant required by § 465a.5 (relating to annual audit; other reports; suspicious activity and currency transaction reporting). The independent certified public accountant shall report directly to the independent audit committee. The independent certified public accountant shall have a Nationally recognized and respected reputation and have expertise in the gaming industry. Within 30 days of the approval of the charter required under paragraph (2) and approval of the independent audit committee members, the independent audit committee shall:

(i) Notify the Board of its selection of the independent certified public accountant.

(ii) Certify that the independent certified public accountant has sufficient expertise in auditing in the gaming industry.

(iii) Certify that the independent certified public accountant is independent of the slot machine licensee, the slot machine licensee's principals, and any company affiliated with the slot machine licensee or the affiliated company's principals.

(12) The independent audit committee members shall individually review the reports required under § 465a.4 (relating to standard financial and statistical reports) and individually prepare a statement to accompany the annual audit required under § 465a.5 certifying that the member has reviewed the audit and, based on the member's knowledge, the audited financial statements do not contain any untrue statement of a material fact or omission of a material fact necessary to make the statements made, in light of the circumstances under which the statements were made, not misleading, and the financial statements in the audit fairly present in all material respects the financial condition, results of operations and cash flows of the slot machine licensee as of, and for, the periods presented.

(13) The independent audit committee is directly responsible for the appointment or approval of the appointment, compensation, retention and oversight of the department heads of the departments of internal audit and surveillance. These department heads shall report directly to the independent audit committee for matters of policy, purpose, responsibility and authority.

(14) The department heads of the departments of internal audit and surveillance shall report to the slot machine licensee's chief executive officer for matters of daily operation. The reports of these department heads must

include an assessment of any significant risks to the general operations of the slot machine licensee and how these are being managed.

(15) The independent audit committee shall approve the slot machine licensee's program for compliance with Chapter 465a (relating to accounting and internal controls), and monitor and report directly to the Board on the slot machine licensee's continuing compliance with those regulations.

(16) The independent audit committee shall report or cause to be reported to the Board any violations of the act, this part or other law.

(17) The independent audit committee shall establish adequate procedures for handling complaints regarding corporate and regulatory compliance and internal controls, including a system for handling anonymous complaints.

(18) The independent audit committee shall annually submit an annual report to the Board in which the independent audit committee evaluates its adherence to its purpose and duties, as established by the charter.

(19) Each member of the independent audit committee shall annually sign and submit to the Board a statement certifying that the member:

(i) Meets the independence standards contained in the charter establishing the independent audit committee.

(ii) Is in compliance with the code of conduct required under paragraph (2)(v).

[Pa.B. Doc. No. 08-349. Filed for public inspection February 29, 2008, 9:00 a.m.]

**[ 58 PA. CODE CH. 441a ]**  
**Slot Machine Licensing**

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. § 1202(b)(12) and 4 Pa.C.S. § 1326 (relating to license renewals) proposes to amend Chapter 441a (relating to slot machine licensing) to read as set forth in Annex A.

*Purpose of the Proposed Rulemaking*

This proposal amends the provisions related to renewal of slot machine licenses.

*Explanation of Amendments to Chapter 441a*

Section 1301 of 4 Pa.C.S. (relating to authorized slot machine licenses) required the Board to consider the initial applications for slot machine licenses collectively and together. Accordingly, the Board approved the initial slot machine licenses on December 20, 2006.

Most licenses issued by the Board expire 1 year from the date that the license application is approved by the Board. However, for slot machine licenses, the Board tied the term of the initial licenses to the date that the licenses were issued. This was done for two reasons. First, because the statements of conditions for each of the successful applicants are unique and licenses are not issued until all of the conditions are met, the term of the initial licenses would have been for much less than 12 months. For example, Pocono Downs, which was the first licensed facility to open, did not receive its permanent license until October of 2007. If the December 20, 2006,

approval date had been used for the starting date for the term of its license, Pocono Downs would have had to file its renewal application in the same month it received its license. This would have placed an unreasonable administrative burden on Pocono Downs and the rest of the slot machine licensees.

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

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

*Affected Parties*

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

*Fiscal Impact*

*Commonwealth*

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

*Political Subdivisions*

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

*Private Sector*

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

*General Public*

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

*Paperwork requirements*

There are no new paperwork or reporting requirements associated with this proposed rulemaking.

*Effective Date*

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

*Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Paul Resch, Secretary, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation No. 125-81.

*Contact Person*

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

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 15, 2008, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

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

MARY DIGIACOMO COLINS,  
*Chairperson*

**Fiscal Note:** 125-81. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart C. SLOT MACHINE LICENSING****CHAPTER 441a. SLOT MACHINE LICENSES****§ 441a.16. Slot machine license term and renewal.**

(a) [ **A** ] **The initial slot machine license issued to a slot machine licensee under this chapter will be valid for 1 year from the date of the issuance of the license by the Board. Renewals of a slot machine licensee's license will be valid for 1 year from the date of the approval of the renewal of the license by the Board.**

\* \* \* \* \*

[Pa.B. Doc. No. 08-350. Filed for public inspection February 29, 2008, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Avian Influenza

*Whereas*, avian influenza is an infectious disease of poultry;

*Whereas*, avian influenza is designated a "dangerous transmissible disease" of animals under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301—2389), at 3 Pa.C.S. § 2321(d);

*Whereas*, the Pennsylvania Department of Agriculture (PDA) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases;

*Whereas*, avian influenza has caused significant loss in the past to the Pennsylvania poultry industry;

*Whereas*, avian influenza is of particular concern to the entire Pennsylvania poultry industry and may severely limit the market for Pennsylvania product;

*Whereas*, avian influenza subtypes H5 and H7 are of particular concern due to their potential for developing into a virulent (highly pathogenic) form of disease;

*Whereas*, avian influenza exists, or is suspected to exist, outside this Commonwealth;

*Whereas*, the Domestic Animal Law allows (at 3 Pa.C.S. § 2329(c)) for the establishment of an Interstate/International Quarantine under the circumstances described previously;

*Whereas*, under that authority, PDA issued an Interstate/International Quarantine Order addressing avian influenza, effective January 24, 2006; and

*Whereas*, PDA has since determined it appropriate to issue another Interstate/International Quarantine Order to supplant the reference January 24, 2006, Order in order to further clarify the testing requirements applicable to poultry flocks.

*Now, therefore*, the PDA, under the authority granted it under the Domestic Animal Law and section 1702 of The Administrative Code of 1929 (71 P. S. § 442), orders the establishment of an interstate/international quarantine with respect to the shipment of live poultry into the Commonwealth. The quarantine restrictions are as follows:

1. Poultry will be defined as all domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, casowaries, waterfowl and game birds, except doves and pigeons, or as otherwise defined, under subpart A of the current version of the National Poultry Improvement Plan (NPIP) and Auxiliary Provisions, and shall be 3 weeks of age or older.

2. Poultry (and their hatching eggs) shall only be allowed into the Commonwealth under any of the following circumstances:

a. The poultry originate from a flock that participates in the current version of the National Poultry Improvement Plan and Auxiliary Provisions "U. S. Avian Influenza Clean" program and the shipment is accompanied by a USDA form 9-3 or other approved NPIP form; or

b. The poultry originate from a flock that participates (in good standing) in a state, foreign nation or foreign provincial-sponsored avian influenza monitoring program and the shipment is accompanied by a document from the state, nation or province of origin indicating participation. The following requirements must be met to be in good standing: a) The flock must be tested every 30 days; b) The flock must be tested negative for avian influenza for 3-consecutive months; and c) Poultry must be 3 weeks of age or older to be tested. The date of sample collection with negative test results for avian influenza (serology, virus isolation or real-time reverse polymerase chain reaction (RRT-PCR)) must be within 40 days of entry into this Commonwealth. The shipment must be accompanied by the test report; or

c. The poultry originate from a flock in which a minimum of 30 birds, 3 weeks of age or older, were tested negative for avian influenza (serology, virus isolation or real-time reverse-transcriptase polymerase chain reaction (RRT-PCR)). The date of sample collection must be within 30 days of entry into this Commonwealth and the shipment must be accompanied by the test report. If there are less than 30 birds in the flock, test all birds (RRT-PCR, virus isolation or serology); or

d. The poultry originate from a flock that participates in an equivalent testing/surveillance program, as approved by the Pennsylvania State Veterinarian.

3. No poultry from any untested or unmonitored flocks shall have been added to the flock within 21 days of movement of birds into this Commonwealth.

4. Poultry from flocks that are serologically positive shall not be imported unless the flock is determined to be free of virus by virtue of a negative virus detection test (virus isolation or RRT-PCR) of oropharyngeal, tracheal and/or cloacal specimens from a minimum of 150 birds. If there are less than 150 birds in the flock, test all birds. The date of sample collection must be within 30 days of entry into this Commonwealth and the shipment must be accompanied by the test report.

5. Poultry 3 weeks of age and older, imported into this Commonwealth, shall meet all other import requirements required under 7 Pa. Code (relating to agriculture).

6. All imported gallinaceous birds, water birds and ratites (and their hatching eggs) must meet all AI testing requirements stated for poultry (includes birds intended for release).

7. This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements on imported poultry and/or poultry products.

8. This Order is effective February 7, 2008, and supplants the referenced Interstate/International Quarantine Order of January 24, 2006.

DENNIS C WOLFF,  
*Secretary*

[Pa.B. Doc. No. 08-351. Filed for public inspection February 29, 2008, 9:00 a.m.]

# DEPARTMENT OF BANKING

## Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending February 19, 2008.

### BANKING INSTITUTIONS

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
1-28-2008	PeoplesBank, A Codorus Valley Company York York County	11350 McCormick Road Suite 101 Hunt Valley Baltimore County, MD	Opened
2-4-2008	Northwest Savings Bank Warren Warren County	Warren Commons Shopping Center 400 Jackson Run Road Warren Warren County	Opened
2-19-2008	Clarion County Community Bank Clarion Clarion County	592 Main Street Rimersburg Clarion County	Approved
2-19-2008	First CornerStone Bank King of Prussia Montgomery County	83 Lancaster Avenue Malvern Chester County	Approved
2-19-2008	Nova Savings Bank Philadelphia Philadelphia County	920 South Street Philadelphia Philadelphia County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
2-1-2008	Northwest Savings Bank Warren Warren County	1666 Market Street Extension Warren Warren County	Closed

#### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
2-13-2008	Leesport Bank Wyomissing Berks County	Amendment to Article 1 of the Articles of Incorporation provides for a change of the name of the institution from "Leesport Bank" to "VIST Bank."	Approved

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
2-12-2008	Riverset Credit Union, Pittsburgh, and Duke Federal Credit Union, Pittsburgh Surviving Institution: Riverset Credit Union, Pittsburgh	Pittsburgh	Approved

**Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
2-12-2008	Riverset Credit Union Pittsburgh Allegheny County	Amendment to the 8th Article of the Articles of Incorporation provides for service to the underserved/low-income area served by Duke Federal Credit Union ("Duke"), subsequent to merger between Riverset Credit Union and Duke.	Approved

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-352. Filed for public inspection February 29, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063126 (Minor Industrial Waste)	Artex, Inc. 300 South Tamaqua Street Hazleton, PA 18201	Schuylkill County Rush Township	Pine Creek 3A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084051 (SEW)	Creekview Farms Mobile Home Park—Charles Lupfer 280 Airy View Road Shermans Dale, PA 17090	Perry County Carroll Township	Sherman Creek 7-A	Y
PA0246841 (SEW)	Joseph Himes Himes Mobile Home Park R. D. 4 Box 20 Boyertown, PA 15912	Blair County North Woodbury Township	UNT Plum Creek 11-A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033073	Department of Transportation Rest Area 26 Department of Transportation P. O. Box 3060 Harrisburg, PA 17105-3060	Washington Township Jefferson County	Fivemile Run 17-C	Y
PA0033049	Department of Transportation Rest Area 25 Department of Transportation P. O. Box 3060 Harrisburg, PA 17105-3060	Pine Creek Township Jefferson County	UNT to Fivemile Run 17-C	Y
PA0221872	Universal Stainless & Alloy Products, Inc. 600 Mayer Street Bridgeville, PA 15017	City of Titusville Crawford County	Oil Creek 16-E	Y

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

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

**PA0054909**, Industrial Waste, SIC 4941, **North Penn and North Wales Water Authorities**, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Activity: The transfer and discharge of untreated Delaware River water to the North Branch Neshaminy Creek by means of the Bradshaw Reservoir.

The receiving stream, North Branch Neshaminy Creek, is in the State Water Plan Watershed 2F—Neshaminy Creek and is classified for: WWF. The nearest downstream public water supply intake for North Penn and North Wales Water Authorities is located on North Branch Neshaminy Creek.



The proposed effluent limits for Outfall 001 are based on a design flow of 22 mgd.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Dissolved Oxygen (2-15 to 7-31)  (8-1 to 2-14)			6.0 Instantaneous Minimum 5.0 Instantaneous Minimum	5.0 Daily Minimum 6.0 Daily Minimum	
Temperature					Monitor
pH			Within limits of 6.0 to 9.0 Standard Units at all times		
Fecal Coliform			200 colonies/100 ml as a Geometric Mean		
Total Phosphorus as P			Monitor		
Orthophosphate as P			Monitor		
Total Kjeldahl Nitrogen			Monitor		
Ammonia as N			Monitor		
Nitrite + Nitrate as N			Monitor		

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

1. No Chemical Additives without Prior Approval.
2. Dissolved Oxygen Requirements.
3. Continuous Monitoring/Alternative Monitoring Requirements.
4. Aquatic Biology Assessment.

**PA0058670**, Industrial Waste, SIC 3273, **J.D.M. Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This existing facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge stormwater from a concrete manufacturing facility.

The receiving stream, a UNT to the Schuylkill River, is in the State Water Plan Watershed 3F and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for City of Philadelphia is located on the Schuylkill River and is approximately 9 miles below the point of discharge.

The proposed effluent limits for Outfall 002 are based on a design flow of an average stormwater event.

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum (mg/l)
	Average Monthly	Maximum Daily	Average Annual	Maximum Daily	
Oil and Grease			Monitor	Monitor	
pH			6.0 Instantaneous Minimum		9.0
Total Suspended Solids			50	100	100

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

1. Change of Ownership.
2. Proper Sludge Disposal.
3. Dry Stream Discharge.
4. Stormwater Requirements.

The EPA waiver is in effect.

**PA0244317**, Industrial Waste, SICs 5015 and 5093, **Wilcox Auto Salvage, Inc.**, 241 Old Mill Road, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Activity: Stormwater discharge associated with the activities at an automobile and scrap metal salvage facility.

The receiving stream, Three Mile Run, is in the State Water Plan Watershed Tohickon—2D and is classified for: TSF.

The proposed effluent limits for Outfall 001 from the east side of the facility and for Outfall 002 from the west side of the facility are based on a variable rate of flow of stormwater after preliminary treatment and are shown:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Minimum	Annual Average	Instantaneous Maximum (mg/l)
Total Suspended Solids				Monitor	Monitor
Iron, Total				Monitor	Monitor
Copper, Total				Monitor	Monitor
Aluminum, Total				Monitor	Monitor
Mercury, Total				Monitor	Monitor
Lead, Total				Monitor	Monitor

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Minimum	Annual Average	Instantaneous Maximum (mg/l)
Oil and Grease				15	30
pH (Standard Units)			6.0		9.0

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

1. Sludge Removal.
2. Stormwater Requirements.
3. Laboratory Certification.
4. Maintain a PPC Plan.
5. Remedial Measures.

EPA waiver is in effect

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

**Application No. PA0082228**, Sewage, **Hill Top Acres Mobile Home Park**, 1546 Newport Road, Manheim, PA 17601. This facility is located in Rapho Township, **Lancaster County**.

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

The receiving stream, Chickies Creek, is in Watershed 7-G, and classified for: WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 23 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.005 mgd are:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Phosphorus	Monitor	
Total Phosphorus	122 lbs per year total annual	
Total Residual Chlorine	0.5	1.6
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)		

In addition to the effluent limits, the following notice applies:

The renewal of this permit will add 122 lbs/year of Phosphorus to the Chickies Creek TMDL allocation approved on March 2, 2001. The original allocation mistakenly listed 161 lbs/year for Telco Developers, which does not discharge to the TMDL affected portion of the stream and will be removed to compensate for the addition of the Hill Top Acres Mobile Home Park.

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

The EPA waiver is not in effect.

**Application No. PA0081329**, Sewage, **South Londonderry Township Municipal Authority**, P. O. Box 3, Campbelltown, PA 17010. This facility is located in South Londonderry Township, **Lebanon County**.

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

The receiving stream, Conewago Creek, is in Watershed 7-G, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Elizabethtown Water Company is located on the Conewago 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 0.0225 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
Total Phosphorus	2		4
Total Phosphorus	137 lbs per year total annual		
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average

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

The EPA waiver is not in effect.

**Application No. PA0082279**, Sewage, **Spring Creek Joint Sewer Authority**, P. O. Box 373, Three Springs, PA 17264. This facility is located in Clay Township, **Huntingdon County**.

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

The receiving stream, Three Springs Creek, is in Watershed 12-C, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately more than 50 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.110 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	7.5		15
(11-1 to 4-30)	22.5		45
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average

The proposed final effluent limits for Outfall 001 for a design flow of 0.170 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Total Residual Chlorine	0.25		0.82
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)			200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average

*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*

\* 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 of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

**Application No. PA0110442**, Sewage, **Carl E. Dallmeyer Family Limited Partnership**, 4775 North Sherman Street Extension, Mount Wolf, PA 17347. This facility is located in Bedford Township, **Bedford County**.

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

The receiving stream, Brush Run, is in Watershed 11-C, and classified for: WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Saxton Municipal Water Authority is located on the Raystown Branch Juniata River, approximately 7.7 miles downstream. The discharge is not expected to affect the water supply.

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

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	20	40
(11-1 to 4-30)	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		
(5-1 to 10-31)	3	6
(11-1 to 4-30)	9	18
Total Residual Chlorine	0.2	0.65
Dissolved Oxygen	Minimum of 5.0 at all times	
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform		
(5-1 to 9-30)	200/100 ml as a Geometric Average	
(10-1 to 4-30)	2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

**Application No. PA0088633**, 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 <sub>5</sub>			
(5-1 to 10-31)	15	24	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -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			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

*Chesapeake Bay Requirements*

	<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	45,662*
Net Total Phosphorus	XXX	Report	6,088*

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

\* Conduct Whole Effluent Toxicity Testing

\* 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 following the first full compliance year of operation. 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 following the first full compliance year of operation. The facility is required to monitor and report for parameters on PART A I.B.2 beginning when plant is substantially complete (fully operational).

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28 following the first full compliance year of operation.

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

The EPA waiver is not in effect.

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

**PA0229199**, Sewerage, 4985 Warrensville Road, Montoursville, PA 17754. This proposed facility is located in Eldred Township, **Lycoming County**.

Description of Proposed Activity: An NPDES permit application has been submitted requesting authorization to discharge from a small flow treatment facility serving the Simcox residence.

The receiving stream, Mill Creek, is in the State Water Plan Watershed 10B and is classified for: CWF. The nearest downstream public water supply intake is near Milton is located on is on the West Branch of the Susquehanna River approximately 30 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>			25		50
TSS			30		60
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a Geometric Mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested				
(10-1 to 4-30)	2,000 colonies/100 ml as a Geometric Mean				
pH	Within the range of 6.0 to 9.0				
Flow	Monitor and Report				
Total Chlorine Residual (Cl <sub>2</sub> )			2.0		3.0

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

**PA0032182**, Sewerage, **Mingo Park Estates, Inc.**, 92 Little Mingo Road, Finleyville, PA 15332. This application is for renewal of an NPDES permit to discharge treated sewage from Mingo Park Estates, Inc. STP in Nottingham Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale to a UNT of Mingo Creek, which are classified as a HQ-TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pennsylvania American Water Company—Pittsburgh.

*Outfall 001: existing discharge, design flow of 0.012 mgd.*

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	20			40
Suspended Solids	20			40
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217646**, Sewage, **Dunbar Borough/Township Sanitary Authority**, 93 Connellsville Street, Dunbar, PA 15431. This application is for renewal of an NPDES permit to discharge treated sewage from Dunbar Borough/Township Sanitary Authority STP in Dunbar Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Dunbar Creek, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority—McKeesport Plant on the Youghiogheny River.

*Outfall 001*: existing discharge, design flow of 0.3 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0	4.5		6.0
(11-1 to 4-30)	9.0	13.5		18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219185**, Sewage, **Glen Campbell Borough**, P. O. Box 43, Glen Campbell, PA 15706. This application is for renewal of an NPDES permit to discharge treated sewage from Glen Campbell Borough STP in Glen Campbell Borough, **Indiana County**.

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

*Outfall 001*: existing discharge, design flow of 0.034 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.2
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0103519**, Sewage, **Whitelhall Camp, Western Pennsylvania Church of God**, 514 Whitehall Road, Emlenton, PA 16373. This proposed facility is located in Richland Township, **Venango County**.

Description of Proposed Activity: Renewal of an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the potable water supply is located on the Allegheny River (Parker City Water System) and is approximately 7.5 miles below point of discharge.

The receiving stream, the UNT to Richey Run, is in Watershed 16-G and classified for: CWF, aquatic life, water supply and recreation.

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

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100ml as a Geometric Average 2,000/100ml as a Geometric Average	
Total Residual Chlorine	1.4		3.3
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)

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

**WQM Permit No. 2208402**, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for modifications/improvements to the Beaver Creek Pump Station.

**WQM Permit No. 2208403**, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Application for modifications, improvements and replacement of an existing 18-inch RCP interceptor to eliminate hydraulic overload.

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

**WQM Permit No. 602064**, Sewerage 4952, **Matthew Simcox**, 4985 Warrensville Road, Montoursville, PA 17754. This proposed facility is located in Eldred Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant is proposing to construct and operate a 400 gpd single residence small flow treatment facility that will discharge to Mill Creek, a CWF. The treatment system will be comprised of a 900 gallon capacity concrete septic tank, twin 400 gallon intermittent free access sand filters, and chlorine disinfection.

**WQM Permit No. 1808402**, Sewerage, SIC 4952, **Bald Eagle Township Authority**, 12 Fairpoint Road, Mill Hall, PA 17751. This proposed facility is located in Bald Eagle Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant proposes improvements to the Fort Meadows Pump Station and installation of approximately 2,500 linear feet of 6" PVC force main that will discharge to the Bald Eagle Township Authority sewage collection system upstream of the Route 150 Pump Station. The improvements to the pump station will include new pumps, controls and the installation of a new emergency generator. A section of the force main will cross beneath Bald Eagle Creek.

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

**WQM Permit No. 5608401**, Sewerage, **Mark Sirochman**, 187 Gardners Road, Cross Junction, VA 22625. This proposed facility is located in Allegheny Township, **Somerset County**.

Description of Proposed Action/Activity: Application for construction and operation of a single residence sewage treatment plant.

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

**WQM Permit No. 636015**, Sewerage, **Fort LeBoeuf School District**, P. O. Box 810, 34 East Ninth Street, Waterford, PA 16441. This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: Replacement for original sewage treatment plant designed for 10,000 gpd flow with a design flow of 2,500 gpd.

**WQM Permit No. 2507405**, Sewage, **City of Erie Public Works**, 626 State Street, Erie, PA 16501-1128. This proposed facility is located in Erie City, **Erie County**.

Description of Proposed Action/Activity: The proposed work consists of a new underground lift station on the east side of Dobbins Landing, just north of the east canal basin. The existing gravity sewers to the old life station will be redirected to the new lift station by means of a new 8 inch line. A new force main will be installed from the life station to an existing gravity sewer manhole on Front Street near the Erie County Library, where it will be conveyed to the City of Erie wastewater treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010907023	Marc Stolt 2519 Camp Rock Hill Road Quakertown, PA 18901	Bucks	Milford Township	Unami Creek HQ-TSF
PAI010907024	Richard D. Zaveta, Jr. 4030 Skyron Drive Doylestown, PA 18902	Bucks	Buckingham Township	Pauncaussing Creek HQ-CWF
PAI010907025	Bensalem Redevelopment, LP 2310 Terwood Drive Huntingdon Valley, PA 19006	Bucks	Bensalem Township	Delaware River WWF-MF
PAI010908001	Charles Reese 765 Nemeth Road Coopersburg, PA 18006	Bucks	Springfield Township	Cooks Creek EV
PAI010908002	99 Warrington, LLC 29 Somers Road Hampden, MA 10136	Bucks	Warrington Township	Little Neshaminy Creek WWF-MF
PAI011508005	Morphotek, Inc. 210 Welsh Pool Road Exton, PA 19341	Chester	Uwchlan Township	Pine Creek HQ
PAI011508006	Saratoga Management 1120 Clover Lane Glen Mills, PA 19342	Chester	West Bradford Township	UNT Broad Run EV
PAI011508007	George Thornton P. O. Box 248 Uwchland, PA 19480	Chester	Wallace Township	East Branch Brandywine Creek HQ
PAI011508008	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Ridley Creek HQ
PAI011508009	Pine Hill Associates, Inc. P. O. Box 608 Regent Center Lionville, PA 19353	Chester	East Brandywine Township	UNT East Branch Brandywine Creek HQ-TSF-MF
PAI014607009	Ambler Square Associates 1574 Easton Road Warrington, PA 18976	Montgomery	Ambler	Wissahickon Creek TSF
PAI014607010	Valley Forge National Park 1400 North Outer Line Drive King of Prussia, PA 19406	Montgomery	Upper Merion Township	Valley Creek CWF-EV
PAI015108001	H.E.R.B. CNC c/o OKKS Development Company 1570 Cecil B. Moore Avenue Philadelphia, PA 19021	Philadelphia	City of Philadelphia	PWD Wastewater Treatment Plant—Combined Sewer System



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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508002	Pocono Manor Investors, LP P. O. Box 38 Pocono Manor, PA 18349	Monroe	Pocono Township	Scot Run HQ-CWF
PAS10S020R	Keystone Hollow Corporation P. O. Box 1158 Marshalls Creek, PA 18335	Monroe	Middle Smithfield Township	Marshall Creek HQ-CWF Bushkill Creek HQ-TSF Delaware River HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808004	Easton Area School Distict 1801 Bushkill Drive Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025208001	Masthope Mountain Community Property Owners Council HC 1A Box 353 Lackawaxen, PA 18435	Pike	Lackawaxen Township	Tributary to Delaware River HQ-CWF

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021308001	Tuthill Corporation Blue Mountain Ski Area P. O. Box 216 Palmerton, PA 18071	Carbon	Lower Towamensing Township	Aquashicola Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030607011	Love's Travel Stops & Country Stores P. O. Box 26210 Oklahoma City, OK 73126	Berks	Upper Bern Township	Wolf Creek CWF

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

*Butler County Conservation District: 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061003003R	The Village at Sarver's Mill Sarver Square Associates, Inc. P. O. Box 42 Murrysville, PA 15668	Butler	Buffalo Township	Little Buffalo Creek HQ-TSF Sarver Run HQ-TSF

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

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Application No. 6608501, Public Water Supply.**

Applicant	<b>Terrace View Park Water Association</b> Falls Township Wyoming County
Responsible Official	Mike Rincavage Terrace View Park Water Association 9 Hemlock Drive Tunkhannock, PA
Type of Facility	Public Water System
Consulting Engineer	Milnes Engineering, Inc. 12 Frear Hill Road Tunkhannock, PA
Application Received Date	January 22, 2008
Description of Action	The permitting of an existing water system that includes a well, hypochlorination and a storage/contact tank.

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

**Permit No. 5008501, Public Water Supply.**

Applicant	<b>Creekview Farms Mobile Home Park</b>
Municipality	Carroll Township
County	<b>Perry</b>
Responsible Official	Creekview Farms Mobile Home Park, Owner 280 Airy View Road Shermans Dale, PA 17090
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P. E. James R. Holley & Assoc., Inc. 18 South George Street York, PA 17401
Application Received:	January 31, 2008
Description of Action	New Well No. 8

**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**

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

**WA 16-1006, Water Allocations. Hawthorn Area Water Authority, P. O. Box 241 Hawthorn, PA 16230-0241. Hawthorn Borough and Redbank Township, Clarion County and Redbank Township, Armstrong County.** The permittee has requested an allocation of 30,000 gpd from the Redbank Valley Municipal Authority on an emergency basis and will also be expanding their service area to provide service to 120 connections in the Oakridge area.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the

intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**New Cumberland Army Depot/IRP Site 63**, Fairview Township, **York County**. Defense Distribution Depot, Susquehanna, PA, 2001 Mission Drive, New Cumberland, PA 17070 submitted a Notice of Intent to Remediate site groundwater contaminated with chlorinated solvents. This military site will be remediated to the Site-Specific Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Interstate Transformer Inc., (Former), and National Plumbing Fixture Facility**, Ellwood City Borough, **Beaver and Lawrence Counties**. J. Scott Whipkey, R.A.R. Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of Jim Elliott and Mike Ritzert, R.W. Elliott and Sons, Inc., R. D. 1, Box 242, Ellwood City, PA 16117 and Mark McClymonds, RWE Realty, LLC, Currie Road, P. O. Box 269, Portersville, PA 16051 has submitted a Notice of Intent to Remediate. Previous investigations conducted at the site indicate that site soils have been impacted with PCB's. Proposed remediation measures are to eliminate current and future exposure pathways by prohibiting excavations in the area of impacted soils and by prohibiting the use of groundwater as a potable water source. The intended future use is nonresidential.

**Baylor's Mobil Station (Former)**, Monroeville Borough, **Allegheny County**. Michael Smith, CP Environmental Group, Inc., 1092 Fifth Avenue, New Kensington, PA 15068 on behalf of James Bishop, P. O. Box 47, Turtle Creek, PA 15145 has submitted a Notice of Intent to Remediate. Groundwater is impacted with gasoline at concentrations above Statewide Health Standards. The source of the impacts is likely underground storage tank systems operated at the site prior to 1972. Benzene, ethylbenzene, xylenes and naphthalene concentrations have been detected at concentrations above Statewide Health Standards. Future property use will likely continue to be nonresidential.

**Allegheny Power, Connellsville West Side Facility**, Connellsville Borough, **Fayette County**. Steven Geritsen, SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 on behalf of David Flitman, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601 has submitted a Notice of Intent to Remediate. The subject property is used as a service center to support the electrical utility industry. Environmental investigations have identified one area of concern on the property. The primary environmental issue is related to a historical release of organic and inorganic constituents related to historic facility operations. Remedial measures are ongoing in the form of a groundwater recovery and containment system. Future land use is to be industrial. A Statewide Health Standard is proposed.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Applications received under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

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

**Permit Application No. PAD085690592. Republic Environmental Systems (Pennsylvania), LLC**, 2869 Sandstone Drive, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. This application is for the conversion of Republic Environmental Systems (Pennsylvania), Inc., from a corporation to a limited liability company. The application was received in the SERO on January 15, 2008.

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

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

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

**Permit Application No. 100708. Jones & Losito, Inc.**, 3200 Reedville Road, Oxford, PA 19363-1711, Lower Oxford Township, **Chester County**. This application is to reissue the municipal waste permit from Cloud Disposal, Inc. to Jones & Losito, Inc. as the new operator. The application was received by Southeast Regional Office on January 30, 2008.

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

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

**Permit Application No. 100955. Clinton County Solid Waste Authority**, 264 Landfill Lane, P. O. Box 209, McElhattan, PA 17748-0209, located in Wayne Township, **Clinton County**. The Local Municipal Involvement Process meeting for the major permit modification for expansion of the Wayne Township Landfill was held on February 6, 2008. During this meeting an alternate review timeline of 660 days was negotiated between Clinton County, Wayne Township, the applicant, and the Department of Environmental Protection (Department).

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

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

### PLAN APPROVALS

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

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

**08-0002D: E.I. duPont de Nemours & Co., Inc.** (Patterson Boulevard, Towanda, PA 18848) for installation of an air cleaning device (a regenerative thermal oxidizer) on two existing film coaters (No. 3 Coater and No. 9 Coater) and a coating solutions preparation area (Building 62 Solutions Preparation Area) in North Towanda Township, **Bradford County**.

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

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

**13-318-009: Haulmark Industries, Inc.** (6 Banks Avenue, McAdoo Industrial Park, McAdoo, PA 18237) for installation of a paint spray booth with filters at their facility in Banks Township, **Carbon County**. The PM emissions from the booth shall not exceed 0.02 grains/dscf. The company shall comply with 25 Pa. Code § 123.31 for malodorous emissions. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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.

**39-399-063: Diageo** (7880 Penn Drive, Breinigsville, PA 18031) for the reactivation of beer manufacturing operations including the installation of a new keg filling line and a specialty malt handling line at their facility located in Upper Macungie Township, **Lehigh County**. The PM emissions from the baghouses shall not exceed

0.02 grains/dscf. The company shall comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall comply with 25 Pa. Code § 123.41 for visible emissions. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The plan approval and subsequent Title V permit amendment will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**28-05004D: Grove US, LLC** (1565 Buchanan Trail East, Shady Grove, PA 17256) for installation of a paint spray booth at their Shady Grove plant in Antrim Township, **Franklin County**. This is a replacement of an existing booth and VOC emissions from surface coating will not be affected by the new booth's installation. The plan approval and subsequent Title V permit amendment will include emission limits along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**36-05123B: Corixa Corporation—d/b/a GlaxoSmith-Kline Biologicals** (325 North Bridge Street, Marietta, PA 17547-0304) for change in operation hours and emission limits of an existing emergency engine at the biological manufacturing facility in East Donegal Township, **Lancaster County**. This will increase the facility NOx emissions by 2.21 tpy. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

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

**49-00033D: Watontown Brick Company** (P. O. Box 68, Route 405, Watontown, PA 17777-0068) has submitted an application (No. 49-00033D) to the Department of Environmental Protection (Department) for plan approval for the construction and operation of a 5.5 tons per hour brick making operation which includes the following sources: a 31 mmBtu/hr natural gas fired tunnel kiln, the air contaminant emissions controlled by a dry sorbent injection system and two fabric collectors operating in parallel, a 3 mmBtu/hr natural gas fired brick preheater, a 12 mmBtu/hr waste heat/natural gas fired brick dryer, a grinding and brick making operation, the air contaminant emissions controlled by a cartridge collector, a 500 kilowatt diesel fired emergency generator, and several small natural gas combustion sources. The new brick making operation will be designated as Plant No. 3 at their brick making facility located in Delaware Township, **Northum-**

**berland County**. The respective facility is a major facility for which a Title V operating permit 49-00033 has been issued.

The Department's review of the information submitted by Watontown Brick Company indicates that the proposed plant No. 3 will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive PM emission limitation of 25 Pa. Code § 123.1 and the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. The proposed grinding and brick making operations will also meet the requirements of Subpart OOO of the New Source Performance Standards, 40 CFR Part 60, 60.670—60.676. Additionally, the proposed diesel generator will meet the requirements of Subpart IIII of the New Source Performance Standards, 40 CFR Part 60, 60.4200—60.4219. Based on these findings, the Department intends to approve the application and issue a plan approval for the construction and operation of all the sources and air cleaning devices for plant No. 3. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 49-00033 by means of an administrative amendment under 25 Pa. Code § 127.450.

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

1. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P301 is a 5.5 tons per hour natural gas fired Lingl tunnel kiln rated at 31 mmBtu/hr. The air contaminant emissions from Source ID P301 shall be controlled by an ENCERTEC, Inc. model C-5138-DIFF-07, sorbent (lime and sodium bicarbonate) injection system (ID C301A) in series with two C. P. E. Filters, Inc. 6,500 CFM fabric collectors (IDs C301B and C301C) operating in parallel to control the PM emissions from Source ID P301.
2. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P301 shall be equipped with 28 Hauck model BIC 80 high velocity natural gas fired burners (each rated at 400,000 Btu/hr) and 72 Lingl model LWGB-15 nozzle mix burners (each rated at 275,000 Btu/hr).
3. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P301 shall only be fired on natural gas.
4. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only process Watontown clay/shale in Source ID P301.
5. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P301 shall not emit air contaminants in excess of the following rates:

Particulate Matter (PM)	0.68 lbs/hr	2.97 tons in any 12-consecutive month period
VOCs	0.14 lbs/hr	0.61 tons in any 12-consecutive month period
Hydrogen Fluoride (HF)	0.46 lbs/hr	2.03 tons in any 12-consecutive month period
Hydrogen Chloride (HCl)	0.09 lbs/hr	0.37 tons in any 12-consecutive month period
Total HAPs	0.57 lbs/hr	2.62 tons in any 12-consecutive month period
SOx	1.62 lbs/hr	7.10 tons in any 12-consecutive month period
NOx	1.13 lbs/hr	4.94 tons in any 12-consecutive month period
CO	6.71 lbs/hr	29.4 tons in any 12-consecutive month period

6. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the injection rate for the ENCIERTEC, Inc. model C-5138-DIFF-07 sorbent (ID C301A) shall be at least 40 lbs/hr of lime and 10 lbs/hr of sodium bicarbonate.

7. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, control device ID C301A shall be equipped with instrumentation which continuously monitors the sorbent injection rate in lbs/hr. Additionally, the permittee shall record this sorbent injection rate, in lbs/hr, at least once per day. These records shall be retained for a minimum of 5 years and shall be provided to the Department upon request.

8. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from the exhausts of each C. P. E. Filters, Inc. fabric collectors (IDs C301B and C301C) shall not exceed 0.005 grains per dry standard cubic foot.

9. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressors which supplies compressed air to the fabric collectors associated with Source ID P301 shall be equipped with an air dryer and oil trap.

10. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare fabric filters for the fabric collectors associated with Source ID P301 in order to be able to immediately replace any filter requiring replacement.

11. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, control device IDs C301B and C301C shall be equipped with instrumentation which continuously monitors the pressure drop across the collectors. Additionally, the permittee shall record the pressure drop across IDs C301B and C301C at least once per day. These records shall be retained for a minimum of 5 years and shall be provided to the Department upon request.

12. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the ENCIERTEC, Inc. model C-5138-DIFF-07 sorbent injection system (ID C301A) associated with Source ID P301 shall achieve a minimum removal efficiency of 95% for Hydrogen Fluoride (HF) and 95% for Hydrogen Chloride (HCl).

13. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, none of the material collected by control device IDs C301B and C301C shall be recycled back into the brick making process.

14. Within 180 days of initial operation of Source ID P301 the permittee shall perform hydrogen fluoride (HF), hydrogen chloride (HCl) and SO<sub>x</sub> testing at the inlet of the dry lime injection system and the outlet of the dry lime injection system to determine the removal efficiency for HF, HCl and SO<sub>x</sub>. In addition, the permittee shall conduct PM, NO<sub>x</sub> and CO stack testing at the outlet of the lime injection system's fabric collectors to determine the mass emission rate (pounds per hour) of the respective air contaminants. The testing shall be performed while the kiln is operating at maximum production rate. The SO<sub>x</sub> removal efficiency will be established in the operating permit based on the stack tests results of Source ID P301.

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

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

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

16. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P302 shall be a natural gas/waste heat fired Lingl chamber dryer and shall be equipped with four Eclipse Minnox burners each rated at 3.00 mmBtu/hr. Only three of the four burners shall be operated at anytime.

17. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub> emissions from the exhaust of Source ID P302 shall not exceed 10 ppm, 0.11 lbs/hr and 0.47 ton in any 12-consecutive month period.

18. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P303 shall be a natural gas fired Eclipse preheater and shall be equipped with a Minnox burner rated at 3.00 mmBtu/hr.

19. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub> emissions from the exhaust of Source ID P303 shall not exceed 10 ppm, 0.04 lbs/hr and 0.16 ton in any 12-consecutive month period.

20. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P303 shall only be fired on natural gas.

21. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, The PM emissions from Source ID P304 shall be controlled by a Donaldson Torit model DFO 4-48 cartridge collector (ID C304). Source ID P304 is a grinding operation consisting of the following sources:

- 25' by 8' wide feed hopper
- 30' by 36" apron feeder
- 36" by 30' Dribble Belt Conveyor
- 30" by 112' Conveyor C1
- 30" by 60' Conveyor C2
- 30" by 51' Conveyor C3
- 30" by 41' Conveyor C4
- 30" by 85' Conveyor C5
- 30" by 61' Conveyor C6
- 30" by 73' Conveyor C7
- 30" by 60' Conveyor C8
- 30" by 52' Conveyor C9
- 30" by 16' Conveyor C10
- 30" by 95' Conveyor C11
- 30" by 18' Silo Discharge Conveyor
- 30" by 18' Silo Discharge Conveyor
- 5' by 10' double deck scalping screen
- Steadman model GS4260-AR/HC-T-H-A impact crusher rated at 200 tpy
- Three 5' by 8' single deck Deister finishing screens
- Two 100 ton capacity storage silos

22. Source ID P304 is subject to 40 CFR Part 60 Subpart OOO §§ 60.670—60.676. The permittee shall comply with all applicable requirements of 40 CFR Part 60, 60.670—60.676.

23. The permittee shall comply with all recordkeeping and reporting requirements specified in 40 CFR Part 60, 60.676 for Source ID P304.

24. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions in the exhaust of control device ID C304 associated with Source ID P304 shall not exceed 0.005 grains per dry standard cubic foot, 0.29 lbs/hr and 0.29 ton in any 12-consecutive month period.

25. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, all conveyors of Source ID P304 shall be completely covered unless otherwise completely enclosed in the building.

26. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, control device ID C304 associated with Source ID P304 shall be equipped with instrumentation which continuously monitors the pressure drop across ID C304. Additionally, the permittee shall record the pressure drop across ID C304 at least once per day. These records shall be retained for a minimum of 5 years and shall be provided to the Department upon request.

27. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressors which supplies compressed air to the cartridge collector associated with Source ID P304 shall be equipped with an air dryer and oil trap.

28. The permittee shall maintain records of supporting calculations on a monthly basis to verify compliance with the PM emission limitations for Source ID P304.

29. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare cartridges for the cartridge collector associated with Source ID P304 in order to be able to immediately replace any cartridge requiring replacement.

30. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from Source ID P305 shall be controlled by a Donaldson Torit model DFO 4-48 cartridge collector (ID C304). Source ID P305 is a production operation consisting of the following sources AutoBrick Machine System 46H (consisting of a pre pug mill, a pug mill and a brick machine) and an AutoBrick Machines System 24H (consisting of a pre pug mill, a pug mill and a brick machine).

31. Source ID P305 is subject to 40 CFR Part 60 Subpart OOO §§ 60.670—60.676. The permittee shall comply with all applicable requirements of 40 CFR Part 60, 60.670—60.676.

32. The permittee shall comply with all recordkeeping and reporting requirements specified in 40 CFR Part 60 § 60.676 for Source ID P305.

33. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions in the exhaust of control device ID C304 associated with Source ID P305 shall not exceed 0.005 grains per dry standard cubic foot, 0.29 lbs/hr and 0.29 ton in any 12-consecutive month period.

34. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Control device ID C304 associated with Source ID P305 shall be equipped with instrumentation which continuously monitors the pressure drop across ID C304. Additionally, the permittee shall record the pressure drop across ID C304 at least once per day. These records shall be retained for a minimum of 5 years and shall be provided to the Department upon request.

35. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare cartridges for the cartridge

collector associated with Source ID P305 in order to be able to immediately replace any cartridge requiring replacement.

36. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressors which supplies compressed air to the cartridge collector associated with Source ID P305 shall be equipped with an air dryer and oil trap.

37. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P306 shall not be operated in excess of 500 hours in any 12-consecutive month period. Source ID P306 is a 500 kW GENERAC Power Systems, Inc. model SD-500 diesel fired generator.

38. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the sulfur content of the diesel fuel used to fire Source ID P306 shall not exceed 0.05% by weight. Compliance with this streamlined plan approval requirement assures compliance with the requirement specified in 40 CFR Part 60, 60.4207(a).

39. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the SO<sub>x</sub> emissions from Source ID P306 shall not exceed 0.31 lbs/hr and 0.08 ton in any 12-consecutive month period.

40. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the PM emissions from Source ID P306 shall not to exceed 0.08 grams per brake horsepower-hr, 0.11 lbs/hr and 0.03 ton in any 12-consecutive month period. Compliance with this streamlined plan approval requirement assures compliance with the requirement specified in 40 CFR Part 60, 60.4202(a)(2).

41. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO, NO<sub>x</sub> and VOCs emissions shall not exceed 4.03 grams/brake hp-hr, 3.52 grams/brake hp-hr and 0.05 grams/brake hp-hr, respectively. Compliance with this streamlined plan approval requirement assures compliance with the requirement specified in 40 CFR Part 60, 60.4202(a)(2).

42. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the CO, NO<sub>x</sub> and VOCs emissions shall not exceed 0.19 ton, 1.47 tons and 0.01 ton in any 12-consecutive month period respectively.

43. Under the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the NO<sub>x</sub> + nonmethane hydrocarbons from the exhaust associated with Source ID P306 shall not exceed 5.4 grams per kW-hr. Compliance with this streamlined plan approval requirement assures compliance with the requirement specified in 40 CFR Part 60, 60.4202(a)(2).

44. Source ID P306 is subject to 40 CFR Part 60, Subpart IIII, 60.4200—60.4219. The permittee shall comply with all applicable requirements of 40 CFR Part 60, 60.4200—60.4219.

45. The permittee shall keep records of the amount of hours Source ID P306 is operated each month in order to verify compliance with the 12-consecutive month period operating restriction. Additionally, the permittee shall keep records of the supporting calculations on a monthly basis which verify compliance with the SO<sub>x</sub>, NO<sub>x</sub>, CO, VOC and PM emission limitations.

46. The SO<sub>x</sub> emissions from all sources at the facility shall not equal or exceed 250 tons in any 12-consecutive month period.

47. The permittee shall maintain accurate and comprehensive records of the following:

- Monthly amount of bricks produced by Source ID P301.
- Monthly amount of brick produced by the existing kiln No. 1 and kiln No. 2 (Source IDs P101 and P201 in TVOP 49-00033).
- Monthly amount of clay/shale processed through Source ID P301.
- Monthly amount of each type of clay/shale processed through existing kiln No. 1 and kiln No. 2 (Source IDs P101 and P201 in TVOP 49-00033).
- Representative quarterly material composition analyses identifying the percentage (by weight) of fluorine, chlorine and sulfur contained in the clay/shale used in Source ID P301.
- The SO<sub>x</sub> emissions from all sources at the facility on a monthly basis, which include detailed emissions calculations to verify compliance with the SO<sub>x</sub> emissions limitation from all sources at the facility.

Additionally, the records shall be used to determine the monthly emission of hydrogen fluoride, hydrogen chloride and SO<sub>x</sub> from Source ID P301 and the existing kiln No. 1 and kiln No. 2 (Source IDs P101 and P201 in TVOP 49-00033). These records shall be retained for a minimum of 5 years and shall be presented to the Department upon request. Monthly records generated to verify the emission limitations shall be submitted to the Department on a quarterly basis no later than 60 days following the respective calendar quarter (reports due on March 1, June 1, September 1 and December 1).

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

**08-399-023G: Osram Sylvania Products, Inc.** (Hawes Street, Towanda, PA 18848-0504) for installation and operation of a fabric collector, a Flex Kleen model 84-WRS-48 (ID C306A), and an absolute filter (ID C306B) associated with the cobalt powder department (Source ID 306), at their facility located in North Towanda Township, **Bradford County**. The PM emissions from the cobalt powder process will be controlled by the proposed fabric collector and absolute filter. The existing fabric collector and filter associated with the cobalt powder department will be removed from the facility.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by OSRAM indicates that the cobalt powder process controlled by the proposed fabric collector and filter will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the PM emission limitation of 25 Pa. Code § 123.13, and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated in an operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the installation of the fabric collector and absolute filter to control PM emissions from

existing cobalt powder process. The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Source ID 306 consists of the following grade mix powder equipment:
  - a. Cobalt Powder Cooling Hood.
  - b. Despatch Electric Drying Oven.
  - c. Gruenberg Electric Drying Oven No. 1.
  - d. Gruenberg Electric Drying Oven No. 2.

The PM emissions from Source ID 306 shall be controlled by the Flex Kleen model 84-WRS-48 fabric collector (ID C306A) which incorporates an Absolute Filter (ID C306B) in its exhaust duct.

2. The Flex Kleen model 84-WRS-48 fabric collector (ID C306A) and the Absolute Filter (ID C306B) associated with Source ID 306 shall be each equipped with instrumentation to continuously monitor the pressure drop across the collector and filter.

3. The permittee shall record the pressure drop across the Flex Kleen model 84-WRS-48 fabric collector (ID C306A) and Absolute Filter (ID C306B) at least once per day. These records shall be kept for a minimum of 5 years and be presented to the Department upon request.

4. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags and filters for IDs C306A and C306B associated with Source ID 306 in order to be able to immediately replace any bag or filter requiring replacement.

5. The Flex Kleen model 84-WRS-48 fabric collector (ID C306A) and Absolute Filter (ID C306B) shall maintain an efficiency of at least 99% for PM. The inlet PM emissions into the Flex Kleen model 84-WRS-48 fabric collector (ID C306A) shall not exceed 0.0323 pound per hour.

6. No person may permit the emission into the outdoor atmosphere of PM from the exhaust of ID C306B associated with Source ID 306 in a manner that the concentration in the effluent gas exceeds 0.04 grains per dry standard cubic foot.

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

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

**20-194E: Lord Corporation—Saegertown Operations** (601 South Street, Saegertown, PA 16433-1050) for authorization to install a new 1,500 gallon reactor vessel described in Saegertown Borough, **Crawford 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 located in Saegertown Borough, Crawford County. This plan approval will authorize the applicant to install a new 1,500



gallon reactor vessel described in the applicant's application of December 20, 2007. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The source shall not exceed the emissions restriction limits of 1.1 tons of HAPs per year, 1.0 ton of VOCs per year and 0.2 ton of hydrogen bromide per year. The reactor is equipped with a condenser and a caustic scrubber. The facility will demonstrate compliance with the emission restrictions by keeping records of the emissions based on a 12-month rolling total.

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. 20-194E.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. 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.

**42-158M: Temple Inland, Inc.—Mt. Jewett Complex** (R. R. 1, Hutchins Road, Mt. Jewett, PA 16740) to authorize the applicant to recirculate the exhaust gases from the second stage dryer, installation of a new cyclone and a second baghouse in Mt. Jewett Township, **McKean 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 located in Mt. Jewett Township, McKean County. This plan approval will authorize the applicant to recirculate the exhaust gases from the second stage dryer, installation of a new cyclone and a second baghouse as described in the applicant's application of November 21, 2007. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The emissions restrictions from first stage fiber dryer have been reduced to: 121.44 tons CO per year, 9.58 tons SO<sub>x</sub> year, 40.71 tons VOCs per year and 19.12 tpy of PM/PM<sub>10</sub>. The facility shall follow the current NO<sub>x</sub> PAL emission restrictions. The facility must comply with the

applicable requirements of the Plywood Composite Wood Product MACT (40 CFR 63, Subpart DDDD).

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. 42-158M.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. 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.

## 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.*

**23-00014: Kimberly-Clark of Pennsylvania, LLC** (Front and Avenue of the States, Chester, PA 19013) in the City of Chester, **Delaware County**. This action is a renewal of the Title V Operating Permit. The initial permit was issued on December 19, 2001. The facility is primarily used for the manufacture of tissue paper and paper towels. As a result of potential emissions of NO<sub>x</sub> and VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64.

The renewal contains all applicable requirements including monitoring, 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.

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

**06-03100: Martin Stone Quarries, Inc.** (P. O. Box 297, Bechtelsville, PA 19505) for operation of a crushing and screening plant at the Gabel Quarry in Washington Township, **Berks County**. This is a non-Title V (State-only) facility. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**22-03044: Mack Trucks, Inc.** (2800 Commerce Drive, Middletown, PA 17057) for operation of their engine remanufacturing facility in Lower Swatara Township, **Dauphin County**. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2003.

**36-05062A: Manheim Auto Auction** (1190 Lancaster Road, Manheim, PA 17545) for renewal of the State-only operating permit issued in August 2002 in Penn Township, **Lancaster County**. The facility primarily emits VOCs due to the automobile reconditioning operations.

**67-03110: Govesan Manufacturing, Inc.** (939 Monocacy Road, York, PA 17404) for renewal of the State-only operating permit issued in September 2002 in the City of York, **York County**. The facility primarily emits PM due to the powder coating operations.

**67-05015: Topflight Corp.** (277 Commerce Drive, Glen Rock, PA 17327) for renewal of the State-only operating permit issued in August 2002 in Glen Rock Borough, **York County**. The facility primarily emits VOCs due to the printing of labels, die-cut components and RFID labels.

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

**41-00072: Reynolds Iron Works, Inc.** (157 Palmer Industrial Road, Williamsport, PA 17701) for their structural and miscellaneous steel fabrication facility in Woodward Township, **Lycoming County**. The facility's main source include a steel parts surface coating operation consisting of one spray booth. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM/PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**56-00047: Snyders of Berlin** (1313 Stadium Drive, Berlin, PA 15530) for operation of snack food manufacturing in Berline Borough, **Somerset County**. The facility mainly uses small (less than 10 mmBtu/hr) natural gas fired sources. Emissions from this facility shall not exceed 100 tons of SO<sub>2</sub>, 100 tons of NO<sub>x</sub>, 100 tons of PM<sub>10</sub>, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

**65-00599: St. Vincent Archabbey and College** (300 Fraser Purchase Road, Latrobe, PA 15650) for operation of two tri-fuel boilers in their boiler house in Unity Township, **Westmoreland County**. Emissions from this facility shall not exceed 100 tons of SO<sub>2</sub>, 100 tons of NO<sub>x</sub>, 100 tons of PM<sub>10</sub>, 50 tons of VOCs, 10 tons of a single HAP and/or 25 tons of all HAP's combined.

**03-00147: Asbury Graphite Mills, Inc.** (R. D. 7, Box 1, Linde Road, Kittanning, PA 16201) for a carbon and graphite product manufacturing operation at the Kittanning Division in North Buffalo Township, **Armstrong County**. Emissions from this facility shall not exceed 100 tons SO<sub>2</sub>, 100 tons NO<sub>x</sub>, 100 tons PM<sub>10</sub>, 50 tons VOC, 10 tons of a single HAP and 25 tons of all HAP combined. This is a State-only Operating Permit Application.

**26-00436: Nu-Kote, Inc.** (119 ICMI Road, Connelville, PA 15425) for a dry toner manufacturing operation at the Connelville facility in Dunbar Township, **Fayette County**. Emissions from this facility shall not exceed 100 tons SO<sub>2</sub>, 100 tons NO<sub>x</sub>, 100 tons PM<sub>10</sub>, 50 tons VOC, 10 tons of a single HAP and 25 tons of all HAP combined. This is a State-only Operating Permit Application.

**65-00769: Raven Industries, Inc.** (5049 Center Drive, Latrobe, PA 15650) for a toner and developer manufacturing operation at the Latrobe facility in Unity Township, **Westmoreland County**. Emissions from this facility shall not exceed 100 tons SO<sub>2</sub>, 100 tons NO<sub>x</sub>, 100 tons PM<sub>10</sub>, 50 tons VOC, 10 tons of a single HAP and 25 tons of all HAP combined. This is a State-only Operating Permit Application.

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

**10-00303: C.U.E., Inc.** (11 Leonberg Road, Cranberry Township, PA 16066) for a re-issuance Synthetic Minor permit to operate a polyurethane plastic casting facility in Township of Cranberry, **Butler County**. The significant sources included combustion sources, casting (11), adhesive application, mold cleaning (polyol) and safety klean degreaser unit. The facility has taken restriction on VOC and HAPs emission to qualify as synthetic minor.

**33-00116: PW Hardwood, LLC** (11424 Route 36, Brookville, PA 15825) for a re-issuance Natural Minor Permit to operate a sawmill, planning equipment and drying kilns in Rose Township, **Jefferson County**. The significant sources are wood burning boilers, natural gas fired boiler, eight wood drying kilns with two predryers, grinder and parts washer. The facility is natural minor because the emission of the pollutants is less than Title V threshold.

**37-00318: International Specialty Alloys** (North Gate Industrial Park, Building B, New Castle, PA 16105) for a renewal operating permit in Neshannock Township, **Lawrence County**. The facility produces metals and master alloys. The significant sources at the facility are the thermite reduction process, an emergency diesel generator, an acid wash process, a milling operation and a parts washer. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The emergency generator is restricted to 500 hours of operation and shall not be used to supplement the primary power supply at the facility. Records must be maintained for the quantity of HCL and nitric acid to verify compliance with the emission restriction of HAPs and NO<sub>x</sub> emissions. The milling operation is controlled by a baghouse and must monitor the pressure drop across

the collector as well as conduct visible emissions observations. The parts washer must comply with the cold cleaning degreasing requirements of 25 Pa. Code § 129.63(a). The facility is a Natural Minor.

**COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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

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

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

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

*Coal Applications Received*

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

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

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

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

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

**Permit Number 30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company,** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit and related NPDES permit for the Enlow Fork Mine in East Finley Township,

**Washington County** to install the F-20 Bleeder Airshaft, boreholes, and a new discharge point. Surface Acres Proposed 8.9. Receiving stream: UNT to Robinson Fork, classified for the following use: WWF. No additional discharges. Application received December 3, 2007.

**Permit Number 56841603 and NPDES Permit No. PA0588504, PBS Coals, Inc.,** (P. O. Box 260, Friedens, PA 15541), to revise the permit for the Shade Creek Prep Plant in Shade Township, **Somerset County** to add acreage for a raw coal handling area. Surface Acres Proposed 12.4. No additional discharges. Application received January 14, 2008.

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

**56980104 and NPDES No. PA0234729. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 20.5 acres. Receiving stream: UNT to North Branch of Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received January 30, 2008.

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

**26080101 and NPDES Permit No. 0251313. David L. Patterson, Jr.** (12 Short Cut Road, Smithfield, PA 15478). Application for commencement, operation and reclamation to a bituminous surface mine, located in German Township, **Fayette County**, affecting 49.9 acres. Receiving streams: South Branch Browns Run and Cats Run, classified for the following use: WWF. The potable water supplies that have intakes within 10 miles downstream from the point of discharge: Carmichaels Municipal Authority and Southwestern PA Water Authority. Application received February 11, 2008.

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

**14940101 and NPDES No. PA0219932. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), revision of an existing bituminous surface mine to add beneficial use of coal ash in Rush Township, **Centre County**, affecting 522.0 acres. Receiving streams: UNT to Moshannon Creek to West Branch Susquehanna, classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 5, 2008.

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

**49931601R3. Black Creek Breaker Co.**, (3027 Upper Road, Shamokin, PA 17872), renewal of an existing anthracite underground mine operation in West Cameron Township, **Northumberland County** affecting 5.7 acres, receiving stream: none. Application received February 7, 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. 4273SM2 and NPDES Permit No. PA0212547. H. B. Mellott Estate, Inc.**, 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, renewal of NPDES permit, Bethel Township, **Fulton County**. Receiving streams: UNT to Tonoloway Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 30, 2008.

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

**26970401 and NPDES PA0202100. Laurel Aggregates, Inc.** (300 Dents Run Road, Morgantown, WV 26501). Renewal application for an existing large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 254.52 acres. Receiving streams: UNTs to Rubles Run and Rubles Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received February 8, 2008.

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

**09870301C11 and NPDES Permit No. PA0593796. Warner Company**, (1000 New Ford Mill Road, Morrisville, PA 19067), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Falls Township, **Bucks County**, receiving stream: Van Sciver Lake, classified for the following use: WWF. Application received February 7, 2008.

**54950302C12. Pennsy Supply, Inc.**, (1001 Paxton Street, Harrisburg, PA 17105), incidental boundary correction for an existing quarry operation in Wayne Township, **Schuylkill County** for a total permitted acres of 152.32, receiving stream: Bear Creek. Application received February 13, 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.

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**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)).**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E35-413. Lackawanna County, Lackawanna County Courthouse**, 200 Adams Avenue, Scranton, PA 18503, in Jefferson Township, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a reinforced concrete box culvert having a width of 18 feet and a height of 9 feet to carry Stevens Road (T-412) over the West Branch Wallenpaupack Creek (HQ-CWF) in Jefferson Township, Lackawanna County. The project also includes raising the profile of the approach road impacting 0.01 acre of wetland. This site is located 0.5 mile north of the intersection with Hitchcock Road (T-410) and SR 348 (Lake Ariel, PA Quadrangle N: 8.1 inches; W: 4.9 inches).

**E45-518. Stroud Township**, 1211 North Fifth Street, Stroudsburg, PA 18360, in Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 1-foot high diversion berm in a tributary to Brodhead Creek (TSF) and a stormwater outfall structure consisting of two 36-inch diameter pipes in the floodway of Brodhead Creek (TSF, MF). The project is located west of the intersection of SR 0477 and Brushy Mountain Road (East Stroudsburg, PA Quadrangle N: 5.0 inches; W: 6.9 inches).

**E39-485. Robyn Realty Company**, 3906 Mountainview Drive, Danielsville, PA 18038, in Lowhill Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.12 acre PFO wetlands for the purpose of constructing a driveway to one building-lot, 16-lot residential subdivision on 88.92 acre parcel located on the south side of Wedasville Road approximately 0.2 mile from its intersection with Kernsville Road (Topton, PA Quadrangle N: 21.5 inches; W: 2.75 inches).

**E45-517. Stewart H. Martin, Jr.**, R. R. 2, Box 2750, Canadensis, PA 18325, in Barrett Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a steel I-beam bridge, having a 24-foot span and a 5-foot underclearance across Stoney Run (HQ-CWF) and to place fill in 0.02 acre of PSS wetlands adjacent to Stoney Run. The project is located on the eastern side of Lower Ceese Hill Road approximately 2.4 miles northeast of its intersection with SR 0447 (Skytop, PA Quadrangle N: 10.8 inches; W: 11.1 inches).

**E45-219. Alfred Natale**, 14 Whispering Hills Court, Effort, PA 18330, in Polk Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.49 acre of PSS wetlands for the purpose of constructing an access road for the Pleasant Valley Mall site. The project is located approximately 0.2 mile southwest of the intersection of SR 0209 and Lower Green Hill Road (Brodheads ville, PA Quadrangle N: 5.9 inches; W: 12.1 inches).

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

**E06-634. Exeter Township**, 4975 DeMoss Road, Reading, PA 19606, Exeter Township, **Berks County**, Philadelphia ACOE District

To remove an existing 48.0-inch by 60.0-inch CMP culvert pipe and an 48.0-inch by 48.0-inch stone arch structure with a total length of 40.0 feet, and to construct and maintain a 7.0-foot by 3.5-foot concrete box culvert having a length of 40.0 feet in a UNT to Antietam Creek (CWF) (Birdsboro, PA Quadrangle N: 19.02 inches; W: 14.16 inches, Latitude: 40° 21' 17" N; Longitude: 75° 51' 06" W) in Exeter Township, Berks County.

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

**E59-484. AES Armenia Mountain Wind, LLC**, 4300 Wilson Boulevard, Arlington, VA 22203. Water Obstruction and Encroachment Joint Permit Application, Armenia Mountain Wind Project, in Richmond, Sullivan and Ward Townships, **Tioga County** and Armenia Township, **Bradford County**, ACOE Baltimore District (Roseville, PA Quadrangle N: 41° 45' 33"; W: 76° 54' 43").

To construct, operate and maintain approximately 124 wind turbines within the Tioga River Watershed (Cold Water and Exceptional Value Fisheries). Construction of the wind turbines, access road and transmission lines will require 27 stream and 12 wetland crossings as follows:

<i>Stream Name</i>	<i>Crossing Length (ft.)</i>	<i>Latitude</i>	<i>Longitude</i>
	<i>Wetlands</i>		
Corey Creek	364	41° 45' 2.538"	76° 56' 29.098"
Fellows Creek	847	41° 45' 2.900"	76° 55' 30.406"
Gaffers Creek	777	41° 45' 25.386"	76° 54' 27.411"
Tioga River	No impact	41° 44' 43.618"	76° 54' 13.761"
Tioga River	No impact	41° 45' 2.040"	76° 53' 52.187"
Tioga River	No impact	41° 46' 5.773"	76° 53' 2.174"
Tioga River	No impact	41° 44' 58.111"	76° 52' 32.318"
Morgan Creek	546	41° 46' 17.760"	76° 52' 16.019"
Morgan Creek	457	41° 46' 2.343"	76° 52' 18.312"
West Branch—Sugar Creek	5,046	41° 46' 13.996"	76° 51' 14.101"
Rathbone Creek	No impact	41° 43' 56.229"	76° 51' 22.301"
South Branch—Sugar Creek	No impact	41° 45' 2.334"	76° 50' 3.813"
	<i>Streams</i>		
UNT Corey Creek	14	41° 44' 17.223"	76° 58' 44.012"
UNT Corey Creek	7	41° 44' 29.429"	76° 57' 42.472"
UNT Corey Creek	4	41° 44' 50.079"	76° 56' 40.181"
UNT Fellows Creek	5	41° 44' 28.436"	76° 55' 42.633"
UNT Fellows Creek	6	41° 44' 29.745"	76° 55' 41.400"
Fellows Creek	6.5	41° 44' 43.470"	76° 55' 36.127"
UNT Fellows Creek	5	41° 45' 3.074"	76° 55' 32.642"
UNT Fellows Creek	14	41° 45' 18.600"	76° 55' 4.903"
UNT Gaffers Creek	5	41° 45' 29.123"	76° 54' 44.402"
UNT Gaffers Creek	5	41° 45' 20.286"	76° 54' 37.292"
UNT Tioga River	5	41° 45' 2.855"	76° 54' 10.973"
UNT Tioga River	6	41° 45' 10.387"	76° 54' 13.408"
UNT Tioga River	6	41° 44' 58.149"	76° 53' 57.059"
UNT Tioga River	30	41° 45' 25.854"	76° 53' 40.323"
UNT Tioga River	3	41° 45' 24.582"	76° 53' 40.265"
UNT Tioga River	17	41° 45' 53.338"	76° 53' 8.047"
UNT Tioga River	13	41° 46' 6.266"	76° 53' 2.012"
UNT Gaffers Creek	1.5	41° 46' 18.876"	76° 52' 51.784"
UNT West Branch—Sugar Creek	14	41° 46' 13.469"	76° 51' 11.195"
UNT West Branch—Sugar Creek	No impact	41° 46' 13.079"	76° 50' 58.518"
UNT Webier Creek	10	41° 44' 53.837"	76° 51' 0.764"
UNT Rathbone Creek	3	41° 43' 47.348"	76° 51' 32.286"
UNT Webier Creek	4.5	41° 44' 24.121"	76° 50' 45.815"
UNT Webier Creek	3	41° 44' 30.389"	76° 50' 31.694"
UNT Webier Creek	No impact	41° 44' 50.469"	76° 50' 36.783"
Fall Brook	7	41° 45' 35.065"	76° 50' 17.574"
UNT South Branch—Sugar Creek	15	41° 44' 55.949"	76° 49' 55.830"

All gas line crossings shall be constructed with a minimum of 3 feet of cover. Trench plugs or clay dikes shall be used at every gas line crossing a waterway or wetland to ensure the hydrology of the streams or wetland is not altered. The project will impact 365 linear feet of jurisdictional wetlands and 157 linear feet of waterway. The project is located between the western right-of-way of SR 0220 and right-of-way of SR 2051 eastern approximately 3 miles north of Pennsdale.

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

**E02-1574. Newbury Development Associates, LP,** 2212 Liberty Avenue, Pittsburgh, PA 15222. To construct a new bridge and fill wetlands in South Fayette Township, **Allegheny County**, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 21.0 inches; W: 17.5

inches, Latitude: 40° 21' 45"; Longitude: 80° 07' 18"). The applicant proposes to remove the existing 84 Lumber access road/pedestrian bridge and to construct and maintain a new bridge having a span of 90.0 feet with a minimum underclearance of 10.5 feet across Millers Run (WWF), to widen and maintain a new bridge (Access Road 4) having a span of 82.0 feet with a minimum underclearance of 14.3 feet across Millers Run, to remove the existing flood control levee and restore the stream bank of Millers Run, to place and maintain fill in approximately 2,487 linear feet of UNTs to Millers Run and to place and maintain fill in 4.39 acres of wetlands (0.21 acre temporarily) for the purpose of constructing the proposed Newbury Market Town Center and Newbury Ridge residential development. The project is located on the west side of SR 79, approximately 8,000.0 feet northwest from the intersection of SR 50 and SR 79 and will impact 4.39 acres of wetlands and 2,487.0 linear feet of stream channel.

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

**E10-441, Singer Construction, Inc. d/b/a Mystic Ridge Subdivision, LLC**, P. O. Box 221, Warrendale, PA 15086. Mystic Ridge Plan of Lots, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 44' 12.5"; W: 80° 05' 15.6").

To conduct the following activities associated with the development of Mystic Ridge Plan of Lots, a residential subdivision along Garvin Road approximately 0.5 mile west of Franklin Road.

1. Construct and maintain a 124-foot long, 48-inch diameter reinforced concrete pipe stream enclosure in a tributary to Wolfe Run (WWF) having a drainage area less than 100 acres and impacting 0.086 acre of adjoining wetland (PEM) for construction of Woodbrook Drive approximately 550 feet south of Garvin Road.

2. Construct and maintain a 126-foot long, 72-inch diameter reinforced concrete pipe stream enclosure in a tributary to Wolfe Run (WWF) and impacting 0.087 acre of adjoining wetland (PEM) for construction of Woodbrook Drive approximately 950 feet south of Garvin Road.

3. Install and maintain two sanitary sewer line crossings of a tributary to Wolfe Run (WWF) and a sanitary sewer line crossing of Wolfe Run (WWF).

Project proposes construction of 0.174 acre of replacement wetland adjacent to a tributary to Wolfe Run on the project site.

**E37-177, Westminster College**, 319 South Market Street, New Wilmington, PA 16172-0001. McClure Run Stream Restoration Project, in New Wilmington Borough, **Lawrence County**, ACOE Pittsburgh District (New Castle North, PA Quadrangle N: 41° 7' 1.6"; W: 80° 19' 57.6").

To construct and maintain 1,400 feet of stream restoration within McClure Run for the purpose of stream bank stabilization and enhancement while implementing a natural stream channel design approach consisting of the following activities: excavating floodplains, minor stream realignments, regarding of the bank slopes along the upper reach of the restoration area, placement of in-stream structures such as rock cross vanes, creation of riparian wetlands and bioretention cells, and enhanced riparian plantings along the full length of McClure Run as bound by Westminster Campus. The project also includes the following: 1.) to remove a pedestrian bridge; 2.) to remove an existing pedestrian bridge and to

construct and maintain a pedestrian bridge; 3.) to repair and maintain two vehicle bridges; 4.) to repair and maintain 13 stormwater outfalls; and 5.) to construct and maintain a walking trail and fence within the floodway. McClure Run is a perennial stream classified as a TSF.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA61 07 601, Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. Polk Wetland Bank Phase 2, Pennsylvania Woodcock Habitat Initiative on State Game Lands (PAWHISL), in Sandy Creek Township, **Venango County**, ACOE Pittsburgh District (Polk, PA Quadrangle N: 41° 21' 38"; W: 79° 54' 15").

The Department of Transportation proposes the construction of a 15 acre scrub shrub wetland which will serve as a wetland bank. The project will be constructed on State Game Land 39 approximately 1 mile southeast of Polk, PA. No impacts to existing wetlands are proposed in the construction of the project.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D10-001EA, Pennsylvania-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, Oakland Township, **Butler County**, ACOE Pittsburgh District.

Project proposes to breach and remove Boydstown Dam across Connoquenessing Creek (HQ-WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. Project proposes to restore approximately 3,500 feet of stream channel. The project will also involve the construction of a v-notch monitoring weir at the site. The dam is located approximately 1,000 feet northeast of the intersection of SR 38 and Mahood Road (SR 4002) (East Butler, PA Quadrangle Latitude: 40° 56' 21"; Longitude: 79° 50' 35").

**D63-035EA, Pennsylvania-American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, Claysville Borough, **Washington County**, ACOE Pittsburgh District.

Project proposes to breach and remove Claysville School Street No. 1 Dam across a tributary to Dutch Fork (HQ-WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. Project proposes to restore approximately 1,100 feet of stream channel. The dam is located approximately 1,800 feet northwest of the intersection of Main Street (US 40) and Wayne Street (SR 231) (Claysville, PA Quadrangle; Latitude: 40° 07' 09"; Longitude: 80° 24' 59").

**D65-195EA, D65-196EA, D65-197EA, D65-198EA, D65-199EA, D65-200EA, D65-201EA, D65-202EA and D65-203EA, Rolling Rock Club Fishing Lodge**, 439 Hatchery Lane, Laughlintown, PA 15655-0439. Ligonier Township, **Westmoreland County**, ACOE Pittsburgh District.

Project proposes to breach and remove nine low head dams in an approximately 2 mile section of Rolling Rock Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 300 linear feet of stream channel. The dams are located approximately 4 miles south of the intersection of US 30 and SR 381 (Rector Road).

**D33-028EA. PGC—Northwest Regional Office, P. O. Box 31, Franklin, PA 16323. Polk Township, Jefferson County, ACOE Pittsburgh District.**

Project proposes to breach and remove Manners Run Dam across Manners Dam Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 800 feet of stream channel. The dam is located approximately 2 miles east of the intersection of Richardson Road (SR 968) and Game School Road (SR 1010) (Munderf, PA Quadrangle; Latitude: 41° 17' 50"; Longitude: 78° 53' 43").

#### DAM SAFETY

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

**D01-097. S&A Custom Built Homes, Inc., 2121 Gatesburg Road, State College, PA 16803.** To modify, operate and maintain Granite Lake Dam across a tributary to Rock Creek (WWF), with no proposed impacts to wetlands or the stream channel, for the purpose of rehabilitating the existing dam and increasing spillway capacity to ensure compliance with Commonwealth Regulations (Gettysburg, PA Quadrangle N: 15.2 inches; W: 10.6 inches) in Straban Township, **Adams County.**

**D30-068. Blacksville No. 1 Freshwater Impoundment Dam.** Consolidation Coal Company, 1800 Washington Avenue, Pittsburgh, PA 15241. To operate and maintain Blacksville No. 1 Freshwater Impoundment dam across a tributary of Dunkard Creek for the purpose of maintaining a recreational pond (Blacksville, PA Quadrangle N: 18.0 inches; W: 7.2 inches) Wayne Township, **Greene County.**

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## ACTIONS

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### 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.

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#### I. NPDES Renewal Permit Actions

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## NOTICES

1071

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0052591 (Minor Sewage)	Richard C. Becker Walnutport Mobile Home Court 901 South Best Avenue Walnutport, PA 18088-9706	Lehigh Township Northampton County	Bertsch Creek 02C	Y
PA0063703 (Minor Sewage)	Thomas E. Little (Single-Family Residence) R. R. 4 Box 89A Dalton, PA 18414	Benton Township Lackawanna County	UNT to South Branch Tunkhannock Creek	Y
PA0043915 (Minor Sewage)	River Road Utilities, Inc. 3300 River Road Mount Bethel, PA 18343-6122	Upper Mt. Bethel Township Northampton County	Delaware River 01F	Y
PA0062987 (Minor Sewage)	David J. Bell R. R. 1, Box 1190 Hallstead, PA 18822	Liberty Township Susquehanna County	UNT of Snake Creek 4E	Y
PA0062154 (Sewage)	Mountain View School District R. R. 1 Box 339A Kingsley, PA 18826-9778	Harford Township Susquehanna County	Millard Creek 04F	Y

Chesapeake Bay Nutrient Monitoring Requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrate-Nitrite 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0026051 (Sew)	Chambersburg Borough 100 South Second Street Chambersburg, PA 17201	Franklin County Chambersburg Borough	Conococheague Creek 13-C	N
PA0080314 Amendment No. 1 (Sew)	Hampden Township 230 South Sporting Hill Road Mechanicsburg, PA 17050-3097	Cumberland County Hampden Township	Sears Run and Conodoguinet Creek 7-B	N
PA0023744 (Sew)	Northeastern York County Sewer Authority 175 Chestnut Street P. O. Box 516 Mount Wolf, PA 17347	York County East Manchester Township	Susquehanna River 7-F	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0113514	Hilner Project Wastewater Treatment Plant Madison Township P. O. Box 620 Millville, PA 17846	Columbia County Madison Township	UNT to Mud Creek SWP 10D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205443 Industrial Waste	Hanson Aggregates PMA, Inc. 2200 Springfield Pike Connellsville, PA 15425	Westmoreland County Lower Burrell Township	Allegheny River	Y
PA0217107 Industrial Waste	EMF Development Corporation 365 Bassett Road Hooversville, PA 15936-7608	Cambria County Franklin Township	Conemaugh River	Y
PA0094757 Sewage	E. J. Holtz Sewage Plant, Inc. 633 Logan Boulevard Altoona, PA 16602	Cambria County Allegheny Township	Clearfield Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0097411 Sewage	Glendale School District 1466 Beaver Valley Road Flinton, PA 16640-8900	Cambria County White Township	UNT of Dutch Run	Y
PA0217824 Sewage	YMCA Camp Kon-O-Kwee 126 Nagel Road Fombell, PA 16123-1198	Beaver County Marion Township	Connoquessing Creek	Y
PA0218782 Sewage	Menallen Township Sewer Authority 427 Searights Hebert Road Uniontown, PA 15401	Fayette County Menallen Township	Saltlick Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023566	Emlenton Area Municipal Authority P. O. Box 448 Emlenton, PA 16373-0448	Emlenton Borough and Richland Township Venango County	Allegheny River 16-G	Y

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

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

**NPDES Permit No. PA-0026361**, Sewage, **Lower Lackawanna Valley Sanitary Authority**, P. O. Box 2067, Coxton Road, Duryea, PA 18642-2067. This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Action/Activity: Renewal of Major NPDES Permit.

**NPDES Permit No. PA-0027090**, Sewage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18515-9068. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of a Major NPDES Renewal Permit.

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

**NPDES Permit No. PA0020885**, Sewage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

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

**NPDES Permit No. PA0026875**, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to South Branch of Conewago Creek in Watershed 7-F.

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

**PA0027057**, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This existing facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: Renewal of major NPDES permit for the Authority's Central Plant.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 10A and is classified for: WWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company is located on the West Branch Susquehanna River and is 29 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.40 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	40		50
Total Suspended Solids	30	45		60
Total Chlorine Residual	0.52		0.90	1.71
Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30)			200 col/100 ml	
pH			2,000 col/100 ml as a Geometric Mean Within the range of 6.0 to 9.0	

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	153,423*
Net Total Phosphorus		Report	20,456*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

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

Outfall 002—004—Combined Sewer Overflow—Best Management Practices, Nine Minimum Controls

In addition to the effluent limits and Best Management Practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. CSO-Related Bypass.

**PA0027049**, Sewage, SIC 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701-6113. This existing facility is located in the City of Williamsport, **Lycoming County**.

Description of Proposed Activity: Renewal of major NPDES permit for the Authority's West Plant.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 10A and is classified for: WWF. The nearest downstream public water supply intake for the Pennsylvania-American Water Company is located on the West Branch Susquehanna River and is 32 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.92 mgd.

Parameter	Concentration (mg/l)			
	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Maximum
CBOD <sub>5</sub>	40	60		80
Total Suspended Solids	44	66		88
Total Chlorine Residual	1.35		2.33	4.41
Chlorodibromomethane	0.21		0.33	
Fecal Coliforms (5-1 to 9-30)		200 col/100 ml		
(10-1 to 4-30)		2,000 col/100 ml as a Geometric Mean		
pH		Within the range of 6.0 to 9.0		

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	77,547*
Net Total Phosphorus		Report	9,546*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's

(Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

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

*Outfall 002*—Combined Sewer Overflow—Best Management Practices, Nine Minimum Controls.

*Outfall 003*—Stormwater—Best Management Practices.

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Management and Control of Combined Sewer Overflows.
3. Requirements Applicable to Stormwater Outfalls.

**PA0026239**, Sewage, SIC 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801. This existing facility is located in Benner and College Townships, **Centre County**.

Description of Proposed Activity: Issuance of a major NPDES permit for the wastewater treatment facility including tertiary treatment, consisting of primary clarification, aeration, secondary settling with phosphorus removal, filtration, BNR and UV disinfection, along with a beneficial reuse system.

The receiving stream, Spring Creek, is in the State Water Plan Watershed 9C and is classified for: HQ-CWF. The nearest downstream public water supply intake for Pennsylvania-American Water Company is located at Milton, PA on the West Branch Susquehanna River, approximately 87.0 river miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 9.0 mgd and a discharge flow of 6.0 mgd, are as follows:

<i>Parameter</i>	<i>Concentration (mg/l)</i>			<i>Mass (lbs)</i>		
	<i>Monthly Average</i>	<i>Weekly Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Flow	Not greater than 6.0 mgd as an Annual Average					
CBOD <sub>5</sub>	10.0	15.0		20.0		
Total Suspended Solids	10.0	15.0		20.0		
Total Dissolved Phosphorus	0.13			0.26		
Dissolved Oxygen		Minimum of 5.0 mg/l at all times				
Transmissivity	Report					
Total Chlorine Residual		Provide Effective Dechlorination				
Fecal Coliforms		200 col/100 ml				
(5-1 to 9-30)		2,000 col/100 ml as a Geometric Mean				
(10-1 to 4-30)		Within the range of 6.0 to 9.0				
pH						
NH <sub>3</sub> -N						
(1-1 to 1-31)	4.5	6.7		9.0		
(2-1 to 2-29)	5.0	7.5		10.0		
(3-1 to 3-31)	5.5	8.2		11.0		
(4-1 to 4-30)	4.0	6.0		8.0		
(5-1 to 5-31)	3.0	4.5		6.0		
(6-1 to 6-30)	2.5	3.7		5.0		
(7-1 to 11-30)	1.0	1.5		2.0		
(12-1 to 12-31)	4.0	6.0		8.0		
Thallium	Report					
Total Copper	Report					
Free Cyanide	Report					
Total Cyanide	Report					
Total Mercury	Report					
Total Selenium	Report					
Effluent Temperature	Report					
Total Dissolved Solids	Report					

Chesapeake Bay Tributary Strategy Nutrient Requirements

Parameter	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly Load	Annual Load
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	164,381*
Net Total Phosphorus		Report	21,918*

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

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

Outfall SW-01—SW-05—Stormwater—Best Management Practices.

In addition to the effluent limits and best management practices, the permit contains the following major permit conditions:

1. Chesapeake Bay Nutrient Requirements.
2. Operation and Implementation of a Pretreatment Program.
3. Minimum Discharge Requirements.
4. Thermal Discharge Requirements.
5. Total Dissolved Solids Requirements.
6. Requirements Applicable to Stormwater Outfalls.

**PA0233536**, Sewerage, **David A. Finrock**, 371 Seymour Hill Road, Mansfield, PA 16933. This proposed facility is located in Sullivan Township, **Tioga County**.

Description of Proposed Activity: An NPDES permit has been issued to authorizing the discharge from a small flow treatment facility serving the Finrock residence.

The receiving stream, a UNT to Corey Creek, is in the State Water Plan Watershed 4A and is classified for: CWF. The nearest downstream public water supply intake for Mansfield University is located on Corey Creek and is approximately 5 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>			10		20
TSS			10		20
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a geometric mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested				
(10-1 to 4-30)	2,000 colonies/100 ml as a geometric mean				
pH	Within the range of 6.0 to 9.0				
Flow	Monitor and Report				
UV Disinfection	Monthly Bulb cleaning				

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

**NPDES Permit No. PA0021792**, Industrial Waste, **Amendment No. 2, Edinboro Borough STP**, 124 Meadville Street, Edinboro, PA 16412-2505. This proposed facility is located in Edinboro Borough, **Erie County**.

Description of Proposed Action/Activity: This is a publicly owned sewage treatment plant discharging to Conneauttee Creek, 16-A.

**NPDES Permit No. PA0240044**, Sewage, **Brookdale Family Campground**, 25164 State Highway 27, Meadville, PA 16335. This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: This is a nonmunicipal sewage treatment plant that will be discharging to Kimmie Creek, 16-D.

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


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

**WQM Permit No. 3907401**, Sewerage, **Upper Macungie Township Authority**, 8330 Schantz Road, Breinigsville, PA 18031. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction of a gravity sanitary sewer collection system to serve the 358-lot Trexler Fields Subdivision.

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

**WQM Permit No. 2207402**, Sewage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: Replacement of approximately 5,600 feet of 12" diameter interceptor (Trunk B) with 18" diameter PVC interceptor from MH P758 in intersection of Curvin Drive and East Creek Drive to MH P646 at Goose Valley Road and Old Colonial Road. Six stream crossing are made (E22-515).

**WQM Permit No. WQG02220801**, Sewage, **West Hanover Township Water and Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Proposed new onsite pump station to convey sewage flows to the West Hanover Township Sewer System.

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

**WQM Permit No. 5907402**, Sewerage, **David A. Finfrook**, 371 Seymour Hill Road, Mansfield, PA 16933. This proposed facility is located in Sullivan Township, **Tioga County**.

Description of Proposed Action/Activity: A permit has been issued authorizing the design, construction and operation of a small flow treatment facility, consisting of a 1,000 gallon septic tank with effluent filter, a 500 gallon pump/equalization tank, an EcoFlow peat biofilter and ultraviolet disinfection. Discharge will be to a UNT to Corey Creek, a CWF.

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

**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: Permit issuance for the construction and operation of a sanitary sewer extension.

**WQM Permit No. 0207402**, Sewerage, **Indiana Township**, P. O. Box 788, 941 Route 910, Indianola, PA 15051. This proposed facility is located in Indiana Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of pump station and force main for Park Place residential development.

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

**WQM Permit No. WQG018591**, Sewerage, **Robert Miller**, 420 Franklin Street, Kennerdell, PA 16374. This proposed facility is located in Clinton Township, **Venango County**.

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

**WQM Permit No. 2007405**, Sewerage, **Brookdale Family Campground**, 25164 State Highway 27, Meadville, PA 16335. This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: This permit is for a sewage treatment facility with an effluent discharge rate of 0.010 mgd.

**WQM Permit No. 4374404**, Sewerage, **Amendment No. 1, Borough of Grove City**, P. O. Box 110, Grove City, PA 16127. This proposed facility is located in Grove City Borough, **Mercer County**.

Description of Proposed Action/Activity: This will renovate the existing wastewater treatment plant as well as expand it to increase its permitted capacity for the anticipated growth in the surrounding communities served by the Borough of Grove City. The renovation is a 3.7 mgd regional WWTP utilizing the Integrated Fixed Film Activated Sludge process.

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**IV. NPDES Stormwater Discharges from MS4 Permit Actions**


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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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


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## NOTICES

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906022	Sal Lapio Homes 104 Mill Road Sellersville, PA 18960	Bucks	Nockamixon Township	Rapp Creek EV
PAS10G538R	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Pickering Creek Basin HQ-TSF
PAI011506004	Swinehart Realty Associates, Inc. P. O. Box 1906 West Chester, PA 19380	Chester	West Brandywine Township	Beaver Creek Culbertson Run HQ-TSF-MF
PAI011506045	APEX Constructors, Inc. P. O. Box 1405 Malvern, PA 19341	Chester	Upper Uwchlan Township	UNT Marsh Creek HQ-TSF-MF
PAI011507042	Linda Creighton 476 Auburn Road Landenberg, PA 19350	Chester	Lower Oxford Township	West Branch Big Elk Creek HQ-TSF-MF
PAI011507050	East Coventry Township 855 Ellis Woods Road Pottstown, PA 19465-8151	Chester	East Coventry Township	Pigeon Creek HQ-TSF
PAI011507052	Hersha Development Corp. Penn Mutual Tower 510 Walnut Street Philadelphia, PA 19106	Chester	East Whiteland Township	Valley Creek EV
PAI011507053	Upper Uwchlan Township 140 Pottstown Pike Chester Springs, PA 19425	Chester	Upper Uwchlan Township	Pickering Creek HQ-TSF
PAI011507054	Jonas S. Stoltzfus 246 Maple Street Honey Brook, PA 19344-8647	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI011507059	Roosevelt Hariston, LLC 385 Conestoga Road Malvern, PA 19355	Chester	West Vincent Township	Pickering Creek HQ-TSF
PAI015107003	PECO Energy Company 400 Park Avenue Warminster, PA 18974	Philadelphia	City of Philadelphia	Delaware River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI0254040041	Yudacot Limited Partnership P. O. Box 279 St. Clair, PA 17970	Schuylkill	Ryan Township	Codorus Creek CWF, EV
PAI024807016	Moravian College Housing, Inc. 1021 Center Street Bethlehem, PA 18018	Northampton	Bethlehem City	Monocacy Creek HQ-CWF
PAI023906022	Trexler Fields Twin Home Projects, LLC 5930 Hamilton Boulevard Suite 10 Wescosville, PA 18106	Lehigh	Upper Macungie Township	Schaefer Run Creek HQ-CWF
PAI0248040061	Jaindl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Northampton	Hanover, East Allen and Lower Nazareth Townships	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030606004	Donald Kuser E. Kuser, Inc. 150 Grings Hill Road Sinking Spring, PA 19608	Berks	Spring Township	Wyomissing Creek HQ-CWF
PAI033607006	Weaver Companies, Inc. 161 Spring Grove Road East Earl, PA 17519	Lancaster	Salisbury Township	UNT Pequea Creek Richardson Run Umbles Run HQ-CWF
PAI030607001	John T. Kennedy 431 Schoffer Road Reading, PA 19606-9782	Berks	Pike Township	Pine Creek HQ-CWF
PAI032204001 (Minor Modification)	King Drive Corporation 550 Lakewood Drive Harrisburg, PA 17112	Dauphin	Middle Paxton Township	Fishing Creek WWF

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

*Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931, (814) 472-2120.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI051106002	Jackson/East Taylor Sewer Authority 2603 William Penn Avenue Johnstown, PA 15909	Cambria	Jackson Township	Saltlick Run HQ-CWF Hinckston Run 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*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Falls Township and Morrisville Borough Bucks County	PAG2000907086	Oldcastle Precast, Inc. 1381 South Pennsylvania Avenue Morrisville, PA 19067-1275	Delaware River South WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAG2000907085	St. Gregorios Malankara Orthodox Church, Inc. 4136 Hulmeville Road Bensalem, PA 19020	UNT Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG2000907105	William Penn Savings and Loan 8150 Route 13 Levittown, PA 19056	Tributary Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hilltown Township Bucks County	PAG2000907121	Michael Pizsel 345 Braebourn Road Huntingdon Valley, PA 19006	UNT Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plumstead Township Bucks County	PAG2000905093	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	North Branch Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Solebury Township Bucks County	PAG2000907125	Solebury Township 3092 Sugan Road P. O. Box 139 Solebury, PA 18963-9998	Delaware River South WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000907113	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Little Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Makefield and Newtown Townships Bucks County	PAG2000907031	Brookshire Estates, LP 3333 Street Road 1 Greenwood Square Bensalem, PA 19067	Core Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG2001507054	John Talucci P. O. Box 179 Downingtown, PA 19335	Tributary Beaver Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001507066	Islamic Society of Greater Valley Forge 525 Deerfield Avenue Norristown, PA 19403	Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township Chester County	PAR10G487RA1	Chester County Area Airport Authority GO Carlson Airport 1 Earhart Drive Suite 2 Coatesville, PA 19320	UNT Sucker Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
London Grove Township Chester County	PAR10G510R	Willow Cree, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Middle Branch White Clay Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Nottingham Township Chester County	PAG2001507037	Wilson King 1140 Chrome Road Oxford, PA 19363	UNT Tweed Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Chester Borough Chester County	PAG2001507079	University Student Housing 101 Filino Hall 628 South High Street West Chester, PA 19383	Plum Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Haverford Township Delaware County	PAG2002307009	Carol McDonald 1400 Fairview Avenue Havertown, PA 19083	Darby Creek CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pottstown Borough Montgomery County	PAG2004607182	Manatawny Development Group 1800 East High Street Suite 125A Pottstown, PA 19464	Manatawny Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pottstown Borough West Pottsgrove Township Montgomery County	PAG2004607093	Sapphire Development Companies 357 South Gulph Road Suite 300 King of Prussia, PA 19406	Manatawny Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004606137	TH Properties 345 Main Street Harleysville, PA 19438	Mingo Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Plymouth and Whitpain Townships Montgomery County	PAG2004607100	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Plymouth Township	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG2004606154	Rosenberry Properties, LLC 2526 North Broad Street Colmar, PA 18915	UNT Swamp Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG2004607144	Rhee Brothers 9505 Berger Road Columbia, MD 21046	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Frederick Township Montgomery County	PAG2004607161	Redwood Holding, LLC 1930 East Marlton Pike Suite Q-324 Cherry Hill, NJ 08003	Swamp Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG20046060191	The Baldwin School 701 Montgomery Avenue Bryn Mawr, PA 19010	Schuylkill River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Douglass Township Montgomery County	PAG2004607134	Weis Markets, Inc. 1000 South Second Street Sunbury, PA 17801	UNT Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG2004607107	White Springs Farm, LP 940 Sproul Road Suite 301 Springfield, PA 19064	UNT Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG20046070541	Colorcon, Inc. 415 Moyer Boulevard P. O. Box 24 West Point, PA 19486	UNT West Branch of Skeppack Creek and Skeppack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004607192	Richard C. and Christine G. Mast P. O. Box 333 Lederach, PA 19450	East Branch Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG20046070761	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Neshaminy and Little Neshaminy Creeks WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107036	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Frankford Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG2015107038	All City Transportation Company, Inc. 6821 Norwitch Drive Philadelphia, PA 19153-3412	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Scranton Lackawanna County	PAG2003508002	Kathleen Bevilacque 420 North Washington Avenue Scranton, PA 18501	Tributary to Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Lower Swatara Township Dauphin County	PAG2002207065	Thomas J. Flynn Fulling Mill Road Properties 5006 Trindle Road Suite 203 Mechanicsburg, PA 17055	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8276
Hamburg Borough Berks County	PAG2000607060	Lynda G. Albright Borough of Hamburg 61 North 3rd Street Hamburg, PA 19526	Mill Creek Schuylkill River TSF-WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Berks County	PAR10C456R	Walter Greth Greth Development Group P. O. Box 305 Temple, PA 19560-0305	UNT to Cacoosing Creek Not classified CWF-WF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
City of Reading Berks County	PAG20006040692	Douglas F. Smith Alvernia College 400 St. Bernardine 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
Middlesex Township Cumberland County	PAI032108002	CHR Corp. Tim Rutter 2295 Susquehanna Trail Suite C York, PA 17404	Letort Spring Run HQ-CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Columbia County Orange Township	PAG2001907010	Frank Perano Stony Brook Management P. O. Box 677 Morgantown, PA 19543	Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Columbia County Town of Bloomsburg	PAG2001907014	Eric Milner Bloomsburg University Buckingham Maintenance Center 400 East Second Street Bloomsburg, PA 17815	Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Lycoming County Muncy Township	PAG2004107012R	William Manos P. O. Box 308 Montoursville, PA 17754	Carpenters Run WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Hampton Township	PAR10A607	St. Catherine of Sweden Parish P. O. Box 246 2554 Wildwood Road Wildwood, PA 15091	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Pine Township	PAR10A616R	Showcase Properties 202 Park West Drive Pittsburgh, PA 15275	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Kennedy Township	PAG200050002 03006R	Albert Geisler 1989 McKees Rocks Road McKees Rocks, PA 15136	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County West Mifflin and Baldwin Boroughs	PAG200050002 030221	Anthony Merante P. O. Box 97935 Pittsburgh, PA 15227	Streets Run WWF	Allegheny County CD (412) 241-7645
Allegheny County South Park Township	PAG2000205107	South Park Township 2675 Brownsville Road Library, PA 15129	Piney Fork TSF	Allegheny County CD (412) 241-7645
Allegheny County Pine, Hampton and Richland Townships	PAG2000207017	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Pine Creek TSF Brush Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000207023	Darryl R. Frey 4397 Gibsonia Road Gibsonia, PA 15044	Pine Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000207037	VT Partners, LLC 71 Progress Avenue Cranberry Township, PA 16066	Brush Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Greentree Borough	PAG2000207043	P. W. Campbell 100 Zeta Drive Pittsburgh, PA 15238	Whiskey Run WWF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000207045	North Fayette Township 400 North Branch Road Oakdale, PA 15071	Robinson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Jefferson Hills Borough	PAG2000207052	R & Y Development 6000 Parkvue Drive Pittsburgh, PA 15236	Lewis Run WWF	Allegheny County CD (412) 241-7645
Allegheny County West Mifflin Borough	PAG2000207056	Century III Kia, Inc. 2430 Lebanon Church West Mifflin, PA 1522	Pine Run Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000207058	Biomost, Inc. 3026 Unionville Road Cranberry Township, PA 16066 Quality Aggregates, Inc. 200 Neville Road Pittsburgh, PA 15225	Montour Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000207074	Kathleen L. Sain S & L Professional Building 12703 Perry Highway Wexford, PA 15090	Pine Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Penn Hills	PAG2000207077	Penn Hills Commercial Properties, LP One Atlantice Avenue Pittsburgh, PA 15202	Thompson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County Marshall Township	PAG2000207079	R & D Land Partners 2140 Woodland Road Warrendale, PA 15086	Brush Creek TSF	Allegheny County CD (412) 241-7645

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Allegheny County Hampton Township	PAG2000207080	Elaine Jewart 2468 Wildwood Road Wildwood, PA 15091	Willow Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Findlay Township	PAG2000207084	Route 30 Development 7882 Steubenville Pike Imperial, PA 15126	Traverse Creek CWF	Allegheny County CD (412) 241-7645
Allegheny County Hampton Township	PAG2000207085	Hampton Township School District 4591 School Drive Allison Park, PA 15101	Pine Creek TSF	Allegheny County CD (412) 241-7645
Allegheny County Upper St. Clair Township	PAG2000207088	Allegheny Land Trust 409 Broad Street Sewickley, PA 15143	Chartiers Creek WWF	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000207094	Five Mile Development Group 811 Camp Horne Road Pittsburgh, PA 15237	Lowries Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Ohio Township	PAG2000207097	Mt. Nebo Commons, LLC 1145 Bower Hill Road Pittsburgh, PA 15243	Bear Run TSF	Allegheny County CD (412) 241-7645
Allegheny County Franklin Park Borough	PAG2000207099	Sts. John and Paul Parish Charitable Trust 2586 Wexford Bayne Road Sewickley, PA 15243	Fish Run CWF Rippling Run TSF	Allegheny County CD (412) 241-7645
Allegheny County North Fayette Township	PAG2000207101	Warren Messner P. O. Box 49 Imperial, PA 15126	Robinson Run WWF	Allegheny County CD (412) 241-7645
Allegheny County McCandless Township	PAG2000207111	Vincentian Collaborative System 9399 Babcock Boulevard Pittsburgh, PA 15237	Girtys Run WWF	Allegheny County CD (412) 241-7645
Beaver County Center Township	PAG2000407011	Steve Danik Community College of Beaver County 1 Campus Drive Monaca, PA 15061	Black Run WWF	Beaver County CD (724) 378-1701
Beaver County North Sewickley Township	PAG2000408002	Julie Bomberger 394 Game Farm Road New Castle, PA 16101	Bennett Run WWF	Indiana County CD (724) 378-1701
Butler County Slippery Rock Township	PAG20010050052	Slippery Rock University Foundation 1 Morrow Way Slippery Rock, PA 16057	UNT to Slippery Rock Creek CWF	Butler Conservation District (724) 284-5270
Crawford County Oil Creek Township	PAG2002008009	Salvage Direct, Inc. P. O. Box 306 Titusville, PA 16354	Oil Creek CWF	Crawford Conservation District (814) 763-5269
Lawrence County North Beaver Township	PAG2003708001	Mohawk Area School District Attn: Timothy McNamee, Superintendent P. O. Box 25 385 Mohawk School Road Bessemer, PA 16112	Hickory Run TSF	Lawrence Conservation District (724) 652-4512
Mercer County Mercer Borough East Lackawannock Township	PAG2004308003	Mercer Area School District 545 West Butler Street Mercer, PA 16137	UNT Neshannock Creek TSF	Mercer Conservation District (724) 662-2242

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mercer County Grove City Borough	PAG2004308004	Vance Oakes Grove City Borough 123 West Main Street Grove City, PA 16127	Wolf Creek CWF Barmore Run CWF	Mercer Conservation District (724) 662-2242
Piney Township Clarion County	PAG2101608001	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476	UNT to Piney Creek CWF	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311
Butler County Adams Township	PAG20010060141	Charles Vrabel 13 Dewey Lane Gibsonia, PA 15044	Breakneck Creek CWF	Butler Conservation District (724) 284-5270
Mercer County City of Hermitage	PAG2004308002	Department of Transportation Donald Hall 255 Elm Street P. O. Box 398 Oil City, PA 16301	Pine Hollow Run WWF Allen Run WWF	Mercer Conservation District (724) 662-2242
<i>General Permit Type—PAG-3</i>				
<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Stowe Township Allegheny County	PAR806263	Axiom Automotive Technologies 1400 Fleming Avenue McKees Rocks, PA 15136	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Clinton Township Venango County	PAG049394	Robert Miller 420 Franklin Street Kennerdell, PA 16374	UNT to Scrubgrass Creek 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Clark Borough Mercer County	PAG048836	Roger A. Kwiatkowski 675 Clay Furnace Road Sharpsville, PA 16150	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Columbus Township Warren County	PAG048539	April M. and Daniel J. Helmuth 9760 Route 426 R. R. 2 Box 258 Corry, PA 16407-9141	UNT to Brokenstraw Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG048516	Dwight R. and Yolanda E. Williams 17364 Townhouse Road Saegertown, PA 16433	UNT to Kerns Run 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
North Shenango Township Crawford County	PAG048547	Terrance D. Rager 8653 Pocahontas Lane Jamestown, PA 16134	UNT to Bennett Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG 08*

<i>Facility Location County &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Stream Body of Water or Site Name &amp; Address</i>	<i>Contact Office &amp; Phone No.</i>
Rahway, NJ	PAG089909	Rahway Valley Sewerage Authority 1050 East Hazelwood Avenue Rahway, NJ 07065	N/A	BWSFR (717) 787-8184

*General Permit Type—PAG-9*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Bethel Township Berks County	PAG092204	John R. Sell 954 Woodland Drive Walnutport, PA 18088	Peterman Bros. Septic Salem Road Bethel Township Berks County	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711-0790

**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**

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

**Permit No. 3480046, Operations Permit, Public Water Supply.**

Applicant	<b>Bethlehem Authority</b> 10 East Church Street Bethlehem, PA 18018 Lehigh Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Phillip McLachlan, P. E. Malcolm Pirnie, Inc. 111 South Independence Mall—East Suite 1010 Philadelphia, PA 19107
Permit to Operate Issued	January 30, 2008
<b>Permit No. 4008501, Public Water Supply.</b>	
Applicant	<b>EZY Water Development Company</b> 410 West Mine Street Hazleton, PA 18201 Foster Township
County	<b>Luzerne</b>
Type of Facility	Finished Water Bulk Hauling Facility
Consulting Engineer	Dominic J. Yanuzzi, P. E. Alfred Benesch & Company One South Church Street 300 Renaissance Center Hazleton, PA 18201
Permit to Construct Issued	February 14, 2008

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

**Permit No. 0507506 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Bedford Borough Water Authority</b>
Municipality	Bedford Borough
County	<b>Bedford</b>

Type of Facility Raw Water Transmission Main Bypass  
 Consulting Engineer Aaron P. Keirn, P. E.  
 The EADS Group, Inc.  
 1126 8th Avenue  
 Altoona, PA 16602  
 Permit to Construct February 15, 2008  
 Issued

**Permit No. 5007507 MA, Minor Amendment**, Public Water Supply.

Applicant **Millerstown Borough Municipal Authority**  
 Municipality Greenwood Township  
 County **Perry**  
 Type of Facility Install New Shutoff Valve.  
 Consulting Engineer Harry E. Bingaman, P. E.  
 Glace Assoc., Inc.  
 3705 Trindle Road  
 Camp Hill, PA 17011  
 Permit to Construct February 15, 2008  
 Issued

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

**Permit No. 1707503—Construction**, Public Water Supply.

Applicant **Clearfield Municipal Authority**  
 Township or Borough Lawrence Township  
 County **Clearfield**  
 Responsible Official Jeffrey Williams, Manager  
 Clearfield Municipal Authority  
 107 East Market Street  
 Clearfield, PA 16830

Type of Facility Public Water Supply—Construction  
 Consulting Engineer Mark V. Glenn, P. E.  
 Gwin Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602-4475  
 Permit Issued Date February 12, 2008  
 Description of Action Construction of a Pall microfiltration plant, disinfection, iron and manganese removal, corrosion control and use of Moose Creek water supply.

**Permit No. 1407504—Construction**, Public Water Supply.

Applicant **Haines Woodward Municipal Authority**  
 Township or Borough Haines Township  
 County **Centre**  
 Responsible Official Dwight Orndorf, President  
 Haines Woodward Municipal Authority  
 P. O. Box 147  
 Woodward, PA 16882

Type of Facility Public Water Supply—Construction  
 Consulting Engineer David Swisher, P. E.  
 Herbert, Rowland and Grubic, Inc.  
 474 Windmere Drive  
 Suite 100  
 State College, PA 16801  
 Permit Issued Date February 15, 2008  
 Description of Action Construction of Well No. 1 and the finished water storage tank.

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

**Permit No. 4207501**, Public Water Supply.  
 Applicant **Bradford City Water Authority**  
 Borough or Township City of Bradford, Foster, Lafayette and Bradford Townships  
 County **McKean County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 P. O. Box 200  
 Indianola, PA 15051  
 Permit to Construct February 14, 2008  
 Issued

**Operations Permit** issued to **Pennsylvania American Water Company**, PWSID No. 6620020, Warren Township, **Warren County**, on February 19, 2008, for the operation of the Glade Run Filter Plant New Clearwell, according to specifications approved by Construction Permit 6207502, issued September 18, 2007.

#### 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:

Borough or Township	Borough or Township Address	County
Lower Windsor Township	111 Walnut Valley Court Wrightsville, PA 17368	York County

*Plan Description:* The approved plan, in the name of Southern Heights, provides for seven single-family residential lots using individual onlot sewage disposal systems. It is proposed that Lot No. 2 will use a Small Flow Treatment Facility as a replacement sewage facility if the onlot system requires replacement. 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 Owner.

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



*Plan Location:* On February 13, 2008, the Southeast Regional office approved the Act 537 sewage facilities plan update for Franconia Township, Montgomery County (APS ID 601046 AUTH ID 656674). The Act 537 plan update focused on the Earlington Village area of the Township.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Franconia Township	671 Allentown Road P. O. Box 128 Franconia, PA 18924	Montgomery County

*Plan Description:* This approval provides for the extension of public sewer service to the Earlington Village Area of the Township. A new collection and conveyance system will be constructed, as depicted on the plan titled "Future Sewer Service Area Village of Earlington," prepared by Metz Engineers and SC Engineers, dated January 2008. The new collection and conveyance system will be constructed as follows:

1. Eight-inch diameter gravity sewers will be constructed in Allentown Road, Morwood Road, Sunset Lane, Rising Sun and Godshall Roads. A total of 180 connections to public sewers will be made in Earlington Village.

2. The Franconia Sewer Authority (FSA) will construct a new sewage pumping station and force main that will accept flows from 146 EDU's in the Earlington Village service area and from 313 EDU's in the Tylersport Area of Salford Township. The new Earlington Pump Station will have design flows of 126,450 gpd annual average flow. The pump station's annual average flow was determined by using FSA's sewage conveyance figure of 275 gpd per EDU. The pump station's force main will discharge to an existing gravity sewer at Morwood and Godshall Roads that is tributary to the FSA's existing Godshall Road Pump Station.

3. The FSA's Godshall Road Pump Station will be expanded from its current capacity of 163,000 gpd annual average flow to a capacity of 306,100 gpd annual average flow. This upgrade will be necessary to accommodate the flows from all of Earlington Village and the Tylersport Area of Salford Township.

Sewage from the Earlington Village and Tylersport Areas will be conveyed to the Telford Borough Authority's (TBA) Wastewater Treatment Facility. TBA has certified the availability of wastewater treatment capacity for sewage flows of 162,690 gpd, based on a total of 493 new connections (180 from Earlington Village and 313 from Tylersport) using TBA's flow of 330 gpd per EDU.

*Plan Location:* On February 13, 2008, the Southeast Regional office approved the Act 537 sewage facilities plan update for Salford Township, Montgomery County (APS ID 579877 AUTH ID 627733). The Act 537 plan update focused on the Tylersport area of the Township.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Salford Township	139 Ridge Road P. O. Box 54 Tylersport, PA 18971	Montgomery County

*Plan Description:* This approval provides for the extension of public sewer service to the Tylersport Area of the Township. The Tylersport study area is depicted on Figure 2-1 of the plan. Existing development within the Tylersport area will be served by individual grinder pumps and a new low-pressure sewer system, which will drain to a proposed pump station to be located in the

Country View at Salford Development. The proposed sewerage facilities are depicted on Figure 6-2 of the plan, which is titled "Proposed Facilities Layout Alternative 4/Option 1."

The Country View Pump Station will have a capacity of 76,950 gpd annual average flow. The pump station will receive flow from 313 connections: 104 EDU's from existing development, 139 new townhouses proposed as part of the Country View at Salford Development, 32 new single-family dwellings proposed as part of the Country View at Salford Development, 18 single-family dwellings proposed as part of the Country Crossing at Salford Development and 20 connections reserved for future development. The pump station's capacity is based on Salford Township's flows of 262.5 gpd per EDU for single-family dwellings and 225 gpd per EDU for townhouses.

Sewage from the Tylersport Area will be conveyed to the Telford Borough Authority's (TBA) Wastewater Treatment Facility by means of the Franconia Sewer Authority's sewage conveyance system. In Franconia Township's Component 3m for Earlington Village, TBA has certified the availability of wastewater treatment capacity for sewage flows of 162,690 gpd, based on a total of 493 new connections (180 from Earlington Village and 313 from Tylersport) using TBA's flow of 330 gpd per EDU.

**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:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pike Township	810 Hill Church Road Boyertown, PA 19512	Berks County

*Plan Description:* The official plan revision for a two lot residential subdivision named the Solomon Subdivision (Department of Environmental Protection No. A3-06952-089-2) was disapproved because the proposed plan is not consistent with the Pike Township Act 537 Plan in that facilities are being proposed within the 300 ft. buffer adjacent to wetlands with Exceptional Value (EV) water. Also, the proposed plan did not evaluate the impact of the proposed onlot sewage disposal systems on the EV waters to document the plan's consistency with the antidegradation requirements contained in 25 Pa. Code Chapter 93.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated

substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Allentown Junction Release Site**, South Whitehall Township, **Lehigh County**. David J. Demko, P. G., Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 has submitted a Final Report (on behalf of his client, Buckeye Pipe Line Transportation, LLC, 9999 Hamilton Boulevard, Five TEK Park, Breinigsville, PA 18031), concerning the remediation of soils found or suspected to have been impacted by unleaded gasoline as a result of a valve failure. The report was submitted to document attainment of the Statewide Health Standard for soils. A public notice regarding the submittal of the Final Report was published in *The Morning Call* on January 21, 2008.

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

**Palmyra Recycling Center/Waste Management**, Palmyra Borough, **Lebanon County**. STV, Inc., 205 West Welsh Drive, Douglassville, PA 19518, on behalf of WM Recycle America, LLC, 123 East High Street, Palmyra, PA 17078, submitted a remedial investigation report and cleanup plan concerning remediation of site soils and groundwater contaminated with metals and PCBs. The applicant is seeking to remediate the site to the Site-Specific Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**National Institute for Occupational Safety and Health (NIOSH), Pittsburgh Research Laboratory (Pittsburgh) Landfill Site or NIOSH—Pittsburgh**

**Landfill Site**, South Park Township, **Allegheny County**. S. B. Lal, P. E., Diversified Consulting Engineers, 1624 Citation Drive, South Park, PA 15129-8831 (on behalf of Barbara M. Heirendt, United States Department of Health and Human Services, Center for Disease Control and Prevention, National Institute for Occupational Safety and Health, Pittsburgh Research Laboratory, P. O. Box 18070, Cochran Mills Road, Pittsburgh, PA 15236-0070) has submitted a Cleanup Plan concerning remediation of site soils and groundwater contaminated with inorganics, chlorinated solvents and Pahas. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Baylor's Mobil Station (Former)**, Borough of Monroeville, **Allegheny County**. Michael Smith, CP Environmental Group, Inc., 1092 Fifth Avenue, New Kensington, PA 15068 (on behalf of James Bishop, P. O. Box 47, Turtle Creek, PA 15145) has submitted a Final Report concerning remediation of site groundwater contaminated with Pah and Fuel Oil No. 1. The report is intended to document remediation of the site to meet the Statewide Health Standards.

**Allegheny Power, Connellsville West Side Facility**, Connellsville City, **Fayette County**. Steven Gerritsen, SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 (on behalf of David Flitman, Allegheny Power, 800 Cabin Hill Drive, Greensburg, PA 15601) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics and other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Liberty Park**, East Liberty Section of Pittsburgh, **Allegheny County**. Joseph Harrick, Penn Environmental & Remediation, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086 (on behalf of David Dumey, McCormack Baron Salazar, 1415 Olive Street, Suite 310, St. Louis, MO 63103 and John Coyne, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soils contaminated with metals including antimony, arsenic, boron, lead, thallium, silver and Pah. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling

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

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

The Department has received the following plans and reports:

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

**Former Leach-Covington Property, Tunkhannock Township, Monroe County.** Richard D. Trimpi, CHMM, P. G., Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 submitted a Final Report (on behalf of his client, Option One Mortgage Corporation, 6531 Irvine Center Drive, Irvine, CA 92618), concerning the remediation of soils and groundwater found to have been impacted by No. 2 fuel oil as the result of an accidental release. The report demonstrated attainment of the State-wide Health Standard for soils and groundwater and was approved on February 5, 2008.

**Seventh Day Adventist Church, Hanover Township, Northampton County.** Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report package (on behalf of his client, Seventh Day Adventist Church, 1175 Macada Road, Bethlehem, PA 18017), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking underground storage tank. The report documented attainment of the State-wide Health Standard for soils and was approved on January 24, 2008.

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

**Palmyra Recycling Center/Waste Management, Palmyra Borough, Lebanon County.** STV, Inc., 205 West

Welsh Drive, Douglassville, PA 19518, on behalf of WM Recycle America, LLC, 123 East High Street, Palmyra, PA 17078, submitted a remedial investigation and cleanup plan concerning the remediation of site soils and groundwater contaminated with metals and PCBs. The report and plan were approved by the Department of Environmental Protection on February 14, 2008. The applicant is seeking to remediate the site to the Site-Specific Standard.

#### REGISTRATION FOR RESIDUAL WASTE GENERAL PERMITS

**Registration for General Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR097R006, Penn England Farms, R. R. 1, Box 152, Williamsburg, PA 16693.** General Permit Number WMGR097R006 authorizes the R & D activities associated with the processing and beneficial use of grease trap waste to be combined with manure and anaerobically digested. The methane gas produced will be used to generate electricity and the digested mixture will be used for animal bedding and land application. The Department of Environmental Protection (Department) issued the registration on February 15, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Applications for Determination of Applicability Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application Number WMGR 065D002, Sands Bethworks Gaming, LLC, 511 East 3rd Street, Bethlehem PA 18015-2201.** General Permit Number WMGR065 authorizes beneficial use of various wastes from steelmaking and foundry operations taken

from a remediation site as construction fill at an adjacent Act 2 remediation site. The application for determination of applicability was deemed to be administratively complete by Central Office on January 9, 2008.

Persons interested in reviewing the application should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

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**Determination of Applicability for General Permit Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit No. WMGR028-SE001A. Myers Allan A.**, 1805 Berks Road, P. O. Box 98, Worcester, PA 19490. This application is for determination of applicability under General Permit WMGR028. The application is for the beneficial use of baghouse fines from Devault Asphalt Plant located in Charlestown Township, **Chester County**. The application for determination of applicability was approved by Southeast Regional Office on February 7, 2008.

**General Permit No. WMGR028SE002A.** Miller & Son Paving, Inc., 887 Mill Creek Road, Rushland, PA 18956-0461, Wrightstown Township, **Bucks County**. This application is for determination of applicability under General Permit WMGR028. The application is for the beneficial use of hot-mix asphalt plant residues consisting of baghouse fines and scrubber pond precipitates from the Rushland Quarry Plant located in Wrightstown Township, Bucks County. The application for determination of applicability was approved by Southeast Regional Office on February 7, 2008.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Number WMGR065D002. Sands Bethworks Gaming, LLC**, 511 East 3rd Street, Bethlehem, PA 18015-2201. General Permit Number WMGR065 authorizes beneficial use of various wastes from steelmaking and foundry operations taken from a remediation site as construction fill at an adjacent Act 2 remediation site. The Department of Environmental Protection (Department) issued the determination of applicability on February 15, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

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## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 101662. Conshohocken Rail, LLC**, 1060 Conshohocken Road, Conshohocken, PA 19428-1002, Plymouth Township, **Montgomery County**. The permit was modified to incorporate a rail transfer operation for C & D waste at Conshohocken Rail, LLC. The permit modification was approved by Southeast Regional Office on February 8, 2008.

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**Closure Plan approved and a Consent Order and Agreement executed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations.**

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*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. WMGM025SW001. Pittsburgh Recycling Services, Inc.**, 50 Vespuccius Street, Pittsburgh, PA 15207. Operation of a construction waste material sorting and processing facility in the City of Pittsburgh, **Allegheny County**. Permit issued in the Regional Office on February 15, 2008.

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## AIR QUALITY

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**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.**

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

**09-302-090GP: AE Polysilicon Corp.** (150 Roebing Road, Fairless Hills, PA 19030) on February 12, 2008, to operate two 31.434 mmBtu/hr boilers in Falls Township, **Bucks County**.

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

**13-302-023GP1: Gnaden Huetten Memorial Hospital** (211 North 12th Street, Lehigh, PA 18235) on February 6, 2008, for renewal of a small gas and No. 2 oil fired combustion unit permit at their site in Lehighon Borough, **Carbon County**.

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

**GP1-06-03014: Berks Packing Co., Inc.** (307 Bingham Street, P. O. Box 5919, Reading, PA 19610-5919) on February 13, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in the City of Reading, **Berks County**. This is a renewal of the GP1 operating permit.

**GP1-67-03060: Cintas** (121 North Blettner Avenue, Hanover, PA 17331) on February 7, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Penn Township, **York County**. This is a renewal of the GP1 operating permit.

**GP3-06-03141: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 13, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Spring Township, **Berks County**.

**GP3-67-03146A: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on February 12, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Springettsbury Township, **York County**.

**GP7-36-03027: Acorn Press, Inc.** (500 East Oregon Road, P. O. Box 5319, Lancaster, PA 17606-5319) on February 11, 2008, for Sheet-Fed Offset Lithographic Printing Press under GP7 in Manheim Township, **Lancaster County**. This is a renewal of the GP7 operating permit.

**GP9-06-03141: Haines & Kibblehouse, Inc.** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on February 13, 2008, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in Spring Township, **Berks County**.

**GP9-67-03146A: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on February 12, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Springettsbury Township, **York County**.

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

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

**01-05009A: United States Department of Defense—Washington Headquarters Services** (1155 Defense Pentagon, Washington, DC 20311-1155) on February 12, 2008, for construction of four internal combustion diesel generator sets at the Raven Rock Mountain Complex in Liberty Township, **Adams County**.

**22-05053A: McDermitt Concrete, Inc.** (P. O. Box 3219, Gettysburg, PA 17325-0219) on February 12, 2008, for construction of a hot mix batch asphalt plant controlled by a fabric collector at its Fiddler's Elbow Plant in Lower Swatara Township, **Dauphin County**.

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

**49-00007E: Merck & Co., Inc.** (P. O. Box 600, Danville, PA 17821-0600) on December 19, 2007, for the VOC plantwide applicability limit and flexible manufacturing of pharmaceutical/chemical products at the Cherokee plant in Riverside Borough, **Northumberland County, PA**.

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

**65-00981A: Solar Power Industries, Inc.** (440 Jonathan Willey Road, Belle Vernon, PA 15012) on Febru-

ary 11, 2008, to allow the construction and operation of a solar cell and panel manufacturing facility located in Rostraver Township, **Westmoreland County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

**09-0031: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on February 13, 2008, to operate a replacement asphalt plant in Wrightstown Township, **Bucks County**.

**09-0037F: CMS Gilbreth Packaging Systems, Inc.** (3001 State Road, Croydon, PA 19021) on February 13, 2008, to operate a ten unit rotogravure in Bristol Township, **Bucks County**.

**09-0186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Road, Fairless Hills, PA 19030) on February 13, 2008, to operate bulk product handling in Falls Township, **Bucks County**.

**46-0180: Transicoil Corp.** (9 Iron Bridge Drive, Collegeville, PA 19426) on February 13, 2008, to operate three solvent vapor degreasers in Perkiomen Township, **Montgomery County**.

**46-0180A: Transicoil Corp.** (9 Iron Bridge Drive, Collegeville, PA 19426) on February 13, 2008, to operate a methanol glass cleaning in Perkiomen Township, **Montgomery County**.

**09-0061: Donaldson Company, Inc.—d/b/a Tetratrec** (85 Railroad Drive, Ivyland, PA 18974) on February 13, 2008, to operate an extrusion line in Northampton Township, **Bucks County**.

**46-0029B: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on February 14, 2008, to operate a tertiary crusher upgrade in Montgomery Township, **Montgomery County**.

**15-0027I: Johnson Matthey, Inc.—Catalytic Systems** (456 Devon Park Drive, Wayne, PA 19087) on February 14, 2008, for installation of two new diesel catalysts production lines to produce soot filters and oxidation catalysts that will be used to reduce pollutant emissions from diesel-fueled engines, at its facility in Tredyffrin Township, **Chester County**. This facility is a Title V facility. The modified Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The Plan Approval modification (such as revisions made to permit language to allow verification of compliance with the pollutant emission reduction efficiencies during routine maximum operating scenarios, over the entire pollutant control systems as opposed to each individual component (such as preSCR scrubber, postSCR scrubber and SCR system)) will not result in an increase in estimated pollutant emissions.

**09-0189: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) On February 15, 2008, to operate a dust suppression system in Warrington Township, **Bucks County**.

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

**07-03049A: A. P. Green Refractories, Inc.** (400 Fairway Drive, Moon Township, PA 15108) on January 19, 2008, to operate a refractory manufacturing facility in Greenfield Township, **Blair County**. This plan approval was extended.

**36-03116A: Cargill Cocoa & Chocolate** (20 North Broad Street, Lititz, PA 17543) on February 13, 2008, to install a new roasting system at their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**. This plan approval was extended.

**67-05007C: Adhesives Research, Inc.** (400 Seaks Run Road, Glen Rock, PA 17327-0100) on September 22, 2007, to install an adhesive coater and regenerative thermal oxidizer in Springfield Township, **York County**. This plan approval was extended.

**67-05007C: Adhesives Research, Inc.** (400 Seaks Run Road, Glen Rock, PA 17327-0100) on January 21, 2008, to install an adhesive coater and regenerative thermal oxidizer in Springfield 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.*

**49-00007E: Cherokee Pharmaceuticals, LLC** (P. O. Box 367, Riverside, PA 17868), issued a revised plan approval on January 4, 2008 for their pharmaceutical production facility located in Riverside Borough, **Northumberland County**. The revision of this plan approval incorporates the change of ownership from Merck & Co., Inc. to Cherokee Pharmaceuticals, LLC and transfers the plan approval to Cherokee Pharmaceuticals, LLC. This plan approval contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00029A: Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823), located in Haines Township, **Centre County**, on January 29, 2008, to authorize the construction and operation of two screens, six belt conveyors, two radial stacking conveyors, a feeder, a bin, an aggregate conditioner and a fine material screw in their existing limestone crushing and screening plant to May 27, 2008. The plan approval has been extended.

**59-00021A: Phoenix Resources, Inc.** (782, Antrim Road, Wellsboro, PA 16901), located in Duncan Township, **Tioga County**, on January 29, 2008, for the modification of construction and demolition waste landfill by expansion of the landfill and by increasing the average daily waste volume from 1,250 tpd to 2,000 tpd at the Phoenix Resources Landfill to May 14, 2008. The plan approval has been extended.

**08-00003D: CraftMaster Manufacturing, Inc.** (P. O. Box 311, Shiner Road, Towanda PA 18848) on February 13, 2008, to extend the authorization to operate a cyclonic separator on the Line I Press on a temporary basis and to extend the required PM stack testing until June 26, 2008, at the facility in Wysock Township, **Bradford County**.

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

**30-00099D: Allegheny Energy Supply Co.** (800 Cabin Hill Drive, Greensburg, PA 15601) on February 13, 2008, for continued installation of SO3 Injection System at Hatfield Facility in Monongahela Township, **Greene County**. This is Plan Approval Extension.

**65-00613B: IMS Division—Tube City IMS** (1155 Business Center Drive, Horsham, PA 19044) on February 8, 2008, for installation of a crusher at the Patton Facility in Rostraver Township, **Westmoreland County**. This is a Plan Approval Extension.

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

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

**22-05014: Ames True Temper, Inc.** (1500 Cameron Street, Harrisburg, PA 17104) on February 5, 2008, for operation of their steel tub wheelbarrow manufacturing facility in the City of Harrisburg, **Dauphin County**. This is a renewal of the Title V operating permit.

**67-05047: Republic Service of PA, LLC** (4400 Mt. Pisgah Road, York, PA 17406) on January 30, 2008, to operate a municipal landfill in Windsor and Lower Windsor Townships, **York County**. This Title V operating permit was administratively amended to incorporate Plan Approval 67-05047. This is Revision No. 1.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zama, Facilities Permitting Chief, (570) 327-3637.*

**55-00005: Wood-Mode, Inc.** (1 Second Street, Kreamer, PA 17833) issued renewal Title V operating permit on October 29, 2007, for their kitchen cabinet manufacturing facility located in Middlecreek Township, **Snyder County**. Under 40 CFR Part 64, compliance assurance monitoring conditions have been included in the Title V operating permit. The renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**10-00027: Calumet Penreco, LLC** (138 Petrolia Street, Karns City, PA 16041-9222) on February 14, 2008, for an Administrative Amendment of the Title V Operating Permit, to change the name of facility and permit contact. The facility is located in Karns City Borough, **Butler County**.

**42-00158: TIN Inc.—d/b/a Temple-Inland—Mt. Jewett MDF Operations** (303 South Temple Drive, Diboll TX 75941-2419) issued on February 13, 2008. The MDF facility consist of chip storage and handling, refining, dryers, press, sawing, sanding, combustion sources for the dryer and press and various wood handling air emission sources located in Sergeant Township, **McKean County**. The facility is a Title V facility and is therefore subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit is being modified to include the MACT requirements of 40 CFR 63, Subpart DDDD pertaining to Plywood and Composite Wood Products. The Permit contains a compliance schedule for the second stage dryer. The Particle Board Sources previously covered by this Permit were removed from operation. Temple uses an RTO (for the dryers) and a TCO (for the press) with the 90% control of Total Hydrocarbons option. The facility is required to maintain the records of the 3-hour block average temperature for the RTO and TCO. The

RTO temperature shall not fall below 1,500° F and the TCO temperature shall not fall below 800° F.

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

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

**15-00098: Cephalon, Inc.** (383 Phoenixville Pike, Malvern, PA 19355) on February 15, 2008, for a non-Title V, State-only, Natural Minor Operating Permit in Charleston Township, **Chester County**. Cephalon operates a pharmaceutical research and development facility. The primary sources of emission at this facility are two 100-gallon reactors and two 50-gallon reactors. A secondary condenser and scrubbing system are used as control devices. Each reactor is equipped with its own process condenser. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**22-03031: Cremation Society of Pennsylvania** (4100 Jonestown Road, Harrisburg, PA 17109-2213) on February 14, 2008, for operation of a human remains crematorium in Lower Paxton Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**31-03008: Interforest Lumber Corp.** (P. O. Box 111, US Route 522, Shade Gap, PA 17255) on February 11, 2008, for operation of hardwood lumber manufacturing facility in Dublin Township, **Huntingdon County**. This is a renewal of the State-only operating permit.

**36-05067: C & D Technologies, Inc.** (82 East Main Street, Leola, PA 17540-1963) on February 7, 2008, for operation of their lead-acid battery manufacturing facility in Upper Leacock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**36-05090: The Hershey Company** (400 Running Pump Road, Lancaster, PA 17603-2269) on February 5, 2008, for operation of their candy manufacturing facility in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-03008: York Label** (405 Willow Spring Lane, York, PA 17402-8047) on February 12, 2008, for operation of a label printing facility in East Manchester Township, **York County**. This is a renewal of the State-only operating permit.

**67-03052A: BIMAX, Inc.** (158 Industrial Road, Glen Rock, PA 17327-8626) on December 7, 2007, to produce specialty chemicals at their facility in Springfield Township, **York County**.

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

**12-00002A: GKN Sinter Metals, Inc.** (P. O. Box 493, Emporium PA 15834) issued State-only operating permit on January 28, 2008, for their sintered metal parts manufacturing facility located in Shippen Township, **Cameron County** (Cameron Road Plant). The State-only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00012: Wood Metal Industries** (100 East Sherman Street, Selinsgrove, PA 17870) issued State-only (Synthetic Minor) operating permit on January 17, 2008, for their wood furniture manufacturing facility located in Selinsgrove Borough, **Snyder County**. The State-only (Synthetic Minor) operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**N06-004: V & S Philadelphia Galvanizing** (2520 East Hagert Street, Philadelphia, PA 19125) on February 14, 2008, for operation of a coating (hot dip galvanizing) facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include: one large zinc galvanizing kettle with a 450,000 Btu/hr burner fired by No. 2 fuel oil, one small zinc galvanizing kettle with a 230,000 Btu/hr burner fired by No. 2 fuel oil, four pickling tanks, one strip tank, two caustic tanks, two flux tanks and yard lot/vehicle traffic.

**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.*

**15-00031: Henry Co.** (336 Cold Stream Road, Kimberton, PA 19442) on February 14, 2008, for modification of the Title V Operating Permit in East Pikeland Township, **Chester County**. The facility manufactures protective asphalt coatings and operates numerous mixing tanks, storage tanks and various process piping. The facility is major for VOCs emissions. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification allows Source ID 150 (Clay Emulsion Plant) to process volatile organic material. A VOC emission limit has been added as a Source Level Requirement for Source ID 150. Also, Mixer No. 88 (Source ID 122) remains a part of the Clay Emulsion Plant and no longer appears as an individual source in the permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

**09-00030: MSC Engineered Materials and Solutions Group** (120 Enterprise Avenue, Morrisville, PA 19067-3703) on February 14, 2008, in Falls Township, **Bucks County**. The amendment addresses a typographical error under source ID 101 and 101A condition number 002, in Falls Township, Bucks County. The condition has been amended in the permit. MSC also changed the Permit Contact Person. The Permit Contact Person pertaining to Air Permitting at MSC is Nicole Wincek. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00012: Philadelphia Newspapers, LLC** (800 River Road, Conshohocken, PA 19428-2632) on February 15, 2008, for a minor modification to the Title V Operating Permit at their facility in Upper Merion Township, **Montgomery County**. The facility prints and distributes daily and weekly news publications. The revised Title V

Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements. The Title V Operating Permit has been modified to incorporate the following changes:

(i) Removing the Five Platemaking Processors (Source 125) from Sections A, D and F.

(ii) Revised the condition languages for Sources 127, 731, 732 and CO1.

(iii) Added a fifth CTP processor as an insignificant source in Section G (Miscellaneous).

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

**22-05049: TW Cylinders, LLC** (P. O. Box 2365, Harrisburg, PA 17105-2365) on February 12, 2008, for three paint booths, a slug furnace and four smaller heating furnaces in the City of Harrisburg, **Dauphin County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

**36-03115: Pennsy Supply, Inc.** (P. O. Box 3331, Harrisburg, PA 17105) on February 4, 2008, to operate a crushed and broken limestone processing operation in West Hempfield Township, **Lancaster County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

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

**60-00020: Pik Rite, Inc.** (60 Pik Rite Lane, Lewisburg, PA 17837) on February 11, 2008, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to increase the maximum amount of adhesive that may be used in a fabricated steel parts surface coating operation from 15 gallons in any 12-consecutive month period to 45 gallons in any 12-consecutive month period, to increase the maximum amount of cleanup solvent that may be used from 696 gallons in any 12-consecutive month period to 996 gallons in any 12-consecutive month period, to increase the maximum amount of VOC-containing and/or VHAP-containing cleanup solvent that may be used from 600 gallons in any 12-consecutive month period to 900 gallons in any 12-consecutive month period and to increase the VOC emission limit from 4.95 tons in any 12-consecutive month period to 5.94 tons in any 12-consecutive month period in Buffalo Township, **Union County**.

**49-00007: Cherokee Pharmaceuticals, LLC** (P. O. Box 367, Riverside, PA 17868), issued a revised Title V operating permit on January 4, 2008, for their pharmaceutical production facility located in Riverside Borough, **Northumberland County**. The revision of this permit incorporates the change of ownership from Merck & Co., Inc. to Cherokee Pharmaceuticals, LLC and transfers the Title V operating permit to Cherokee Pharmaceuticals, LLC. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**55-00005: Wood-Mode, Inc.**, (1 Second Street, Route 522, Kreamer, PA 17833), issued a revised operating permit on February 12, 2008, for the wood furniture manufacturing facility located in Middlecreek Township, **Snyder County**. The revision of this operating permit incorporates control device requirements for the wood

waste silos 1 and 2 and revised control device requirements and exhaust flow maps for the woodworking operations. This Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**43-00310: Duferco Farrell Corp.** (15 Roemer Boulevard, Farrell, PA 16121-2201) on February 12, 2007, for Administrative Amendment to incorporate transfer of the ownership for Sources under operating permit NM 43-00334 from Gibraltar DFC Strip Steel, LLC back to Duferco Farrell Corporation. The Facility is located in **Mercer 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 24991301 and NPDES Permit No. PA0235466, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Little Toby Mine in Horton Township, **Elk County** and related NPDES permit. No additional discharges. Application received August 17, 2007. Permit issued February 15, 2008.

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

**56980104 and NPDES No. PA0234729. AMFIRE Mining Co., LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County**, affecting 20.5 acres. Receiving streams: UNT to North Branch of Quemahoning Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received January 30, 2008. Permit issued February 8, 2008.

**32070105 and NPDES No. PA0262412. Walter L. Houser Coal Co. Inc.**, 12968 US 422, Kittanning, PA 16201, commencement, operation and restoration of a bituminous surface mine and for a variance on the 100' barrier on a UNT to the South Branch of Plum Creek for



the purpose of using an existing stream crossing for access to the permit area and for a variance on the 100' barrier on the South Branch of Plum Creek for the purpose of topsoil storage and construction of erosion and sedimentation controls and treatment facilities in Washington Township, **Indiana County**, affecting 35.0 acres. Receiving stream: South Branch Plum Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 7, 2007. Permit issued February 11, 2008.

**56920109. Heritage Mining Company**, P. O. Box 126, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Shade Township, **Somerset County**, affecting 46.1 acres. Receiving streams: UNT to Stonycreek River and Oven Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Water Authority. Application received December 4, 2007. Permit issued February 12, 2008.

**11970106. Laurel Sand & Stone, Inc.**, P. O. Box 556, Ligonier, PA 15658-0556, permit renewal for a bituminous surface mine in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving streams: UNT to South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 3, 2007. Permit issued February 11, 2008.

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

**26070102 and NPDES Permit No. PA0251046. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Springfield Township, **Fayette County**, affecting 214.1 acres. Receiving streams: UNTs to Indian Creek and Laurel Run. Application received January 26, 2007. Permit issued February 13, 2008.

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

**40793211T. CAN DO Community Foundation**, (1 South Church Street, 200 Renaissance Center, Hazleton, PA 18201), transfer of an existing coal refuse reprocessing operation for reclamation only in Hazle Township, **Luzerne County** affecting 59.0 acres, receiving stream: none. Application received October 12, 2005. Transfer issued February 12, 2008.

*Noncoal Permits Actions*

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

**53070804. Joseph E. Johnson** (396 Newell Creek Road, Eldred, PA 16731). Commencement, operation and restoration of a small noncoal bluestone operation in Roulette Township, **Potter County**, affecting 5.0 acres. Receiving streams: Fishing Creek, tributary to Allegheny River. Application received December 21, 2007. Permit issued February 12, 2008.

**08010824. Heeman Quarries, Inc.** (R. R. 2, Box 227-H, Wyalusing, PA 18853). Commencement, operation and restoration of a small noncoal flagstone operation in Warren Township, **Bradford County**, affecting 2.0 acres. Receiving streams: UNT to Wappasening Pendleton Creek. Application received November 6, 2007. Permit issued February 7, 2008.

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

**7775SM10C2. Lehigh Cement Company**, (537 Evansville Road, Fleetwood, PA 19522), depth correction to an existing quarry operation in Maiden Creek Township, **Berks County** affecting 329.9 acres, receiving stream: Maiden Creek. Application received September 24, 2007. Correction issued February 11, 2008.

**66072803. Meshoppen Stone Incorporated**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received December 3, 2007. Permit issued February 12, 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.*

**21084103. John W. Gleim, Jr., Inc.**, 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for utility development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is October 31, 2008. Permit issued February 4, 2008.

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

**39084104. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Laurel Fields Estates in Upper Macungie Township, **Lehigh County** with an expiration date of February 5, 2009. Permit issued February 8, 2008.

**39084105. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Weiler Road Sanitary Truck Line in Upper Macungie Township, **Lehigh County** with an expiration date of February 6, 2009. Permit issued February 8, 2008.

**39084106. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Laurel Fields in Upper Macungie Township, **Lehigh County** with an expiration date of February 1, 2009. Permit issued February 8, 2008.

**15084103. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Uptown Worthington Project in East Whiteland Township, **Chester County** with an expiration date of January 25, 2009. Permit issued February 11, 2008.

**06084105. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting at the Reading Regional Airport in Bern Township, **Berks County** with an expiration date of February 1, 2009. Permit issued February 13, 2008.

**06084106. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting at the Reading Regional in Bern Township, **Berks County** with an expiration date of February 8, 2009. Permit issued February 13, 2008.

**36084117. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Bent Creek in Manheim Township, **Lancaster County** with an expiration date of February 1, 2009. Permit issued February 13, 2008.

**36084118. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Two Cousins Plaza in Clay Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued February 13, 2008.

**36084119. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Millcreek in East and West Lampeter Townships, **Lancaster County** with an expiration date of February 1, 2009. Permit issued February 13, 2008.

**36084120. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Lakes at Donegal Springs in Donegal Township and Donegal Borough, **Lancaster County** with an expiration date of February 1, 2009. Permit issued February 13, 2008.

**38084102. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for utilities on Wilhelm Avenue in South Lebanon Township, **Lebanon County** with an expiration date of February 1, 2009. Permit issued February 13, 2008.

**46084104. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting for Swamp Pike Subdivision in Limerick Township, **Montgomery County** with an expiration date of February 12, 2009. Permit issued February 13, 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.

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**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 §§ 691.1–691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E13-155. Lehigh Canal Recreation Commission**, P. O. Box 29, Lehighon, PA 18235-0029. Franklin Township, **Carbon County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a gabion basket retaining wall between 3-foot and 4.5-foot high along 330 feet of the Lehigh Canal (CWF). The project is located along Canal Street approximately 0.1 mile north of Bridge Street (Lehighon, PA Quadrangle N: 14.6 inches; W: 10.4 inches). (Subbasin: 2B)

**E48-371. Arcadia East Associates No. 1, LP**, 100 Gateway Drive, Suite 310, Bethlehem, PA 18017. East Allen Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a stormwater outfall channel in the floodway of Monocacy Creek (HQ-CWF). This work is associated with a proposed 6-lot industrial subdivision, known as Arcadia East Industrial Park, located west of the intersection of SR 0512 and Silver Crest Road (Catasauqua, PA Quadrangle N: 15.7 inches; W: 3.1 inches).

**E39-467. Trexler Fields Twin Home Project, LLC**, 5930 Hamilton Boulevard, Suite 10, Wescosville, PA 18106. Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers Philadelphia District.

To remove the existing Trexler Road Bridge across Schaefer Run (HQ-CWF); to construct and maintain a bridge having a 36-foot span and a 9-foot underclearance across Schaefer Run and 0.24 acre of adjacent PSS wetlands; to construct and maintain a 10-inch diameter concrete incased PVC sanitary line crossing of Schaefer Run; and to construct and maintain various outfalls in the floodway of Schaefer Run. The permittee is required to provide 0.26 acre of replacement wetlands. The project is located adjacent to Trexler Road approximately 1.3 miles east of Mertztown Road (Topton, PA Quadrangle N: 7.0 inches; W: 2.8 inches). (Subbasin: 2C)

**E48-381. Monocacy Heights, LP**, 4562 Steuben Road, Bethlehem, PA 18020. Plainfield Township, **Northampton County**, United States Army Corps of Engineers Philadelphia District.

To construct and maintain a 57.25-inch by 36-inch outfall structure with 18-foot wingwalls and cable concrete slope protection within the floodway of Little Bushkill Creek (HQ-CWF) associated with the Mint Brook Farms Subdivision. The project is located just southwest of intersection of Jones Hill Road (P-609) and the Conrail Railroad (Wind Gap, PA Quadrangle N: 9.0 inches; W: 2.3 inches). (Subbasin: 1F)

**E52-207. PPL Holtwood, LLC—c/o PPL Generation, LLC**, P. O. Box 122, Hawley, PA 18428. Palmyra Township, **Pike County**, United States Army Corps of Engineers Philadelphia District.

To maintain a 159-foot long concrete retaining wall, varying in height from 6 feet to 13.5 feet, along the right bank of Wallenpaupack Creek (HQ-CWF). The project was constructed under Emergency Permit No. EP5206402. The project is located approximately 400 feet upstream of the SR 0006 bridge (Hawley, PA Quadrangle N: 15.4 inches; W: 7.9 inches). (Subbasin: 1C)

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

**E36-788. Mark Hoover**, 1173 Reading Road, Narvon, PA 17555 in Brecknock Township, **Lancaster County**, ACOE Baltimore District.

To construct and maintain one concrete and steel beam bridge and one suspension pedestrian bridge spanning Muddy Creek (WWF) located on the Terre Hille, PA Quadrangle (Latitude: 40° 11' 28"; W: 76° 01' 21") in Brecknock Township, **Lancaster County**.

**E06-632: Metropolitan Edison Co.—Schuylkill River Crossing**, Kathryn Kunkel, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001, Cumru Township and Reading Borough, **Berks County**, ACOE Baltimore District.

To construct and maintain an aerial electric line consisting of two single steel poles and four wires, all having a span of 644.0 feet and underclearances of 36.10 feet, 46.70 feet, 57.30 feet and 69.30 feet, over the Schuylkill River (WWF) (Reading, PA Quadrangle N: 16.0 inches; W: 8.5 inches, Latitude: 40° 19' 25"; Longitude 75° 55' 17") Cumru Township and the Borough of Reading, Berks County.

**E22-515: Lower Paxton Township Authority Earl Drive Interceptor Replacement**, Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain (1) a 18" DIP gravity sanitary sewer utility line crossing under the Paxton Creek (WWF) and provide bank stabilization for this area (Latitude 40° 19' 20"; Longitude 76° 49' 23"); (2) a 18" concrete encased PVC gravity sanitary sewer line crossing (lateral boring) under a UNT to the Paxton Creek (WWF) (Latitude 40° 19' 15"; Longitude 76° 49' 19"); (3) a 18" DIP gravity sanitary sewer line crossing under a UNT to the Paxton Creek (WWF), an associated temporary road crossing and provide bank stabilization for this area (Latitude 40° 19' 11"; Longitude 76° 49' 18"); (4) a 18" PVC gravity sanitary sewer line crossing under a UNT to the Paxton Creek (WWF), an associated temporary road crossing and provide bank stabilization for this area (Latitude 40° 19' 06"; Longitude 76° 49' 14"); (5) a 18" DIP gravity sanitary sewer line crossing under a UNT to the Paxton Creek (WWF), an associated temporary road crossing and provide bank stabilization for this area (Latitude 40° 19' 03"; Longitude 76° 49' 00"); (6) a 18" DIP gravity sanitary sewer line crossing under a UNT to

the Paxton Creek (WWF) and provide bank stabilization for this area (Latitude 40° 19' 03"; Longitude 76° 48' 54"); (8) a wetland crossing totaling approximately 483 feet in length with 0.39 acre of temporary impacts and 0.067 acre of permanent impacts; and (9) four new manholes in emergent wetlands totaling approximately 20 square feet of permanent impacts.

**E07-413: James Grove**, 1775 Frankstown Road, Hollidaysburg, PA 16648, Frankstown Township, **Blair County**, ACOE Baltimore District

To conduct various activities as follows:

1. To place 550 cubic yards of fill to construct and maintain a sewage pump station located along the floodway of Frankstown Branch Juniata River (WWF) about 950 feet downstream of SR 2007 bridge (Frankstown, PA Quadrangle N: 12.50 inches; W: 14.10 inches, Latitude: 40° 26' 38"; Longitude: 78° 21' 03").

2. To construct and maintain a 8-inch diameter by 4.0-foot long sanitary sewer line with a 21-inch diameter casing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 10.60 inches; W: 15.0 inches, Latitude: 40° 26' 00"; Longitude: 78° 21' 28").

3. To construct and maintain a 8-inch diameter by 185.0-foot long sanitary sewer line with a 24-inch diameter casing along Frankstown Branch Juniata River (WWF) located 150 feet downstream of SR 2007 bridge (Frankstown, PA Quadrangle N: 12.40 inches; W: 14.50 inches, Latitude: 40° 26' 30"; Longitude: 78° 21' 14").

4. To construct and maintain a 8-inch diameter by 197-foot long sanitary sewer line with a 24-inch diameter casing along Frankstown Branch Juniata River (WWF) located 950 feet downstream of SR 2007 bridge (Frankstown, PA Quadrangle N: 12.50 inches; W: 14.10 inches, Latitude: 40° 26' 38"; Longitude: 78° 21' 03").

5. To construct and maintain a 8-inch diameter by 13-foot long sanitary sewer along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.0 inches; W: 13.0 inches, Latitude: 40° 26' 47"; Longitude: 78° 20' 42").

6. To construct and maintain a 8-inch diameter by 27-foot long sanitary sewer line with a 16-inch diameter casing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.20 inches; W: 13.10 inches, Latitude: 40° 26' 52"; Longitude: 78° 20' 39").

7. To construct and maintain a 8-inch diameter by 25-foot long sanitary sewer line along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.50 inches; W: 13.20 inches, Latitude: 40° 26' 59"; Longitude: 78° 20' 40").

8. To construct and maintain a 8-inch diameter by 20-foot long sanitary sewer line with a 16-inch diameter casing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.10 inches; W: 12.70 inches, Latitude: 40° 27' 10"; Longitude: 78° 20' 27").

9. To construct and maintain a 8-inch diameter by 20-foot long sanitary sewer line along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.20 inches; W: 12.60 inches, Latitude: 40° 27' 12"; Longitude: 78° 20' 26").

10. To construct and maintain a 8-inch diameter by 30-foot long sanitary sewer line along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown,

PA Quadrangle N: 14.20 inches; W: 12.10 inches, Latitude: 40° 27' 12"; Longitude: 78° 20' 13").

11. To construct and maintain a 8-inch diameter by 661-foot long sanitary sewer line along a 0.455 acre of PEM wetland (Frankstown, PA Quadrangle N: 13.10 inches; W: 13.10 inches, Latitude: 40° 26' 48"; Longitude: 78° 20' 43").

12. To construct and maintain a 8-inch diameter by 294-foot long sanitary sewer line along a 0.202 acre of PEM wetland (Frankstown, PA Quadrangle N: 13.50 inches; W: 13.20 inches, Latitude: 40° 26' 59"; Longitude: 78° 20' 40").

13. To construct a 13.0-foot long temporary ford crossing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 13.0 inches; W: 13.0 inches, Latitude: 40° 26' 47"; Longitude: 78° 20' 42").

14. To construct a 30.0-foot long temporary ford crossing along a UNT to Frankstown Branch Juniata River (WWF) (Frankstown, PA Quadrangle N: 14.20 inches; W: 12.10 inches, Latitude: 40° 27' 12"; Longitude: 78° 20' 13").

All activities are related to the improvements of the Frankstown/Geeseytown Sanitary Expansion Project in Frankstown Township, Blair County.

**E22-523: Richard C. Angino, King Drive Corporation**, 550 Lakewood Drive, Harrisburg, PA 17112, Middle Paxton Township, **Dauphin County**, ACOE Baltimore District.

To enlarge a 0.59 acre, 0.78 MG man-made nonjurisdictional dam to approximately 1.46 acres, permanently impacting 0.044 acre of PEM wetlands; to install and maintain 200 feet of 18-inch RCP, R-4 rip-rap energy dissipater and an R-5 rip-rap emergency spillway channel associated with the construction of the pond enlargement. All impacts are associated with a UNT to Fishing Creek (WWF). The project is located on Lakewood Drive approximately 4.5 miles east of the intersection of Route 22/322 and Fishing Creek Valley Road (SR 443) (Harrisburg East, PA Quadrangle, N: 21.13 inches; W: 13.13 inches, Latitude 40° 21' 58"; Longitude: 76° 50' 40") in Middle Paxton Township, Dauphin. The project will provide a minimum of 0.044 acre of constructed wetland mitigation area.

**E07-419: Logan Township**, 800 39th Street, Altoona, PA 16602-1799, Antis Township, **Blair County**, ACOE Baltimore District.

To rehabilitate and maintain the existing Greenwood Wastewater Treatment Facility by converting the existing contact stabilization tank into aerobic digester and replacing/constructing its associated pipings and other related improvements located along the left bank of Little Juniata River (WWF) about 200 feet downstream of Riggles Gap Road bridge (Bellwood, PA Quadrangle N: 13.72 inches; W: 13.92 inches, Latitude: 40° 34' 32"; Longitude: 78° 21' 01") in Antis Township, Blair County.

**E50-243: James Adams**, 37 Clouser Road, Mechanicsburg, PA 17055, Saville Township, **Perry County**, ACOE Baltimore District.

To construct a 0.25-acre pond on an existing residential property located adjacent to Little Buffalo Creek (HQ-CWF) at 526 Dietz Road just west of Route 74 (Ickesburg, PA Quadrangle N: 6.8 inches; W: 2.8 inches, Latitude 40° 25' 17" N; Longitude 77° 20' 47" W) in Saville Township,

Perry County. Applicant also proposes to place fill material in 0.02-acre of jurisdictional wetland.

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

**E11-324. Jackson East Taylor Township Sewer Authority**, 2603 William Penn Highway, Johnstown, PA 15909. To place fill for approximately 60' in the floodway in Jackson Township, **Cambria County**, Pittsburgh ACOE District. (Nanty Glo, PA Quadrangle N: 8.5 inches; W: 13.2 inches and Latitude: 40° 25' 13"; Longitude: 78° 50' 42"). To place fill for approximately 60' in the floodway of a UNT to Saltlick Creek (HQ-CWF) for the purpose of constructing the Adams Avenue Pump Station; installation and maintenance of 11-8" sewer line crossings and one-4" sewer line crossing under a UNT to Saltlick Run (HQ-CWF); installation and maintenance of eight-8" sewer line crossings under UNTs to Hinckston Run (CWF); construction of 12-8" sewer line wetland crossings, temporarily impacting a total of 0.56 acre of wetland and the construction and maintenance of an approximately 90' long corrugated metal culvert pipe in a UNT of Saltlick Run (HQ-CWF). These impacts are due to construction of a wastewater collection and conveyance system, including the installation of two wastewater pumping stations, to serve the residents along Brazil Lane and in the Cherrywood areas.

**E63-596. Peters Creek United Presbyterian Church**, 250 Brookwood Road, Venetia, PA 15367. To construct a culvert and fill wetlands in Peters Township, **Washington County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 7.3 inches; W: 8.9 inches, Latitude: 40° 17' 25"; Longitude: 80° 3' 50").

1. To place and maintain fill associated with a proposed parking area in the floodway and along 480 LF of a UNT to Brush Run (WWF).

2. To place and maintain fill in 0.18 acre of wetlands which includes 0.05 acre of open water.

3. To remove the existing 24-inch diameter pipe under the northern entrance and to construct and maintain four 30-inch diameter pipe in a UNT to Brush Run.

4. To construct and maintain three utility line stream crossing and three outfall structures in a UNT to Brush Run.

5. The permittee shall mitigate for the impacted wetlands and open waters by creating three wetlands (PEM) on site, totaling 0.18 acre. The wetlands area shall be 0.04 acre, 0.04 acre and 0.1 acre.

6. The permittee will provide, 540 linear feet of riparian restoration along a UNT to Brush Creek.

**E63-597. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51J of the Monfayette Expressway in Centerville and California Boroughs, **Washington County**, Pittsburgh ACOE District. To construct the following:

1. A 303 foot long stream channel relocation of a UNT to Twomile Run (WWF) located at Ramp 88-N, Station 88+00 (Latitude: 40° 01' 24"; Longitude: 79° 56' 03" and California, PA Quadrangle N: 4.2 inches; W: 8.3 inches). The portion of stream to be relocated is an existing concrete lined channel.

2. A 215 foot long, 78-inch RC pipe stream enclosure, with a 14 foot vertical drop manhole in UNT to Twomile Run (WWF) located at Ramp 88-N Station 84+84, (Latitude: 40° 01' 23"; Longitude: 79° 56' 06" and California,

PA Quadrangle N: 4.1 inches; W: 8.45 inches). This structure includes a temporary stream crossing of said stream.

3. A 4-span bridge on SR 0043 northbound across Twomile Run (WWF) and having spans of 185.0 feet, 225.0 feet, 225.0 feet and 185.0 feet, SR 0043, Station 856+50 (Latitude: 40° 01' 02"; Longitude: 79° 56' 34" and California, PA Quadrangle N: 3.1 inches; W: 9.55 inches). This structure includes a temporary stream crossing of said stream.

4. A 4-span bridge on SR 0043 across Twomile Run (WWF) and having spans of 187.0 feet, 219.0 feet, 219.0 feet and 187.0 feet, SR 0043, Station 856+50 (Latitude: 40° 01' 02"; Longitude: 79° 56' 34" and California, PA Quadrangle N: 3.1 inches; W: 9.55 inches). This structure includes a temporary stream crossing of said stream.

5. A 146-foot long, 14 feet by 7 feet box culvert stream enclosure in the relocated stream channel of Twomile Run (WWF) located at SR 2089, Station 180+87 (Latitude: 40° 00' 59"; Longitude: 79° 56' 43" and California, PA Quadrangle N: 3.0 inches; W: 9.8 inches). This structure includes 285 feet of stream relocation and a stream crossing of said stream.

6. An 82 foot long, 14 foot by 9 foot box stream enclosure in Twomile Run (WWF) located at Ramp 88-S, Station 55+00 (Latitude: 40° 00' 59"; Longitude: 79° 56' 39" and California, PA Quadrangle N: 3.0 inches; W: 9.7 inches). This structure includes 620 feet of stream relocation and a stream crossing of said stream.

7. A 110-foot long RC pipe stream enclosure in UNT to Twomile Run (WWF) located at SR 2089, Station 125+50 (Latitude: 40° 01' 06"; Longitude: 79° 56' 23" and California, PA Quadrangle N: 3.25 inches; W: 9.0 inches).

8. A 70 foot long, 20 foot by 8 foot arch stream enclosure in Twomile Run (WWF) located at Ramp N-88, Station 62+23 (Latitude: 40° 01' 05"; Longitude: 79° 56' 22" and California, PA Quadrangle N: 3.25 inches; W: 9.00 inches). This structure includes a stream crossing of said stream.

9. A 26 foot long, 48 inch RC pipe replacement of an existing road culvert in a UNT to Twomile Run (WWF) located at SR 0043, Station 806+00 (Latitude: 40° 00' 18"; Longitude: 79° 56' 07" and California, PA Quadrangle N: 0.9 inches; W: 8.5 inches).

10. A 1,569 foot long, 48 inch RC pipe stream enclosure in UNT to Monongahela River (WWF) located at SR 0043, Station 811+25 (Latitude: 40° 00' 27"; Longitude: 79° 56' 21" and California, PA Quadrangle N: 1.0 inches; W: 8.7 inches). This structure includes a temporary stream crossing of said stream.

11. A 5 foot long extension upstream of an existing 30 inch CM pipe stream enclosure in UNT to Twomile Run (WWF) located at Nobles Road, Station 57+48 (Latitude: 40° 01' 01"; Longitude: 79° 56' 47" and California, PA Quadrangle N: 3.0 inches; W: 10.0 inches).

12. A 12 foot long downstream extension and a 28 foot long upstream extension of an existing 48 inch RC pipe stream enclosure in UNT to Monongahela River (WWF) located at Ramp A, Station 115+00 (Latitude: 40° 01' 56"; Longitude: 79° 55' 08" and California, PA Quadrangle N: 6.0 inches; W: 6.4 inches).

13. A 480 foot long stream bank stabilization along Twomile Run (WWF) located at SR 2089, Station 116+00 (Latitude: 40° 01' 02"; Longitude: 79° 56' 34" and California, PA Quadrangle N: 3.1 inches; W: 9.55 inches).

14. A 96 foot long placement of fill in UNT to Monongahela River located at SR 0043, Station 811+25 (Latitude: 40° 00' 21"; Longitude: 79° 56' 10" and California, PA Quadrangle N: 1.1 inches; W: 8.7 inches).

15. The project will impact 0.471 acre of wetlands. To compensate for the proposed wetland impacts of this and wetland impacts in other previously permitted sections of the Uniontown to Brownsville portion of the 65 miles Mon/Fayette Expressway, SR 43; 5.9 acres of wetlands will be constructed.

The drainage areas for items 1, 7, 11, 12 and 14 are less than 100 acres.

**E65-913. Raymond Patalski**, 1209 Route 286, Pittsburgh, PA 15632. To place and maintain fill in the floodway, Murrysville, **Westmoreland County**, Pittsburgh ACOE District. (Murrysville, PA Quadrangle N: 15.8 inches; W: 5.2 inches, Latitude: 40° 27' 40"; Longitude 79° 39' 43"). To place and maintain fill in the floodway of and to construct and maintain a single span precast concrete bridge, with a span of 20' and an underclearance of 4.25', over Haymaker Run (HQ-CWF). The project is located approximately 150' south of Mamont Road and approximately 0.1 mile east of the intersection of Mamont Road and Sardis Road.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**EA04-002CO. Shawn Thomas**, 105 Strathmore Court, Mars, PA 16046. Economy Borough, **Beaver County**, ACOE Pittsburgh District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across a tributary to Big Sewickly Creek (TSF) to impound water to provide a geothermal heating and cooling source for a private residence. The proposed dam will be located approximately 2,400 feet northeast of the intersection of Wallrose Heights Road (SR 2006) and Locust Road (Baden, PA Quadrangle; Latitude: 40° 3' 05"; Longitude: 80° 08' 55")

**D64-018EA. Noel Corpuel**, 12 Alleward Street, Lido Beach, NY 11561-5005 Buckingham Township, **Wayne County**, ACOE Philadelphia District.

Project proposes to breach and remove Lower Twin Lake Dam across a tributary to Kinneyville Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The project will restore approximately 650 linear feet of stream channel. The dam is located approximately 1,900 feet northeast of the intersection of SR 247 and Como Road (SR 4033) (Lake Como, PA Quadrangle; Latitude: 41° 5' 16"; Longitude: 75° 20' 2").

**D39-056EA. TRIMET Technical Products**, 2409 North Cedar Crest Boulevard, Allentown, PA 18104. South Whitehall Township, **Lehigh County**, ACOE Philadelphia District.

Project proposes to breach and remove TRIMET Dam across Jordan Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 lineal feet of stream channel. The dam is located approximately 2,200 feet northeast of the intersection of Albright Road and Minnich Road (Cementon, PA Quadrangle; Latitude: 40° 37' 60"; Longitude: 75° 31' 36").

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

#### SSIP

Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
08-54-005	Emil Rarick Fuel Delivery 250 Tremont Road Pine Grove, PA 17963 Attn: Emil Rarick	Schuylkill	Pine Grove Township	4 ASTs storing Petroleum Products	60,000 gallons total

## SPECIAL NOTICES

### GOVERNMENT-FINANCED CONSTRUCTION CONTRACTS

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

**Waroquier Coal Company, GFCC No. 17-07-03, Knox Township, Clearfield County (Clearfield Creek—Upper West Branch Watershed):** A Government-Financed Construction Contract has been awarded to Waroquier Coal Company that will result in the reclamation of over 9.0 acres of abandoned mine lands including the reclamation of a water-filled pit impoundment and reclamation of 2,090 feet of abandoned Brookville highwall in Knox Township, Clearfield County. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the overburden of the site at a rate of 2,850 tons/acre. Blasting has been approved as part of the reclamation activities. The value of this reclamation is estimated at \$125,000. Contact: John Varner, Moshannon DMO, (814) 342-8200.

Department Approved NPDES No. PAG-2-2357-08-001  
Endless Mountain Business Holdings, Inc.  
d/b/a Adams Enterprises  
235 Bardwell Road  
Factoryville, PA 18419

For earth disturbance during reclamation of an abandoned bituminous surface mine in Cherry Township, Sullivan County, affecting 50 acres. Receiving streams: Birch Creek Tributary to Loyalsock Creek, classified for the following use: CWF. Application received February 5, 2008. Application approved February 11, 2008.

[Pa.B. Doc. No. 08-353. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Bid Opportunity

**BF 405-101.1, Abandoned Mine Land Reclamation Project, Russell W. Joki, Mining Permit No. 63800106, Union Township, Washington County.** The principal items of work and approximate quantities include utility pole relocation, 230,300 cubic yards of grading, 2 acres of selective grading, 930 cubic yards of ditch excavation, 2,100 square yards of high velocity erosion control mulch blanket, 180 square yards of R-4 Rock lining with filter material, 400 linear feet of subsurface drain, 37 acres of seeding and obtaining a Union Township grading permit and inspection services. This project

issues on February 29, 2008, and bids will be opened on March 27, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control and Reclamation Act of 1977, and is subject to that law and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-354. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Environmental Justice Advisory Board; Rescheduling of Meeting

The February 12, 2008, meeting of the Environmental Justice Advisory Board has been rescheduled to April 1, 2008. The meeting will begin at 8:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Doan Barefield at (717) 783-5630 or dbarefield@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-5630 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TTD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-355. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Proposed Revisions to State Implementation Plan: Transportation Conformity and Air Quality

The Department of Environmental Protection (Department), in consultation with the Department of Transpor-

tation (DOT), seeks comments on a revision to the State Implementation Plan (SIP) to address transportation planning requirements. Section 176 of the Federal Clean Air Act requires transportation plans, programs and projects to conform to air quality plans in place for an area and to ensure that transportation activities will not interfere with attainment or maintenance of a National Ambient Air Quality Standard. The proposed SIP revision updates procedures that regional planning organizations, local and State air agencies and DOT use to assess the conformity of transportation plans, programs and projects. The SIP revision is consistent with the requirements of Federal transportation statutes and Federal regulations for transportation conformity. After public comment, the SIP revision will be submitted to the United States Environmental Protection Agency for approval.

The proposed SIP revision is available on Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Air Plans") or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposal on Tuesday, April 1, 2008, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Susquehanna Room A, Harrisburg, PA 17110.

Persons wishing to present testimony at the hearing on the proposed SIP revisions should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at [yhouse@state.pa.us](mailto:yhouse@state.pa.us) or (717) 787-9495. TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than April 4, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [ashulman@state.pa.us](mailto:ashulman@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-356. Filed for public inspection February 29, 2008, 9:00 a.m.]

### **Proposed Revision to the State Implementation Plan for the Scranton/Wilkes-Barre 8-Hour Ozone Maintenance Area; Public Hearing**

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can cause damage to crops, forests and wildlife. Motor vehicles contribute significantly to the precursors of ozone formation. Federal transportation conformity regulations require that transportation planning activities take into account the potential impact on air quality. On November 19, 2007, the United States Environmental Protection Agency (EPA) approved a State Implementation Plan (SIP) revision submitted by the Department of

Environmental Protection (Department) on June 12, 2007, for the Scranton/Wilkes-Barre 8-Hour Ozone Attainment Area (Lackawanna, Luzerne, Monroe and Wyoming Counties). The maintenance plan portion of the approved SIP revision establishes motor vehicle emission budgets (MVEBs) for purposes of transportation conformity for the entire four-county area. The Department is seeking comments on a revision to the SIP for the Scranton/Wilkes-Barre area. The Department of Transportation has requested a separate MVEB for each of the three transportation planning organizations in the area, which is allowed by Federal regulations. The total of the three subarea budgets is the same as the currently EPA-approved MVEB for the four counties as a whole. The proposed SIP revision is available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans) or through the contact persons listed.

The Department will hold a public hearing to receive comments on the proposed SIP revision only if a request for a public hearing is received from a member of the public. A request for a public hearing must be received by 4 p.m. on Monday, March 31, 2008. If a request for a public hearing is received by 4 p.m. on Monday, March 31, 2008, the public hearing will be held on Wednesday, April 2, 2008, at 1 p.m. at the Department's Northeast Regional Office, Susquehanna Room B, 2 Public Square, Wilkes-Barre, PA 18711. If no request for public hearing is received by 4 p.m. on Monday, March 31, 2008, the hearing will be cancelled and notice of the cancellation will be published on Tuesday, April 1, 2008, at 12 p.m., on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Air Plans). Interested parties may also call (717) 787-9495 to find out if the hearing has been cancelled.

Persons wishing to request a public hearing or who wish to present testimony at a scheduled hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495, [yhouse@state.pa.us](mailto:yhouse@state.pa.us) to reserve a time. The Department will consider a request to present testimony at a scheduled hearing to be a request for a public hearing. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Persons interested in this proposed SIP revision are invited to submit written comments on the proposed SIP revision. Written comments must be received by the Department no later than April 4, 2008. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, Department of Environmental Protection, P. O. Box 8468, Harrisburg, PA 17105-8468, [ashulman@state.pa.us](mailto:ashulman@state.pa.us). Please use "Scranton/Wilkes-Barre Ozone SIP" as the mail addressee or in the subject line.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-357. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Special Meeting of the State Conservation Commission

The State Conservation Commission (Commission) will hold a special meeting on March 13, 2008, at 9 a.m. in the VIP Room of the Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA 17110, to act on the David and Eric Gemmill nutrient management plan, a hog farm operation in Delta, PA, York County. Access to the proposed nutrient management plan is available at the Commission Office, 2301 North Cameron Street, Room 407, Harrisburg, PA 17110 between 8 a.m. to 4 p.m., Monday through Friday. Written comments regarding the proposed nutrient management plan must be provided to the Commission at least 7 days prior to the March 13th meeting. The public will be provided an opportunity at the March 13th meeting to provide verbal comments to the Commission in relation to the proposed nutrient management plan. Anyone planning to provide verbal comment at the March 13th meeting is asked to contact the Commission at least 1 day prior to the meeting so you can be registered to provide comment. The Dave and Eric Gemmill operation currently has a CAFO NPDES permit application in with the Department of Environmental Protection, and any approved nutrient management plan for this operation will become part of the CAFO permit application.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-358. Filed for public inspection February 29, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Health Policy Board Meeting

The Health Policy Board is scheduled to hold a meeting on Wednesday, March 12, 2008, at 10 a.m., in Room 812, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120.

For additional information or if you are a person with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Lewis Wolkoff, Bureau of Health Planning at (717) 772-5298, lwolkoff@state.pa.us or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-359. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Integrated Human Immunodeficiency Virus (HIV) Integrated Planning Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, March 11, 2008.

The meeting will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050, from 9 a.m. to 2 p.m.

For additional information contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Joseph Pease at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

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

[Pa.B. Doc. No. 08-360. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, March 26, 2008, from 8:30 a.m. to 2 p.m., at the Dixon University Center, 2986 North Second Street, Harrisburg, PA 17110.

For additional information, contact Kathleen A. Zitka, Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, Harrisburg, PA (717) 787-5251.

Persons with disabilities desiring to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Kathleen A. Zitka at (717) 787-5251 or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-361. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Tobacco Use Prevention and Cessation Advisory Committee; Public Meeting

The Tobacco Use Prevention and Cessation Advisory Committee of the Department of Health will hold a public meeting on March 11, 2008, from 10 a.m. to 3 p.m. in Room E100, Labor and Industry Building, Seventh and Forster Streets, Harrisburg, PA.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information contact Judy Ochs, Director, Division of Tobacco Prevention and Control, 1006 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120 at (717) 783-6600.



Persons with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Judy Ochs at (717) 783-6600 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-362. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Trans Fat Task Force Meeting

The Trans Fat Task Force will hold a meeting on Tuesday, March 11, 2008, from 1 p.m. to 3 p.m. The meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Caroline Zepp, Bureau of Health Promotion and Risk Reduction, Room 1008, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 787-5900 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 08-363. Filed for public inspection February 29, 2008, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Public Comment on the Proposed Federal Fiscal Year 2009 Combined Agency State Plan Attachments; Additional Times Announced for Public Comment

The Department of Labor and Industry, Office of Vocational Rehabilitation (OVR), under the Rehabilitation Act of 1973, as amended in the Workforce Investment Act of 1998, announces a period of public comment on its proposed Federal Fiscal Year (FFY) 2009 Combined Agency State Plan Attachments. The FFY 2009 begins on October 1, 2008, and ends on September 30, 2009.

The purpose of this additional period of comment is to provide individuals, advocates and other interested par-

ties and/or organizations more opportunities during evening hours to present their views and recommendations regarding Vocational Rehabilitation (VR) services for persons with disabilities. In this Commonwealth, these services are provided by OVR through a network of 21 District Offices and the Hiram G. Andrews Center. These meeting hours listed are in addition to those published in 38 Pa.B. 847 (February 9, 2008).

OVR is required, under law, to develop and implement a Combined Agency State Plan, which must be reviewed and, as necessary, revised annually when there are changes to its VR program. These revisions take the form of updates to existing attachments. The Plan currently in effect is for FFY 2008 and is a compliance document now on file with the Commissioner, Rehabilitation Services Administration, United States Department of Education. It is the blueprint for the provision of VR services to persons with disabilities living in this Commonwealth.

This period of public comment allows interested parties an opportunity to provide input regarding the Commonwealth's public VR program. Comment is being solicited regarding the following State Plan Attachments: input and recommendations of the Pennsylvania Rehabilitation Council; Comprehensive System of Personnel Development; annual estimate of individuals to be served and costs of services; OVR's goals and priorities; Order of Selection; distribution of Supported Employment funds; and Innovation and Expansion activities. In addition to the Vocational Rehabilitation State Plan, the agency's Bureau of Blindness and Visual Services will accept public comment on the Business Enterprise Program, Specialized Services for Children and Adults, and Independent Living Services for Older Persons Who are Blind, which are unique to their funding.

The listing is the pertinent information for the upcoming public meetings. Meeting sites are accessible and interpreters for people who are deaf or hard of hearing will be present at each public meeting. For additional information, reasonable accommodation requests or alternative format requests call the OVR District Office conducting the public meeting a person wishes to attend. If an individual or organization's representative is unable to attend a public meeting, but wishes to provide testimony, written comments may be mailed to the appropriate District Office serving the area in which the individual/organization member resides. Written comments must be received no later than 5 p.m., Monday, April 30, 2008.

Persons or organizations who wish to obtain a copy of the proposed FFY 2009 Combined Agency State Plan Attachments or other information should telephone the contact person listed for the appropriate District Office serving their geographic area.

A copy of the approved FFY 2008 Combined Agency State Plan Attachments, as well as the proposed FFY 2009 Combined Agency State Plan Attachments, will be available on the OVR web site, [www.dli.state.pa.us](http://www.dli.state.pa.us) by using "Disability Services" as the PA Keyword.

### Office of Vocational Rehabilitation District Office State Plan Meeting Information—Additional Hours

*Allentown BVR District Office*  
(Carbon, Lehigh, Monroe and Northampton Counties)  
45 North Fourth Street, Allentown, PA 18102  
(800) 922-9536 (Voice), (888) 377-9207 (TTY)  
Date: March 26, 2008, 5 p.m.—7 p.m.  
Contact Person: Edward Dunn

*Altoona BBVS District Office*

(Bedford, Blair, Cambria, Centre, Clinton, Columbia, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Montour, Northumberland, Snyder, Somerset and Union Counties)

1130 12th Avenue, Fourth Floor Conference Room, Altoona, PA 16601

(866) 695-7673 (Voice), (866) 320-7956 (TTY)

Date: March 31, 2008, 4 p.m.—6 p.m.

Contact Person: Ann Strollo

*Altoona BVRV District Office*

(Bedford, Blair, Centre, Fulton and Huntingdon Counties)

1130 12th Avenue, Fourth Floor Conference Room, Altoona, PA 16601

(800) 442-6343 (Voice), (866) 320-7955 (TTY)

Date: March 28, 2008, 4 p.m.—6 p.m.

Contact Person: Pamela Montgomery

*DuBois BVRV District Office*

(Cameron, Clearfield, Elk, Jefferson and McKean Counties)

199 Beaver Drive, DuBois, PA 15801

(800) 922-4017 (Voice/TTY)

Date: March 26, 2008, 5 p.m.—6 p.m.

Contact Person: Catherine Farr

*Erie BBVS District Office*

(Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)

3100 Lovell Place, Erie, PA 16503

Erie BBVS D.O. (866) 521-5073 (Voice), (888) 884-5513 (TTY)

Date: April 2, 2008, 5 p.m.—7 p.m.

Contact Person: Dawn Sokol

*Erie BVRV District Office*

(Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Counties)  
Conference Room

3200 Lovell Place, Erie, PA 16503

(800) 541-0721 (Voice), (888) 217-1710 (TTY)

Date: April 17, 2008, 5 p.m.—6:30 p.m.

Contact Person: Bruce Best

*Harrisburg BBVS District Office*

(Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties)

Forum Place, 8th Floor Conference Room

555 Walnut Street, Harrisburg, PA 17101

(866) 375-8264 (Voice), (888) 575-9420 (TTY)

Date: April 2, 2008, 5 p.m.—6 p.m.

Contact Person: Adrian Kent

*Harrisburg BVRV District Office*

(Cumberland, Dauphin, Juniata, Lebanon, Mifflin and Perry Counties)

Forum Place, 8th Floor Conference Room

555 Walnut Street, Harrisburg, PA 17101

(800) 442-6352 (Voice), (877) 497-6545 (TTY)

Date: April 3, 2008, 4:30 p.m.—6:30 p.m.

Contact Person: Chuck Cavalovitch or Belinda Crobak

*Johnstown BVRV District Office*

(Cambria, Indiana, Somerset and Westmoreland Counties)

HGAC Seminar Theater

727 Goucher Street, Section 10, Johnstown, PA 15905

(800) 762-4223 (Voice), (866) 862-6891 (TTY)

Date: April 2, 2008, 5 p.m.—6 p.m.

Contact Person: John Brown

*New Castle BVRV District Office*

(Armstrong, Beaver, Butler and Lawrence Counties)

Conference Room

100 Margaret Street

New Castle, PA 16101

(800) 442-6379 (Voice), (888) 870-4476 (TTY)

Date: April 2, 2008, 5 p.m.—7 p.m.

Contact Person: Gary Gay or Luann Digennaro

*Norristown BVRs District Office*  
 (Bucks, Chester, Delaware and Montgomery Counties)  
 1875 New Hope Street, Norristown, PA 19401  
 (800) 221-1042 (Voice), (888) 616-0470 (TTY)  
 Date: April 8, 2008, 5 p.m.—6 p.m.  
 Contact Person: Michael Wakefield or Cheryl Calabrese

*Philadelphia BBVS District Office*  
 (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties)  
 Meeting held at 5th Floor Conference Room  
 444 North Third Street, Philadelphia, PA 19123  
 Philadelphia BBVS D.O.  
 (866) 631-3892 (Voice), (888) 870-4473 (TTY)  
 Date: April 10, 2008, 5 p.m.—7 p.m.  
 Contact Person: Merlyne Harvey

*Philadelphia BVRs District Office*  
 (Philadelphia County)  
 5th Floor Conference Room  
 444 North Third Street, Philadelphia, PA 19123  
 (800) 442-6381 (Voice), (800) 772-9031 (TTY)  
 Date: April 10, 2008, 5 p.m.—7 p.m.  
 Contact Person: Rose Higby

*Pittsburgh BBVS District Office*  
 (Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties)  
 1075 Kossman Building, 400 Stanwix Street, Pittsburgh, PA 15222  
 (866) 412-4072 (Voice), (877) 255-5082 (TTY)  
 Date: March 26, 2008, 5 p.m.—7 p.m.  
 Contact Person: Deb Armbruster

*Pittsburgh BVRs District Office*  
 (Allegheny County)  
 Meeting Held at The Human Services Building, The Liberty Room  
 One Smithfield Street Pittsburgh, PA 15222  
 Pittsburgh BVRs D.O.  
 (800) 442-6371 (Voice), (888) 870-4474 (TTY)  
 Date: April 11, 2008, 6 p.m.—8 p.m.  
 Contact Person: Gary Donatelli

*Reading BVRs District Office*  
 (Berks and Schuylkill Counties)  
 1090 Commons Boulevard, Reading, PA 19605  
 (800) 442-0949 (Voice), (877) 475-7326 (TTY)  
 Date: March 27, 2008, 5 p.m.—7 p.m.  
 Contact Person: Betty Brown

*Washington BVRs District Office*  
 (Fayette, Greene and Washington Counties)  
 201 West Wheeling Street, Washington, PA 15301  
 (800) 442-6367 (Voice/TTY)  
 Date: March 24, 2008, 5 p.m.—6 p.m.  
 Contact Person: Mary Lou Danko

*Wilkes-Barre BBVS District Office*  
 (Berks, Bradford, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)  
 Association for the Blind and Visually Impaired  
 845 Wyoming Street, Allentown, PA 18103  
 Date: April 9, 2008, 5:30 p.m.—6 p.m.

and

*Wilkes-Barre District Office BBVS*, 300G Laird Street, Wilkes-Barre, PA 18702  
 Date: April 10, 2008, 5:30 p.m.—6 p.m.  
 (866) 227-4163 (Voice) or (570) 826-2361, (888) 651-6117 (TTY)  
 Contact Person: Carol Siskovich

*Wilkes-Barre BVRs District Office*  
 (Bradford, Columbia, Lackawanna, Luzerne, Pike, Sullivan, Susquehanna, Wayne and Wyoming Counties)  
 Wilkes-Barre OVR, 300G Laird Street, Wilkes-Barre, PA 18702  
 (800) 634-2060 (Voice), (888) 651-6117 (TTY)  
 Date: April 2, 2008, 5 p.m.—6 p.m.  
 Contact Person: Jan Snyder

*Williamsport BVRs District Office*

(Clinton, Lycoming, Montour, Northumberland, Potter, Snyder, Tioga and Union Counties)  
 Conference Room, The Grit Building, Suite 102, 208 West Third Street, Williamsport, PA 17701  
 (800) 442-6359 (Voice), (800) 706-0884 (TTY)  
 Date: March 27, 2008, 5 p.m.—7 p.m.  
 Contact Person: Susan Swartz

*York BVRs District Office*

(Adams, Franklin, Lancaster and York Counties)  
 2550 Kingston Road, Suite 101, York, PA 17402  
 (800) 762-6306 (Voice), (866) 466-1404 (TTY)  
 Date: April 9, 2008, 2 p.m.—5 p.m.  
 Contact Person: R. Barry Brandt

SANDI VITO,  
*Acting Secretary*

[Pa.B. Doc. No. 08-364. Filed for public inspection February 29, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Win For Life® '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 Win For Life® '08.

2. *Price:* The price of a Pennsylvania Win For Life® '08 instant lottery game ticket is \$2.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania Win For Life® '08 instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Win For Life® '08 instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play area for "Game 1" will contain a "YOUR NUMBERS" area and a "LUCKY NUMBERS" area. The play symbols and their captions located in the "YOUR NUMBERS" area and the "LUCKY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(c) The play symbols and their captions located in the play area for "Game 2" are: Keystone symbol (KYSTN) and an X symbol (XXX).

(d) The prize play symbols and their captions located in the play area for "Game 3" are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WEEK).

(e) The prize play symbols and their captions and the play symbols and their captions located in the "Fast Cash Bonus" area are: \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV),

\$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:*

(a) The play area for "Game 1" will contain six "Prize" areas. The prize symbols and their captions located in the six "Prize" areas for "Game 1" are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WEEK).

(b) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and LIFE (\$1,000/WEEK).

5. *Prizes:* The prizes that can be won in "Game 1," "Game 2" and "Game 3" are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are: \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100 and \$500. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 43,200,000 tickets will be printed for the Pennsylvania Win For Life® '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of LIFE (\$1,000/WEEK) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life® '08 prize is younger than 18 years of age, the

winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$50 (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$40 (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$25 (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$20 (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$10 (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$5 (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$4 (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY

NUMBERS" play symbols and a prize symbol of \$2 (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of LIFE (\$1,000/WEEK) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life® '08 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$50 (FIFTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$40 (FORTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$25 (TWY FIV) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$20 (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$10 (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$5 (FIV DOL) appears

in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets with three matching prize play symbols of LIFE (\$1,000/WEEK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life® '08 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching prize play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching prize play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets with three matching prize play symbols of \$10.<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets with three matching prize play symbols of \$5.<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(11) Holders of tickets with three matching prize play symbols of \$4.<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(12) Holders of tickets with three matching prize play symbols of \$2.<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(d) Determination of prize winners for the "Fast Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$500.

(2) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(3) Holders of tickets with a prize play symbol of \$50\$ (FIFTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with a prize play symbol of \$40\$ (FORTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(5) Holders of tickets with a prize play symbol of \$25\$ (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(6) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a prize play symbol of \$10.<sup>00</sup> (TEN DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a prize play symbol of \$5.<sup>00</sup> (FIV DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

(9) Holders of tickets with a prize play symbol of \$4.<sup>00</sup> (FOR DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

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>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 43,200,000 Tickets</i>
			\$2	\$2	25	1,728,000
		\$2		\$2	25	1,728,000
\$4	\$2			\$2	30	1,440,000
			\$4	\$4	150	288,000
		\$4		\$4	150	288,000
	\$4			\$4	150	288,000
		\$2	\$2	\$4	150	288,000
	\$2		\$2	\$4	150	288,000
	\$2 x 2			\$4	150	288,000
\$5			\$5	\$5	150	288,000
				\$5	150	288,000

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 43,200,000 Tickets</i>
		\$5		\$5	150	288,000
	\$5			\$5	166.67	259,200
\$10			\$10	\$10	250	172,800
		\$10		\$10	750	57,600
\$5			\$5	\$10	750	57,600
\$5		\$5		\$10	750	57,600
\$5	\$5			\$10	750	57,600
	\$2 × 5			\$10	750	57,600
	\$5 × 2			\$10	750	57,600
\$20			\$20	\$20	1,500	28,800
	\$10 × 2			\$20	1,500	28,800
	\$4 × 5			\$20	1,500	28,800
	\$5 × 4			\$20	1,500	28,800
\$25			\$25	\$25	1,500	28,800
		\$25		\$25	1,500	28,800
	\$25			\$25	1,500	28,800
	\$5 × 5			\$25	1,500	28,800
\$40			\$40	\$40	4,800	9,000
		\$40		\$40	4,800	9,000
	\$40			\$40	4,800	9,000
\$20			\$20	\$40	4,800	9,000
\$20		\$20		\$40	4,800	9,000
\$20	\$20			\$40	4,800	9,000
\$10	\$2 × 5	\$10	\$10	\$40	4,800	9,000
\$10	\$5 × 2	\$10	\$10	\$40	4,800	9,000
\$20	\$10 × 2			\$40	4,800	9,000
\$50			\$50	\$50	7,059	6,120
		\$50		\$50	7,059	6,120
\$10	\$20		\$20	\$50	7,059	6,120
\$20	\$5	\$5	\$20	\$50	7,500	5,760
	\$5 × 2	\$20	\$20	\$50	7,500	5,760
\$10	\$4 × 5	\$10	\$10	\$50	7,500	5,760
\$10	\$5 × 4	\$10	\$10	\$50	7,500	5,760
\$10	\$10 × 2	\$10	\$10	\$50	7,500	5,760
\$20	\$5 × 2		\$20	\$50	7,500	5,760
\$100			\$100	\$100	8,000	5,400
		\$100		\$100	8,000	5,400
	\$100			\$100	8,000	5,400
	\$50 × 2			\$100	8,000	5,400
\$500			\$500	\$500	40,000	1,080
		\$500		\$500	40,000	1,080
	\$500			\$500	40,000	1,080
\$100	\$100 × 2	\$100	\$100	\$500	40,000	1,080
		\$1,000	\$1,000	\$1,000	120,000	360
	\$1,000			\$1,000	120,000	360
	\$500 × 2			\$1,000	120,000	360
		LIFE	LIFE	\$1,000/WK/LIFE	14,400,000	3
	LIFE			\$1,000/WK/LIFE	14,400,000	3
				\$1,000/WK/LIFE	14,400,000	3

FAST CASH BONUS—Reveal prize amount from \$4 to \$500, win that prize.

GAME 1—When any of YOUR NUMBERS match either LUCKY NUMBER, win prize shown under the matching number. When the prize under the matching number is “LIFE,” you win \$1,000 a week for life.

GAME 2—Get three “KEYSTONE” (KYSTN) symbols in a row, column or diagonal, win prize shown. When the prize won is “LIFE,” you win \$1,000 a week for life.

GAME 3—Get 3 like amounts, win that prize. Get three “LIFE” symbols, and win \$1,000 a week for life.

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

9. *Claiming of Prizes:* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania Win For Life® '08 game, "lifetime" for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Win For Life® '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).

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Win For Life® '08, prize money from winning Pennsylvania Win For Life® '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 Win For Life® '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.

12. *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.

13. *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 Win For Life® '08 or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-365. Filed for public inspection February 29, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**North Pocono C.A.R.E. and Thornhurst Township  
v. DEP and First Industrial Acquisitions, Inc.,  
Permittee; EHB Doc. No. 2008-037-L**

North Pocono C.A.R.E. and Thornhurst Township has appealed the issuance by the Department of Environmental Protection of two NPDES permits to First Industrial Acquisitions, Inc. for stormwater discharges associated with construction activities in Covington Township, Lackawanna County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is

required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-366. Filed for public inspection February 29, 2008, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Mandated Benefits

Section 9 of act 14 of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Representative Anthony DeLuca, Chairperson of the House Insurance Committee, to review House Bill 1105, Printer's Number 1335 (Curry). House Bill 1105 would establish a standard of care so that patients with severe bleeding disorders can receive necessary and appropriate medical care. For patients with hemophilia and other bleeding disorders, the legislation would preserve access to the following services: medical services provided by the State-recognized hemophilia programs; the clinical laboratory services associated with the State-recognized programs; all blood clotting products approved by the United States Food and Drug Administration; full-service home care pharmacies and home support services; and mandatory medical screenings for bleeding disorders for women prior to undergoing certain surgical procedures.

Initial notification of request for information and documentation was published at 37 Pa.B. 6724 (December 15, 2007), with documentation due to the Council by February 15, 2008.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until March 31, 2008. Any additional comments on this information must be received by this time. Council offices are located at: 225 Market Street, Suite 400, Harrisburg, PA 17101. Send comments to Charles Betley at this address.

#### *Submissions for House Bill 1105*

1. AmeriHealth Mercy Health Plan and Keystone Mercy Health Plan

- Letter and comments in opposition to House Bill 1105.

2. Blue Cross of Northeastern Pennsylvania

- Letter and comments in opposition to House Bill 1105 and attached supporting documentation.

3. The Honorable Lawrence H. Curry, Pennsylvania House of Representatives



- Letter and comments in support of House Bill 1105 and attached supporting documentation.

#### 4. Highmark

- Letter and comments in opposition to House Bill 1105 and attached supporting documentation.

#### 5. Independence Blue Cross

- Letter and comments in opposition to House Bill 1105 and attached supporting documentation.

#### 6. The Insurance Federation of Pennsylvania

- Letter and comments in opposition to House Bill 1105.

#### 7. The Pennsylvania Chapters of the National Hemophilia Foundation

- Letter and comments in support of House Bill 1105 and attached supporting documentation.

#### 8. Wolf Block Government Relations (on behalf of AFLAC)

- Letter and comments regarding House Bill 1105.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 08-367. Filed for public inspection February 29, 2008, 9:00 a.m.]

Suite 400, Harrisburg, PA 17101. Send comments to Charles Betley at this address.

#### *Submissions for House Bill 1462*

#### 1. American Cancer Society and the Pennsylvania Cancer Control Consortium

- Letter and comments in support of House Bill 1462 and attached supporting documentation.

#### 2. Highmark

- Letter and comments in opposition to House Bill 1462 and attached supporting documentation.

#### 3. The Insurance Federation of Pennsylvania

- Letter and comments in opposition to House Bill 1462 and attached supporting documentation.

#### 4. The Leukemia and Lymphoma Society

- Letter and comments in support of House Bill 1462 and attached supporting documentation.

#### 5. Wolf Block Government Relations (on behalf of AFLAC)

- Letter and comments regarding House Bill 1462.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 08-368. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Mandated Benefits

Section 9 of the act of July 17, 2003 (P. L. 31, No. 14) (Act 14) requires that the Health Care Cost Containment Council (Council) review proposed mandated health benefits on request of the executive and legislative branches of government. The Council has been requested by Representative Anthony DeLuca, Chairperson of the House Insurance Committee, to review House Bill 1462, Printer's Number 1809 (DeLuca). House Bill 1462 would provide for insurance coverage for patient costs associated with cancer clinical trials.

Initial notification of request for information and documentation was published in 37 Pa.B. 6724 (December 15, 2007), with documentation due to the Council by February 15, 2008.

Following is a list of the documentation received. This information is available for public review and comment at the Council offices during regular business hours (8:30 a.m. to 5 p.m.) until March 31, 2008. Any additional comments on this information must be received by this time. Council offices are located at: 225 Market Street,

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council have been scheduled for Wednesday, March 5, 2008, Audit Committee—9 a.m., Data Systems Committee—10 a.m., Education Committee—1 p.m., Mandated Benefits Review Committee—3 p.m. and Executive Committee Meeting—4 p.m.; Thursday, March 6, 2008, Council Meeting—10 a.m. and Payment Data Advisory Group—1 p.m. The meetings will be held in the Conference Room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and want to attend the meetings, contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 08-369. Filed for public inspection February 29, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
10-186	Department of Health Confidentiality of Patient Records and Information 37 Pa.B. 6529 (December 15, 2007)	1/14/08	2/13/08
14-510	Department of Public Welfare Payment for Burial and Cremation 37 Pa.B. 6534 (December 15, 2007)	1/14/08	2/13/08
16A-4926	State Board of Medicine Nurse Midwife Prescriptive Authority 37 Pa.B. 6539 (December 15, 2007)	1/14/08	2/13/08
57-258	Pennsylvania Public Utility Commission Electronic Filing 37 Pa.B. 6112 (November 17, 2007)	1/16/08	2/15/08

**Department of Health  
Regulation #10-186 (IRRC #2654)**

**Confidentiality of Patient Records and Information  
February 13, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the December 15, 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 Health (Department) to respond to all comments received from us or any other source.

**1. Statutory authority; Consistency with the intent of the General Assembly.**

The Department has cited the Pennsylvania Drug and Alcohol Abuse Control Act (act) (71 P. S. § 1690.101—1690.115) as one of the statutes that provides it the authority to promulgate this regulation. We agree that section 104(j) of the act (71 P. S. § 1690.104) provides the Department broad authority to promulgate regulations necessary to carry out provisions of the act. We note that the act also establishes the Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) as the recognized advisory council to the Department for drug and alcohol programs. Section 103(e)(2) of the act (71 P. S. § 1690.103(e)(2)) imposes an obligation on the Department to “seek the written advice and consultation” of the Council when promulgating regulations “necessary to carry out the purposes of this act.”

Commentators, including the Council, have expressed concern that the Council was not consulted as required by section 103(e)(2). In addition, Representative George Kenney, Republican Chairman of the Health and Human Services Committee, and Senator Michael Stack, have submitted comments expressing a similar concern. Based on our review of the minutes of the Council’s recent meetings and input from the Council, we concur that the Department did not seek the written advice and consultation of the Council on this version of the proposed rulemaking in a meaningful way. What is the Department’s statutory authority for proceeding with the rulemaking without first seeking the written advice and consultation of the Council?

We recommend that the Department consider withdrawing this proposed regulation to provide the Council to an opportunity to review it as required by section 103(e)(2). In the alternative, we recommend that the Department issue an advanced notice of final rulemaking. This would allow the regulated community, including the Council, an opportunity to resolve as many remaining concerns as possible prior to the submittal of the final-form regulation.

**2. Possible conflict with statutes.**

Commentators have stated that the proposed regulation conflicts with Act 106 of 1989 (40 P. S. §§ 908-1—908-8) (Act 106) and a related Commonwealth Court case, *The Insurance Federation of PA v. Commonwealth*, 929 A.2d 1243 (2007) (*Insurance Federation of PA*). As noted by the Court in that case, “Act 106 plainly provides for mandatory benefits and . . . nothing solely on its face, apart from certification and referral [from a licensed physician or psychologist], limits the availability of mandatory benefits by any extraneous procedures.”

We believe that certain sections of this proposed regulation conflict with Act 106 because they appear to allow third-party payers to deny addiction treatment benefits to insureds who have been certified and referred by a licensed physician or psychologist. The specific provisions that conflict with Act 106 are addressed in more detail below. However, as a general comment, we recommend that the final-form regulation include provisions that clearly state that third-party payers may not deny treatment to insureds covered by Act 106 who have the necessary certification and referral from a licensed physician or psychologist, regardless of what patient information is obtained via consensual or nonconsensual release of the patient record.

**3. Need for the regulation.**

According to the Regulatory Analysis Form, the compelling public interest that justifies this rulemaking is twofold. First, it will correct a conflict with federal confidentiality regulations “thereby reducing any perceived complexities in the regulations that drug and alcohol treatment facilities must comply with.” Second, the Department states that some of the provisions of the existing regulation that are being replaced by this proposal are “outdated and impede service delivery and the coordination of care for individuals with substance abuse problems.”

We have two concerns. First, the Department has failed to identify the specific sections of the Federal regulations that conflict with the existing regulations. We request the specific sections that are in conflict be identified.

Second, the Department has failed to explain why the regulations are outdated and how they impede service delivery and coordination of care. The final-form regulation should provide a more detailed explanation on why this regulation is needed. In addition, the Department should quantify how many people a year do not receive treatment because the existing regulation is inadequate.

#### **4. Protection of the public health, safety and welfare.**

The Department has stated that the risks associated with not making the proposed amendments are "increased regulatory obstacles to drug and alcohol treatment facilities in the delivery of treatment services to the individuals they serve." Representative Frank Oliver, Chairman of the Health and Human Services Committee, Representatives George Kenney and Gene DiGirolamo and Senators Michael Stack, Roger Madigan and Mike Folmer, along with a large segment of the regulated community, disagree with this statement. They believe the proposed regulation will increase obstacles in the delivery of treatment services because the client and counselor relationship, which relies on trust and the expectation of confidentiality, will be undermined. They note addiction is a unique form of illness because of cultural attitudes and stigmas associated with it. In order for individuals suffering from addiction to seek treatment and communicate freely with counselors, ensuring confidentiality is paramount.

We agree with the commentators that an unintended consequence of the proposal could be fewer people seeking and receiving treatment for their drug and alcohol addiction problems for fear that personal and potentially embarrassing information could be released to others. In the Preamble to the final-form regulation, the Department should explain why this proposal will not discourage people who need help with their drug or alcohol problems from seeking the necessary treatment, and how it adequately protects the public health, safety and welfare of the citizens of this Commonwealth.

#### **5. Economic or fiscal impact of the regulation.**

The Department has indicated that the proposal will not impose any costs on the regulated community. Commentators, including Representative Oliver, disagree with that statement. They note the proposal will increase the administrative burden of treatment service providers, including extensive training that will be needed to implement the regulations. How did the Department determine that the regulated community will not experience a negative fiscal impact when the proposal is implemented?

#### **6. Implementation procedures and timetables for compliance by the public and the regulated community.**

As noted above, the regulated community believes extensive training will be needed to implement this regulation. Accordingly, we recommend that the effective date of the regulation be 6 to 12 months after it is published as a final rule in the *Pennsylvania Bulletin*. This would provide the Department and the regulated community time to develop the necessary procedures for administering the rule and train those that will be implementing it.

### **Section 255.5. Confidentiality of patient records and information.**

#### **7. Section 255.5(a) Definitions.—Need; Clarity and lack of ambiguity.**

##### *Government officials*

This definition reads as follows:

Officials or employees of Federal, State or local government agencies responsible for assisting a patient to obtain benefits or services due to the patient as a result of the patient's drug or alcohol abuse or dependence.

We have four concerns. First, § 1.7(e) of the *Pennsylvania Code and Bulletin Style Manual* states that a term being defined may not be included as part of the definition. Accordingly, this definition needs to be amended. Second, what is meant by the following terms or phrases: "assisting a patient," "benefits" and "services?" We recommend that these terms or phrases be defined so that it is clear which individuals will have access to patient information. Third, is there a difference between "abuse" and "dependence?" This should be explained in the final-form regulation. Finally, would the defined term include probation and parole officers?

##### *Medical authorities and medical personnel*

Physicians, nurses, emergency medical technicians and other persons employed, licensed, certified or otherwise authorized by law to provide medical, mental health or addiction treatment to a patient fall under this definition. We have four concerns. First, the definition does not specify what licensing or certifying authorities would be acceptable. Would a physician or nurse licensed or certified by another state or country fall under this definition? Second, the phrase "otherwise authorized by law" is vague. What laws would apply? Third, the inclusion of the word "employed" in this definition would open the scope of this definition to any employee of an entity that provides medical, mental health or addiction treatment services. We suggest that only people licensed or certified in a particular medical field directly related to addiction treatment be included in this definition. Finally, we recommend that the terms "mental health" and "addiction treatment" be defined.

##### *Patient record*

This definition may include information such as "medical, psychological, social, occupational, financial and other data prepared or obtained as part of the diagnosis, classification and treatment of a patients." We raise three issues. First, Representative Dennis O'Brien, Speaker of the House, wrote to express his concern with "provisions that provide for the dissemination of drug and alcohol addiction treatment records and **other personal information** to third party payers." (Emphasis added.) We are also concerned about the release of personal information to third-party payers and others that would have access to it under this proposal, and the potential for misuse or abuse of that information, either intentional or unintentional. What is the need for including the "social, occupational, financial and other data" of the patient in this definition?

Second, what is meant by the phrase "patient's treatment?" This should be defined in the final-form regulation.

Finally, the term "other data" is vague and should be deleted.

*Program*

Similar to our concerns with the definition of “medical authorities and medical personnel,” we believe this definition is vague. In particular, the terms “institution,” “practitioner,” “project” and “other entity” should be defined. Also, the inclusion of the phrase “or holding itself out to provide treatment for drug or alcohol abuse or dependence” is problematic because it could apply to entities not properly licensed or certified. We recommend that the definition be narrowed to treatment facilities licensed by the Department.

**8. Section 255.5(b) Scope and policy.—Need; Reasonableness; Clarity and lack of ambiguity.***Paragraph (1)*

This paragraph states that this section of the regulation applies to the record of a patient “seeking, receiving or having received” treatment. Why are records of patients that have received treatment included? How long will the records be available for consensual and nonconsensual release?

*Paragraph (2)*

Under this paragraph, patients are to expect that their information will be treated with respect and confidentiality by those providing services. Does the phrase “those providing services” mean the same thing as the defined term “program?” If so, we recommend that the defined term be used. In addition, we recommend that the expectation of privacy be extended to any entity that may have access to patient information or a patient’s record. What are the consequences for a program or other entity that violates the confidentiality of patient information or a patient’s record? How will the Department determine if programs are in compliance with the regulation? We have similar concerns with Paragraph (4).

*Paragraph (3)*

This paragraph states the record of a patient receiving addiction treatment services is the property of the program providing services. Who owns the record of a patient that has already received addiction treatment services and how can that record be released? This should be explained in the final-form regulation.

*Paragraph (5)*

Redisclosure of patient information is prohibited under Paragraph (5), unless otherwise noted. We have two concerns. First, we agree with Speaker O’Brien’s concern that “the proposed regulations do not provide sufficient safeguards against subsequent intentional and unintentional dissemination by third party payers.” What protects the confidentiality of the patient record after it leaves the program? We recommend that the final-form regulation list the specific Federal and State laws and regulations that prohibit any entity or individual from redisclosing any information contained in the patient record and the penalties associated with violating the regulations and statutes. If no laws or regulations exist that protect the patient record once it is released by the program, how can the Department ensure the confidentiality of these records?

Second, what does the phrase “unless otherwise noted” refer to? If redisclosure is permitted under this regulation, the sections that address redisclosure should be cross-referenced.

*Paragraph (6)*

Under this paragraph, disclosure of patient information from a patient record may not be used to initiate or

substantiate criminal charges “against the patient.” We have two questions. First, can information obtained from a patient’s record be used to initiate or substantiate criminal charges against other people?

Second, if a patient is on probation or parole, can information obtained from that patient’s record be used to revoke the probation or parole?

**9. Section 255.5(c) Consensual release of patient records and information.—Statutory authority; Need; Reasonableness; Implementation procedures; Clarity and lack of ambiguity.***Paragraph (2)*

This paragraph states that a program can release information to government officials and third-party payers “to obtain benefits due the patient as a result of his drug or alcohol abuse or dependence.” The Department should clarify whether “benefits due the patient as a result of his or her drug or alcohol abuse or dependence” means addiction treatment or treatment for other conditions (for instance, cirrhosis of the liver) that may develop as a result of drug or alcohol dependence. We note that defining the terms “benefits” and “services” as recommended above would aid in the clarification of this paragraph.

In addition, to be consistent with the definition of “government officials,” we recommend that the phrase “or services” be added after the word “benefits.”

*Paragraph (2)(i)*

This paragraph reads as follows: “A program shall limit the patient information released to government officials and third-party payers to the information necessary to accomplish the specific purpose for the disclosure.” We have two concerns. First, who determines what information is necessary? Is the program responsible for this decision or do government officials and third-party payers make the determination? If a dispute arises between the program and government officials or third-party payers as to what information is necessary, how will it be resolved? Will a patient be able to receive treatment while the dispute is being resolved? We recommend that the final-form regulation specify which party is responsible for making this determination and how disputes will be resolved.

Second, the phrase “to the information necessary to accomplish the specific purpose for the disclosure” is vague. It is our understanding that the specific purpose of the disclosure can only be to obtain benefits that are due the patient. If that is the case, Paragraph (2)(i) should be amended to explicitly state that fact.

*Paragraph (2)(ii)*

This paragraph limits information that can be released to a government official or a third-party payer. We have three concerns. First, the following terms are used in this paragraph, but are not defined: “medical necessity,” “concurrent review,” “coordination of care” and “entitled service benefits.” We recommend that these terms be defined.

Second, the Department should clarify whether third-party payers accessing patient records under this provision may use them to determine “medical necessity” and to deny addiction treatment benefits to a patient who is covered by Act 106 and has been certified and referred by a licensed physician or psychologist. Pursuant to *Insurance Federation of PA*, a third-party payer covered by Act 106 is obligated to pay for specified addiction treatment

services whenever an insured is certified and referred by a licensed physician or psychologist. If a determination of medical necessity could result in such a denial, the Department should explain its statutory authority for promulgating this provision, in light of Act 106 and Commonwealth Court's ruling in *Insurance Federation of PA*.

Third, the Department should explain the need for third-party payers to access patient records under this provision. Since third-party payers covered by Act 106 must provide addiction treatment benefits to certified and referred patients, what need might they have for this information?

*Paragraph (4)*

Under Paragraph (4), a program may disclose patient information to a patient's probation or parole officer. Unlike paragraph (2), which limits the information from a patient's record that can be released to government official and third-party payers, this paragraph appears to allow the officer to review the entire patient record. What is the need for allowing a probation or parole officer access to the entire patient record? How often do probation or parole officers request to see patient records?

*Paragraph (4)(ii)*

Similar to our concern on Paragraph (2)(i) on who determines what information is necessary, who will determine if a probation or parole officer has a need for the patient record? Is the program responsible for this decision or do the officers make the determination? If a dispute arises between the program and the officers as to actual need, how will it be resolved? We recommend that the final-form regulation specify which party is responsible for making this determination and how disputes will be resolved.

**10. Section 255.5(d) *Nonconsensual release of patient records and information.—Statutory authority; Need; Reasonableness; Implementation procedures; Clarity and lack of ambiguity.***

This subsection pertains to the nonconsensual release of patient records and information. If patient records and information are released under this subsection, we recommend that the patient be informed of the release, what information was released, who the information was released to and why the information was released. We also recommend that any information released without the consent of the patient be released at the same time to the patient.

*Paragraph (3)*

Paragraph (3) and Subparagraphs (3)(i) and (ii) use the undefined term "communications." We recommend that it be defined in the final-form regulation.

*Paragraph (5)*

Under this paragraph, nonconsensual release of a patient record is permitted for the purpose of conducting scientific research if there is written agreement that patient names and identifying information will not be disclosed. The final-form regulation should specify who must be parties to the written agreement.

*Paragraph (6)*

This paragraph reads as follows: A program may disclose information from patient records to persons reviewing records on program premises in the course of performing audits or evaluations on behalf of any Federal, State or local agency which provides financial assistance to the program or is authorized by law

to regulate its activities, or on behalf of any third-party payer providing financial assistance or reimbursement to the program or performing utilization or quality control reviews of the program.

We have four concerns. First, the phrase "to regulate its activities" is vague. Many government agencies regulate the activities of programs, for example, taxing authorities and building inspectors. The scope of Federal, State or local agencies that could have access to a patient's record should be amended to mirror the definition of "government officials" found in Subsection (a).

Second, the Department should define the following terms: "audit," "evaluation," "utilization review" and "quality control review." The final-form regulation should also explain what is being audited, evaluated or reviewed and what standards are being used to quantify the results of the audits, evaluations or reviews.

Third, the Department should explain whether disclosure of information under this provision could result in denial of addiction treatment benefits to insureds who are covered by Act 106 and have been certified and referred by a licensed physician or psychologist. If so, the Department should explain its statutory authority for promulgating this provision, in light of Act 106 and *Insurance Federation of PA*.

Fourth, the Department should provide further information as to the intended use by third-party payers of information released under this subsection. Since third-party payers covered by Act 106 must provide addiction treatment benefits to certified and referred patients, what need might they have for this information?

*Paragraph (7)*

This paragraph states the following: "Patient information made available under this section shall be limited to that information relevant and necessary to the purpose for which the information is sought." We have two concerns. First, the phrase "relevant and necessary" is subjective and open to interpretation. It does not establish a binding norm that is clear to the regulated community. What a program believes is "relevant and necessary" can be different than what law enforcement personnel, those conducting scientific research, federal, state or local agencies and third-party payers believe is "relevant and necessary." Similar to our concern on Paragraph (c)(2)(i), who determines what information is necessary? Is the program responsible for this decision or do others make the determination? If a dispute arises between the program and those requesting the information as to what information is necessary, how will it be resolved? Will a patient be able to receive treatment while the dispute is being resolved? We recommend that the final-form regulation specify which party is responsible for making this determination and how disputes will be resolved.

Second, this provision applies to "this section," which is all of § 255.5. We suggest that the paragraph be amended to state "this subsection," which could be § 255.5(d).

**11. Section 255.5(e) *Patient's access to records.—Implementation procedures; Clarity and lack of ambiguity.***

Under this subsection, patients have a right to inspect their own records. If a program removes portions of a patient's records before the inspection occurs, that program must document the reasons for it and keep them on file. Patients also have a right to appeal a decision limiting access to their records. We have two recommen-

dations. First, the final-form regulation should specify how long a program must keep the reason for denying access on file.

Second, the details of how a patient can appeal a decision of a program to limit access to their records should also be included in the final-form regulation.

**Department of Public Welfare**  
**Regulation #14-510 (IRRC #2655)**  
**Payment for Burial and Cremation**  
**February 13, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the December 15, 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 Public Welfare (Department) to respond to all comments received from us or any other source.

**1. Section 283.6. Submission of form for payment.—Reasonableness; Implementation procedure; Clarity.**

This section and section 283.7 refer to “a form approved by the Department” which an individual must complete and submit to the Department in order to request the payment for burial or cremation. There is no information on the content of this form or how individuals can obtain the form or a copy. For example, is this form available through the Department web site? A description of the form’s content indicating the basic information required by the Department for a payment request and directions on how to obtain the form should be included in the final-form regulation.

**2. Section 283.21. Department payment.—Fiscal impact; Protection of public health, safety and welfare; Reasonableness.**

This section begins with this sentence: “The Department’s total payment for burial or cremation, or both, is \$750 for goods and services and interment charges.” This maximum payment rate was increased from \$350 to the current amount by a Notice of Rule Change (NORC) that was published in the *Pennsylvania Bulletin* by the Department on June 10, 2000. In its comments on this proposed regulation, Community Legal Services of Philadelphia (CLS) raised a concern that the payment rate was too low. Citing two sources indicating that the average cost of a funeral was close to \$6,000, CLS urged the Department to increase the payment rate.

Neither the NORC in 2000 nor the documentation with this proposed regulation explained the basis for the payment rate of \$750. The Department should review its payment rate and provide an explanation with its submittal of the final-form regulation. As a part of its review and explanation, the Department should include specific information on the payment rates used by state agencies for cremation or burial in neighboring states.

**3. Section 283.22. Resources that do not reduce Department payment.—Fiscal impact; Reasonableness; Clarity.**

Concerning the term “small contributions” in section 283.22(1), is there any maximum monetary amount (dollar limit) that the Department will use in determining what constitutes “small contributions” or will this be a “case-by-case” decision? If there is a maximum dollar amount, it should be listed in the final-form regulation.

There are two concerns regarding section 283.22(2). First, it is unclear whether the phrase “up to a total of \$750” applies to sections 283.24(b) and (c)(2)—(14). Should section 283.22(2) include a reference to section 283.24?

Second, what is the impact of the phrase “up to a total of \$750”? Does this mean that a combined total of \$1,500 could be generated using the Department payment and other sources, and for each dollar over that combined total, the Department payment will be reduced by an equal amount? This formula should be described in the final-form regulation.

**4. Section 283.24. Resources reducing Department payment.—Fiscal impact; Reasonableness; Clarity.**

In Subsection (b), how will these “resources” be calculated in reducing the Department’s payment? As noted, it is unclear whether section 283.22(2) applies. Will the Department payment be reduced dollar-for-dollar or will contributions from other sources be allowed to total \$750 before the Department payment is reduced? What is the difference between Subsection (b) and Subsection (c)(3)? These questions need to be clarified in the final-form regulation.

In Subsection (c), the phrase “except as specified in § 283.22 (relating to resources that do not reduce Department payment)” is unclear. Specifically, is this a reference to section 283.22(2)? Is the intent of this phrase that contributions from the sources listed in section 283.24(c) will not reduce the Department payment except when they exceed \$750, and therefore, the combined total (Department payment and other sources) could reach \$1,500 before the Department’s payment will be reduced? The process that will be used to reduce the Department’s payment needs to be described in detail in the final-form regulation.

**State Board of Medicine**  
**Regulation #16A-4926 (IRRC #2656)**  
**Nurse Midwife Prescriptive Authority**  
**February 13, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the December 15, 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 State Board of Medicine (Board) to respond to all comments received from us or any other source.

**1. General—Statutory authority; Legislative intent; Economic impact; Protection of the public health, safety and welfare; Need; Reasonableness; Clarity.**

*Collaborating physician*

Many comments were submitted asking for clarification regarding whether doctors of osteopathy can be collaborating physicians. The Board operates under the authority of the Medical Practice Act, which contains the following definitions:

“Medical doctor” an individual who has acquired one of the following licenses to practice medicine and surgery issued by the board: . . .

“Midwife or nurse-midwife” an individual who is licensed as a midwife by the board. “Physician” a medical doctor or *doctor of osteopathy*.

(63 P. S. § 422.2. Emphasis added.)

The Board's existing regulation (49 Pa. Code § 18.1) defines "collaborating physician" as "a **medical or osteopathic medical doctor** who has hospital privileges in obstetrics, gynecology or pediatrics and who has entered into a collaborative agreement with a midwife." (Emphasis added.)

Act 50 of 2007 (Act 50) expanded the scope of practice for nurse midwives by adding prescriptive authority. Act 50 consistently and exclusively uses the term physician eight times in describing the collaboration required. Hence, the Medical Practice Act, as amended, continues to include both medical doctors and doctors of osteopathy. For example, Section 2 of Act 50 (adding 63 P. S. § 422.35(c)) states:

(c) Authorization.—(1) A nurse-midwife is authorized to practice midwifery under a **collaborative agreement with a physician** and regulations promulgated by the board. (Emphasis added.)

Section 2 of Act 50 also adds Subsection (d) which states:

(d) Collaborative agreements.—The **physician** with whom a nurse-midwife has a collaborative agreement shall have hospital clinical privileges in the specialty area of the care for which the **physician** is providing collaborative services. (Emphasis added.)

Contrary to the statutory definition of "midwife," the expansive intent of Act 50 and its existing regulation, the Board proposes to limit the scope of practice of midwives by amending the definition of "midwife" in its regulation at section 18.1. The proposed amendment to the regulation's definition would limit collaboration to a physician "licensed by the Board to practice medicine." Since the Board only licenses medical doctors, this definition could subject nurse midwives who collaborate with doctors of osteopathy to disciplinary action by the Board.

This amendment inappropriately attempts to amend the Medical Practice Act's definition of midwife quoted above. The amendment also erroneously reflects the statutory term "medical doctor," rather than the term "physician" the General Assembly chose to use throughout Act 50. As a result, the amendment imposes a limitation not found in the Medical Practice Act, Act 50 or the Board's existing regulation.

A joint comment was submitted on February 6, 2008, by Majority Chairman P. Michael Sturla and Minority Chairman William F. Adolph, Jr. of the House Professional Licensure Committee (House Committee) suggesting that the definition of "midwife" be altered to include physicians licensed by the State Board of Osteopathic Medicine along with a similar amendment to section 18.5. *Collaborative agreements*.

Public comment was submitted by a broad spectrum of professionals asking the Board to include collaboration with doctors of osteopathy. The American College of Nurse-Midwives and the Pennsylvania Association of Licensed Midwives believe the proposed regulation inappropriately redefines midwife because Act 50 addresses the practice of midwifery, not the definition of midwifery. The Pennsylvania Medical Society asks the Board to "recognize that osteopathic physicians could also be collaborating physicians." The Pennsylvania Academy of Family Physicians also asks for alternative language to "permit a midwife to practice in collaboration with allopathic and osteopathic physicians." The Hospital and Healthsystem Association of Pennsylvania asks the Board to retain the existing definition. The University of Pennsylvania Health System states "These regulations appear to elimi-

nate the opportunity to share the responsibility for midwifery collaboration with these qualified physicians. This change is another obstacle to midwifery practice that was not intended by the legislation." The Birth Center commented that "This would eliminate a whole group of collaborating physicians and would restrict access to care." Many other similar comments were submitted.

Additionally, public comment noted that midwives perform functions that do not require collaboration. They believe the proposed amendment to the definition of "midwife" would require a collaborative agreement for the entire practice of midwifery, which was not required prior to this proposed regulation.

As stated previously, the proposed amendment to the definition of "midwife" is inappropriate because it attempts to amend the statutory definition. Further, the Medical Practice Act defines the term "physician" as both a medical doctor and a doctor of osteopathy, and Act 50 uses that term. The Preamble is devoid of explanation of why the Board proposes to restrict collaboration to medical doctors and why this action by the Board is in the public interest. Clearly, Act 50 sought to expand the practice of nurse midwives, and the Board needs to explain why it is imposing a restriction. We are particularly concerned that the regulation will restrict or limit access to the type of care envisioned in Act 50. We recommend that the Board maintain the existing definition of midwife and delete the proposed amendment. If the Board believes it must exclude doctors of osteopathy from collaborating with nurse midwives, the Board needs to explain why this exclusion is in the public interest, including in relation to this comment and our criteria:

- The authority the Board believes it has to amend the statutory definition of "midwife." In addition, the Board's authority to limit collaboration to only medical doctors and to exclude doctors of osteopathy.
- How the limitation on collaboration is consistent with the legislative intent of Act 50, which the Board states it is implementing through this regulation. Also, what inquiry the Board made regarding legislative intent prior to proposing the amendment and whether any legislative remedy was sought.
- The economic impact of the limitation, particularly as it limits availability of nurse midwife care to collaboration with medical doctors.
- Any circumstances the Board is aware of that justifies the limitation in regard to protection of the public health, safety and welfare.
- Why the limitation is needed and reasonable.

#### *Clarity of physician requirements*

Amendments to sections 18.5(h), 18.6a(c) and 18.9(b) specify actions to be taken by collaborating physicians rather than nurse midwives. The regulation under Chapter 18, Subchapter A, *Licensure and regulation of midwife activities* should only address midwife activities. While these provisions and actions are needed, they should be deleted from Subchapter A in as far as they address collaborating physician actions and placed in the appropriate regulation that addresses actions required by physicians.

#### *Appropriate Certification Body*

The regulation deletes the definition of "ACNM—The American College of Nurse-Midwives" and adds the definition "AMCB—The American Midwifery Certification Board." The acronym ACNM is then replaced throughout the regulation with AMCB.

Many public commentators believe this designation is either incorrect or incomplete. Some say the American Commission on Midwifery Education is the proper accrediting body. Another commentator believes the regulation needs to recognize the evolution of accreditation from prior to 1991 through the present so that currently practicing midwives will not be excluded. We recommend that the Board review the comments and licenses of practicing midwives so that the final-form regulation recognizes existing licensees and uses the appropriate accrediting entities.

**2. Section 16.13. Licensure, certification, examination and registration fees.—Economic impact; Clarity.**

*Application of fees*

The House Committee requests clarification of the fee for verification of licensure. Commentators also outlined concerns about the application of the fees. The concerns essentially were whether fees apply to each nurse midwife in a group practice or whether they apply to a group practice as a whole. Commentators demonstrated a significant impact depending on how the fees are applied. We could not determine from the rate schedule in this section or the information accompanying the regulation how these fees would be applied. The final-form regulation should clarify how the fees are applied and the Board should explain why the resulting revenue is reasonable and necessary. In addition, the Board should explain how the fees will not restrict the availability of midwives.

**3. Section 18.1. Definitions.—Need; Clarity.**

*Collaboration*

Several commentators requested the addition of a definition of "collaboration." The Board should consider adding this definition.

*Midwife Colleague*

The House Committee questioned the reason for adding this definition, stating no other medical practitioner has a definition for a colleague. We also question why this definition is needed. The defined term is only used in section 18.6a(c) *Inappropriate practice*. The term "midwife colleague" is always used in conjunction with the term "midwife" and therefore the actions required are identical. If a distinction is intended, it is not clear what that distinction is within this regulation. Therefore, we recommend deleting the definition of "midwife colleague" and also deleting the term from section 18.6a(c).

**4. Section 18.5. Collaborative agreements.—Need; Reasonableness; Economic impact; Clarity.**

*Existing provisions for collaborative agreements*

Provisions for collaborative agreements already exist in the Board's regulations for Certified Registered Nurse Practitioners (CRNPs) in section 18.55 and there are similar provisions for written agreements for Physician Assistants (PAs) in section 18.142. However, there are differences in the requirements proposed for nurse midwives collaborative agreements as compared to CRNPs and PAs. For example, a CRNP collaborative agreement must be signed by both the physician and the CRNP (49 Pa. Code § 18.55(a)) and there are similar signature requirements for a PA's written agreement (49 Pa. Code § 18.142(a)(1)). However, there is no signature requirement in either the existing provisions of section 18.5 or its amendments. We recommend that the Board review and compare the collaborative agreement provisions for nurse midwives with the requirements for CRNPs and

PAs, and either align the requirements for nurse midwives with them or explain the need to vary from them.

*Minimum requirements*

While this section addresses collaborative agreements, section 18.6(6)(ii) specifies minimum requirements for a collaborative agreement. We recommend moving the minimum requirements in section 18.6(6)(ii) to this section to improve clarity.

*... submitted to the Board for review."*

Subsection (g) requires the collaborative agreement to be submitted to the Board "for review." We note that the parallel provision for CRNPs in section 18.55(b)(7) does not require review and only states that their collaborative agreements must "Be kept at the primary practice location of the CRNP and a copy filed with the Bureau of Professional and Occupational Affairs." Commentators said the collaborative agreements can involve as many as 15 physicians and would require filing amendments several times every year. Commentators also questioned how long a review will take and whether they can practice while the collaborative agreement is being reviewed. The Board should explain why review is needed for nurse midwife agreements, but not for CRNPs. If this review is needed, the regulation needs to specify the review procedure and criteria, the status of an agreement while it is being reviewed, how long these reviews will take and how the nurse midwife will be notified of the result of the review.

**5. Section 18.6. Practice of midwifery.—Protection of the public health, safety and welfare.**

*45 hours of course work specific to advanced pharmacology*

Subparagraph (6)(i) requires "45 hours of course-work specific to advanced pharmacology at a level above that required by a professional nursing education program." Several commentators point out that pharmacology is a rapidly evolving field and believe this provision should require current knowledge in advanced pharmacology. The Board should add a provision to make sure that the nurse midwife has current knowledge of pharmacology.

**6. Section 18.6a. Prescribing, dispensing and administering drugs.—Reasonableness; Clarity; Protection of the public health, safety and welfare.**

*Schedule III or IV controlled substances*

The House Committee requests that the Board add a language to address the requirement in 63 P. S. § 35(c)(2)(iv)(A). This provision states, in part:

In the case of a Schedule III or IV controlled substance, the prescription shall be limited to 30 days and shall only be refilled with the approval of the collaborating physician.

We agree and recommend adding this provision to the regulation.

*Delegation*

Under 49 Pa. Code § 18.54(f)(3), CRNPs are prohibited from delegating their prescriptive authority assigned by the collaborating physician. We recommend adding a similar prohibition to this section.

*Prescription blanks.*

There are three concerns with Subsection (b). First, the Board should explain why the collaborating physician(s) are not required to be identified on the prescription blank.



Second, supervising physicians are prohibited from presigning prescription blanks for PAs under 49 Pa. Code § 18.158(b)(3). A similar provision should be added to the appropriate portion of the Board's regulations relating to supervising physicians for nurse midwives.

Finally, Paragraph (b)(2) states "the signature of the midwife must be followed by the initials 'C.N.M.' or similar designation to identify the signer as a midwife." Would it be sufficient for the prescription blank to bear this designation, as well as the United States Drug Enforcement Administration registration number, in a printed format on the blank as described in Paragraph (b)(1)?

*Inappropriate prescribing.*

Subsection (c) requires the collaborating physician to immediately advise the patient of an inappropriate prescription. As stated previously in these comments, this provision should be directed to the actions required of the nurse midwife, particularly if the nurse midwife is the first to recognize an inappropriate prescription.

*Recordkeeping requirements.*

The House Committee requests an explanation of why the Board did not require physician signatures on the records of nurse midwives. We agree that under the recordkeeping requirements for PAs in 49 Pa. Code § 18.158(d)(4), a physician must countersign the patient record within 10 days. Why didn't the Board require physician signatures here?

Paragraph (d)(1) states:

When prescribing a drug, the midwife shall do one of the following:

- (i) Keep a copy of the prescription, including the number of refills, in a ready reference file.
- (ii) Record the name, amount, directions for use and doses of the drug prescribed, the number of refills, the date of the prescription and the midwife's name in the patient's medical records.

The House Committee questions the use of the word "ready" in Subparagraph (i). The House Committee also believes that all drugs should be recorded in the patient's chart, regardless of whether they are also kept in a file. We agree.

Also, Subparagraph (i) requires the nurse midwife to keep a copy of the prescription. Would an electronic file of the prescription be sufficient rather than a physical copy? If so, the regulation should allow electronic recordkeeping.

**7. Section 18.9. Notification of changes in collaboration.—Need; Feasibility; Clarity.**

*Need and feasibility*

Several commentators believe this provision is not needed and will require several filings a year. We agree that multiple changes are bound to occur in practices with multiple physicians and nurse midwives. The Board should explain why it needs notification of changes in collaboration, what it will do with them and how the Board can feasibly review these changes.

*Subsection (d)*

The House Committee states the procedure in this section is unclear. We agree. The Board should rewrite this provision to improve clarity.

\_\_\_\_\_  
**Pennsylvania Public Utility Commission  
Regulation #57-258 (IRRC #2649)**

**Electronic Filing**

**February 15, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the November 17, 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 (Commission) to respond to all comments received from us or any other source.

**1. General.—Reasonableness; Clarity.**

There are several places in this regulation that direct users to the Commission's web site for electronic filing registration information or instructions relating to this registration. However, the Commission staff has indicated that this information is not yet uploaded onto the web site. When will it be added? In order to adequately guide the regulated community, we recommend that this information be uploaded onto the Commission's web site prior to the effective date of the final-form version of this regulation.

**2. Section 1.8. Definitions.—Reasonableness; Clarity.**

*Substantive Language in Definitions*

The last sentence in the definitions of "Confirmation of receipt," "Filing user" and "Qualified user" contain substantive language. Also, the entire definition of "PDF-Portable Document Format" 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.

*Filing user*

Commentators have stated that it is unclear how many people may use the same filing user code with permission of the registered filing user. This should be clearly stated in the final-form regulation. Also, will there be a limit on the number of users that an entity may register?

**3. Section 1.16. Issuance of decisions by presiding officers.—Reasonableness.**

Under Subsection (b), the Commission will mail a decision to parties that are not filing users. Commentators have suggested that the decision should also be placed on the Commission's web site in order to allow non-filing users to have access to these decisions on the same day as the parties that are served electronically. We agree. The Commission should consider posting decisions on its web site.

**4. Section 1.32. Filing specifications.—Reasonableness; Clarity.**

The term "notice of revocation" is used throughout Subsection (b)(5). What information should be included in this "notice"? This information should be contained in the final-form regulation.

**5. Section 1.36. Verification.—Clarity.**

Subsection (c) requires an affidavit to be submitted "in paper form no later than 3 business days . . ." The Commission staff indicates that more details on this submission are located in existing § 1.11(a)(1)—(3). For clarity, the Commission should add a cross-reference to

these Subsections. A similar concern also applies to §§ 1.37(b)(2) and 5.502(b)(2)(ii).

**6. Section 1.51. Instructions for service, notice and protest.—Clarity.**

To be consistent with the language in the rest of the section, the word “Indicates” in Subsection (b)(2) should be “Indication.” Also, the word “Provides” in Subsection (b)(3) is not needed.

**7. Section 1.53. Service by the Commission.—Reasonableness; Clarity.**

The Office of Consumer Advocate asserted that Subsection (b)(3) should be amended to include the timeframe within which the Commission will send a notice of the posting and the link. It further stated that this should be clarified to say that the notice should occur simultaneously with the posting of the document. We agree.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-370. Filed for public inspection February 29, 2008, 9:00 a.m.]

**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, in Harrisburg at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy.

This schedule is tentative. Contact the Commission at (717) 783-5417 or check our web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-402	Environmental Quality Board Radiological Health	2/5/08	3/20/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-371. Filed for public inspection February 29, 2008, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application and Request for a Certificate of Authority**

Makemie Ridge has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Makemie Ridge in West Chester, PA. The initial filing was received on February 15, 2008, and was made under the requirements set forth under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written

statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [sygerger@state.pa.us](mailto:sygerger@state.pa.us).

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-372. Filed for public inspection February 29, 2008, 9:00 a.m.]

**PATIENT SAFETY  
AUTHORITY**

**Public Meeting**

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority’s Board on Tuesday, March 11, 2008, 10:30 a.m. to be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 08-373. Filed for public inspection February 29, 2008, 9:00 a.m.]

**Reporting Requirements for Health Care Facilities under the Medical Care Availability and Reduction of Error (MCARE) Act**

*Purpose*

The purpose of this announcement is to give health care facilities final notice of their reporting requirements to the Patient Safety Authority (Authority) under the Medical Care Availability and Reduction of Error (MCARE) Act, Chapter 4, Health Care-Associated Infections. The reporting requirements presented in this notice were developed in consultation with the Department of Health (Department) and the Patient Safety Authority’s Health Care-Associated Infection (HAI) Advisory Panel.

*Background of Final Notice*

A public comment period for 30 days after publication of the first notice on December 22, 2007, resulted in the Authority receiving 14 public comments addressing 14 categories. A summary of the comments and responses are detailed as follows. The Authority has made changes as reflected in this document.

### *Reporting Requirements for Hospitals*

Hospitals are required to report HAIs to the Centers for Disease Control and Prevention (CDC) through its National Healthcare Safety Network (NHSN). The infections that are reportable include all CDC-defined event types and specific events. This is presented at the end of this notice as Exhibit A.

#### *Serious Event Reporting*

The occurrence of a CDC-defined HAI in a hospital is deemed to constitute a Serious Event as defined by the MCARE Act, § 302. If an infection meets the criteria for reporting to the NHSN, that infection shall be reported to the Authority as a Serious Event as required by Act 13 and Act 52, subject to the additional requirements as described in this notice.

Health care-associated infections reported through the NHSN are subject to the same patient notification requirements set forth by Act 13 for all Serious Events. For purposes of meeting the 24-hour reporting requirement for Serious Events set forth by Act 13, hospitals must submit reports of HAIs to the NHSN system and to the Authority within 24 hours of their confirmation. If confirmation of an HAI occurs over a weekend or recognized holiday, reports must be submitted by 5 p.m. on the next workday. In addition, Serious Event disclosure letters must be completed for all infections submitted through the NHSN, with the exception of asymptomatic bacteriuria.

#### *Reporting Other Events Related to Infection Control and Prevention*

Act 13 requires hospitals to submit not only reports of Serious Events but also Incidents and Infrastructure Failures. Under Act 13, reporting of Incidents and Infrastructure Failures is mandatory, and hospitals must continue reporting other events related to infection control and prevention that can be classified as Incidents or Infrastructure Failures through the Pennsylvania Patient Safety Reporting System (PA-PSRS).

Examples of Incidents might include, but would not be limited to:

- \* Failure to put an infected patient on the appropriate level of isolation precautions.
- \* Failure to use maximum barrier precautions when inserting a central line.
- \* Failure to periodically evaluate a catheterized patient's continued need for a catheter.
- \* Breach in sterile technique during surgery.

If the previous examples led to CDC-defined infections, they would be reportable in NHSN as Serious Events. If they did not lead to infections, they would be classified as Incidents and reported in PA-PSRS.

Examples of Infrastructure Failures might include, but would not be limited to:

- \* Contamination of sterile supplies due to a chemical leak that contaminates needed equipment.
- \* Unavailability of sterile supplies needed to implement isolation precautions on infected patients.
- \* Screening cultures on high-risk patients are prevented due to failure of critical lab equipment.

If the previous examples led to CDC-defined infections, they would be reportable in NHSN as Serious Events. If they did not lead to infections, they would be classified as Infrastructure Failures and reported in PA-PSRS.

### *Summary of Comments and Responses*

■ **Serious Event Reporting**—We received 8 comments regarding treatment of all CDC-defined infections as Serious Events. The comments noted that all infections are not of equal severity and not all infections should be considered Serious Events. Some comments in this group objected to the requirement for providing written notice to the patient, as is required for all Serious Events.

- *Act 52 of 2007 mandates that all CDC-defined HAIs be reported as Serious Events. The Act provides no discretion in this requirement. No changes have been made in response to these comments.*

■ **Reportable HAIs and Customization Requirements**—We received 10 comments on Reportable HAIs and Customization Requirements. The comments suggested that the data proposed for collection would not contribute to the elimination of HAIs, but rather, would create an additional burden for Infection Control Professionals.

- *The Authority developed uniform reporting requirements with the input of the Healthcare Associated Infection Advisory Panel per the requirements of Act 52 of 2007. The customization requirements are designed to collect data on best practices for infection prevention. The extent to which best practices were followed in the care of a patient who became infected may be of significance when determining the cause of an infection. While this does increase the reporting burden, if best practices are worth adopting, the Authority believes they are also worth monitoring. No changes have been made in response to these comments.*

■ **Reporting Requirements for Hospitals—Dialysis Incident**—We received 8 comments regarding "Exhibit A, which identifies Dialysis Incident as a required event type for reporting purposes. The Department of Health (DOH) notified hospital CEOs in a letter dated December 5, 2007 that a Dialysis Event is primarily out-patient and therefore, will not be required for hospitals."

- *We have deleted the category Dialysis Incident from Exhibit A.*

■ **CLABSI Event—Maximal Barriers**—We received 8 comments regarding Question 1. "Were maximal barrier precautions utilized during insertion of the central line, including hand hygiene, wearing a cap, mask, sterile gown and gloves?" The comments noted that "documentation in the medical records of maximal barrier usage is rare. Although many hospitals utilize checklists or insertion monitoring tools that may contain all or portions of the information, the burden of matching that document to the specific event would be time and resource consuming."

- *The elements of this question are based on the best practices defined in the IHI Central Line Bundle. For health care facilities that either have not adopted this IHI bundle or do not monitor performance of the bundle components, the Authority encourages them to do so. No changes have been made to Question 1.*

■ **CLABSI Event—Skin Asepsis**—We received 9 comments regarding Question 2. "Was chlorhexidine skin asepsis with antiseptic/detergent chlorhexidine 2% in 70% isopropyl alcohol utilized during insertion of the central line?" The comments noted that this question "did not allow for instances in which chlorhexidine may be contraindicated." Contraindications would include but not be limited to allergic reactions and use on infants less than 2 months of age.

○ *We have added an additional response category "4" [contraindicated] to Question 2 in response to these comments.*

■ **CLABSI Event—Line Necessity**—We received 9 comments regarding Question 3. "Was central line necessity evaluated daily and documented during the patient's hospitalization?" Comments noted that "central line medical necessity may be evaluated daily, but the evaluation is rarely documented by the physician, who holds ultimate responsibility for discontinuing the line."

○ *This question is based on a key component of the IHI Central Line Bundle. The question as phrased does not name the responsible party for documentation of line necessity. For health care facilities that either have not adopted this IHI bundle or do not monitor performance of the bundle components, the Authority encourages them to do so. No changes have been made to Question 3.*

■ **VAP Event—Head of Bed Elevation**—We received 10 comments regarding Question 1. "Was the head of the patient's bed elevated to between 30° and 45° at all times while the patient is receiving mechanically assisted ventilation?" Comments noted that "there is uncertainty that the head of bed can be elevated at all times due to necessary interventions requiring adjustment of the head of the patient's bed frequently throughout the day." In addition, the neonatal/pediatric population requires different head of bed elevation practices. Question 1 also fails to address contraindications to elevation of the head of bed in certain medical conditions.

○ *Question 1 has been changed. The phrase "at all times" was deleted. Pediatric elevation was added. An additional response category "4" [contraindicated/not applicable] was also added.*

■ **VAP Event—Daily sedation interruption, clinical contraindication, and readiness to extubate**—We received 8 comments regarding Question 2, 2a and 3. "Did the patient receive daily sedation interruption while the patient was receiving mechanically assisted ventilation?" "If the response to Question 2 is "no," was a daily sedation interruption clinically contraindicated?" The comments noted that "while all this information is readily noted on various nursing, medication and respiratory flow sheets, it is not noted on the patient's medical record, and would require consultation with Intensive Care personnel. A full review of various notes would be needed." In addition, it was noted that all 3 questions could be combined in one, per the IHI VAP bundle.

○ *The elements of these questions are based on the best practices defined in the IHI VAP Bundle. For health care facilities that either have not adopted this IHI bundle or do not monitor performance of the bundle components, the Authority encourages them to do so. Question 2 and 2a have been combined, and an additional category "4" [contraindicated/not applicable] has been added. A clause addressing patients on intermittent or non-sedation protocols has been added to this question. No changes have been made to Question 3.*

■ **CAUTI Event**—We received 9 comments regarding Question 1. "Was a daily assessment performed and documented of the necessity for continued catheterization?" The comments noted that "this documentation is not regularly collected, and hospitals will need time to improve documentation of this process measure."

○ *The Authority wishes to collect this data for the purpose of monitoring best practices. Standardizing*

*data collection practice is warranted to meet this goal. No changes have been made to Question 1.*

■ **SSI Event**—We received 9 comments regarding Question 1. "Was a prophylactic antibiotic received within 1 hour prior to surgical incision (or within 2 hours of surgical incision if the patient received vancomycin or fluoroquinolone) for a patient who has undergone any of the following procedures?" The comments noted that "this information is currently collected under CMS SCIP reporting requirements and represents duplicate reporting." In addition, comments were received regarding removal of colon and vascular surgery from Question 1.

○ *The Authority wishes to collect this data for the purpose of monitoring best practices. The Authority will continue to require a response to Question 1.*

■ **Reporting Requirements for Nursing Homes**—We received 8 comments which reflected that "The CDC definitions were not designed to be applied to HAI surveillance activities in the nursing home resident population. Forcing nursing homes to utilize the CDC definitions has the potential to result in underreporting. It is recommended that other HAI definitions for this population be explored."

○ *Separate definitions are being drafted for Nursing Homes based on CDC definitions. This includes the use of McGeer criteria, which are based on CDC criteria but are more applicable to nursing homes. They will be published in a separate Public Notice in the future.*

■ **Phasing-in Reporting Requirements**—We received 3 comments suggesting that reporting requirements should be phased in over time. In addition, it was suggested that "The Department of Health begin with benchmarking and after data is collected, the Authority should create customized questions based on the results." It was also suggested that "the Authority pilot each module before mandating them."

○ *While these suggestions were taken under advisement, no changes have been made to the reporting requirements.*

#### *Reportable HAIs and Customization Requirements*

The Authority would like to avoid duplicate reporting of HAIs as a Serious Event to both PA-PSRS and the NHSN system. HAIs reported through the NHSN will not need to be reported through PA-PSRS as long as a reporting facility customizes the NHSN Data Collection Forms for several types of infections. The required customization is defined as follows. Until a facility customizes NHSN as described herein and answers the additional questions required by the Authority, the facility must continue to report HAIs as Serious Events through PA-PSRS. Please note, not every infection type requires customized questions—only those indicated as follows. However, once this condition is met, all CDC-defined infections do not need to be entered into PA-PSRS if they are entered timely into NHSN.

Detailed instructions for how to create custom fields for CDC-defined events may be found in the NHSN Online Manual, which can be accessed by clicking "Help" while logged onto NHSN. Once the Online Manual is accessed, go to the table of contents on the left and refer to Patient Safety Component>How to>Custom Options. In addition, the HAI customization fact sheet released by the Authority to hospital Patient Safety Officers on January 23, 2008, is a step-by-step guide to customizing fields.

For each CDC-defined infection event type, select the appropriate form and modify the custom fields as instructed. For each custom field to be modified, we provide the following information:

\* The question to be answered.

\* The custom field label before modification, which identifies which field to edit or customize.

\* The customized field label, which is the short label that will display on the screen when completing an infection report.

\* Response categories, in the format of (“1” [yes]) where the text in quotations (“1”) is the text to be typed when completing an infection report, and where the text in brackets ([yes]) is the meaning of the text to be typed. Only numbers are to be entered. Do not type the quotation marks, brackets, or words.

#### *Device Associated Module*

##### *Form 1: Choose CDC defined event “BSI” to customize for Central Line-Associated Bloodstream Infection (CLABSI) Event*

Question 1: Were maximal barrier precautions utilized during insertion of the central line, including hand hygiene, wearing a cap, mask, sterile gown and gloves?

Field Label Before Modification: Alphanumeric, Label 7

Customized Field Label: maximal barrier

Response categories: “1” [yes]; “2” [no]; “3” [unknown]

Question 2: Was chlorhexidine skin asepsis with antiseptic/detergent chlorhexidine 2% in 70% isopropyl alcohol utilized during insertion of the central line?

Field Label Before Modification: Alphanumeric, Label 8

Customized Field Label: skin asepsis

Response categories: “1” [yes]; “2” [no]; “3” [unknown]; “4” [contraindicated]

Question 3: Was central line necessity evaluated daily and documented during the patient’s hospitalization?

Field Label Before Modification: Alphanumeric, Label 9

Customized Field Label: line necessity

Response categories: “1” [yes]; “2” [no]; “3” [unknown]

Question 4: [Reserved]

Field Label Before Modification: Alphanumeric, Label 10

Customized Field Label: [Reserved—Customization not required at this time]

Response categories: [Reserved—Customization not required at this time]

##### *Form 2: Choose CDC defined event “PNEU” to customize for Ventilator-Associated Pneumonia (VAP) Event*

Question 1: Was the head of the patient’s bed elevated to between 30° and 45° (adults) or 15° and 30° (pediatrics) while the patient was receiving mechanically assisted ventilation?

Field Label Before Modification: Alphanumeric, Label 6

Customized Field Label: hob elevated

Response categories: “1” [yes]; “2” [no]; “3” [unknown]; “4” [contraindicated/not applicable]

Question 2: Did the patient receive a daily sedation interruption while the patient was receiving mechanically assisted ventilation? Enter response category 4,

“contraindicated/not applicable” for patients on intermittent sedation or non-sedation protocols.

Field Label Before Modification: Alphanumeric, Label 7

Customized Field Label: sedation interr

Response categories: “1” [yes]; “2” [no]; “3” [unknown]; “4” [contraindicated/not applicable]

Question 2a deleted as category “4” previously was added to address “contraindicated”

Question 3: Was a daily assessment of readiness to extubate performed and documented?

Field Label Before Modification: Alphanumeric, Label 9

Customized Field Label: assess extubate

Response categories: “1” [yes]; “2” [no]; “3” [unknown]

Question 4: [Reserved]

Field Label Before Modification: Alphanumeric, Label 10

Customized Field Label: [Reserved—Customization not required at this time]

Response categories: [Reserved—Customization not required at this time]

##### *Form 3: Choose CDC defined event “UTI” to customize for Catheter-Associated Urinary Tract Infection (CAUTI) Event*

Question 1: Was a daily assessment performed and documented of the necessity for continued catheterization?

Field Label Before Modification: Alphanumeric, Label 9

Customized Field Label: cath necessity

Response categories: “1” [yes]; “2” [no]; “3” [unknown]

Question 2: [Reserved]

Field Label Before Modification: Alphanumeric, Label 10

Customized Field Label: [Reserved—Customization not required at this time]

Response categories: [Reserved—Customization not required at this time]

#### *Procedure-Associated Module*

##### *Form 4: Surgical Site Infection (SSI) Event*

Question 1: Was a prophylactic antibiotic received within 1 hour prior to surgical incision (or within 2 hours of surgical incision if the patient received vancomycin or fluoroquinolone) for a patient who has undergone any of the following procedures:

\* CBGB, CBGC, cardiac surgery

\* hip arthroplasty

\* knee arthroplasty

\* abdominal hysterectomy

\* colon surgery

\* vascular surgery—AAA (ICD.9 procedure codes 38.34, 38.44, 38.64) and PVBY (ICD.9 procedure code 39.29)

Field Label Before Modification: Alphanumeric, Label 9

Customized Field Label: antibiotics rec

Response categories: “1” [yes]; “2” [no]; “3” [unknown]; “4” [not applicable because patient did not have one of the listed procedures]

Question 2: [Reserved]

Field Label Before Modification: Alphanumeric, Label 10

Customized Field Label: [Reserved—Customization not required at this time]

Response categories: [Reserved—Customization not required at this time]

*Reporting Requirements for Nursing Homes*

Nursing homes are required to electronically report patient-specific health care-associated infection data to the Authority and the Department using Nationally recognized standards based on CDC definitions. The time and format is to be determined by the Authority and the Department. The Authority and the Department anticipate that uniform reporting requirements for Nursing Homes will be determined by the summer of 2008.

Persons with a disability who require an alternative format of this notice (for example large print, audio tape or Braille) should contact the PA-PSRS help desk at (866) 316-1070.

*Exhibit A. Reportable HAIs (CDC Defined Event Types and Specific Events)*

*BSI—Bloodstream Infection*

LCBI—Laboratory-confirmed bloodstream infection  
CSEP—Clinical sepsis

*PNEU—Pneumonia*

PNU1—Clinically defined pneumonia  
PNU2—Pneumonia with common bacterial or filamentous fungal pathogens and specific laboratory findings  
PNU2—Viral, *Legionella* and other bacterial pneumonias with definitive laboratory findings  
PNU3—Pneumonia in immunocompromised patients

*SSI—Surgical Site Infection*

SIP—Superficial incisional primary  
SIS—Superficial incisional secondary  
DIP—Deep incisional primary  
DIS—Deep incisional secondary  
Organ/Space

*UTI—Urinary Tract Infection*

ASB—Asymptomatic bacteriuria  
SUTI—Symptomatic urinary tract infection  
OUTI—Other infections of the urinary tract

*BJ—Bone and Joint Infection*

BONE—Osteomyelitis  
JNT—Joint or bursa  
DISC—Disc space

*CNS—Central Nervous System Infection*

IC—Intracranial infection  
MEN—Meningitis  
SA—Spinal abscess without meningitis

*CVS—Cardiovascular System Infection*

VASC—Arterial or venous infection  
ENDO—Endocarditis  
CARD—Myocarditis or pericarditis  
MED—Mediastinitis

*EENT—Eye, Ear, Nose, Throat or Mouth Infection*

CONJ—Conjunctivitis  
EYE—Other than Conjunctivitis  
EAR—Mastoid  
ORAL—Cavity (mouth, tongue or gums)  
SINU—Sinusitis  
UR—Upper respiratory tract, pharyngitis, laryngitis, epiglottitis

*GI—Gastrointestinal System Infection*

GE—Gastroenteritis  
GIT—GI tract  
HEP—Hepatitis  
IAB—Intraabdominal, not specified elsewhere  
NEC—Necrotizing enterocolitis

*LRI—Lower Respiratory Tract Infection, other than Pneumonia*

BRON—Bronchitis, tracheobronchitis, tracheitis, without evidence of pneumonia  
LUNG—Other infections of the lower respiratory tract

*REPR—Reproductive Tract Infection*

EMET—Endometritis  
EPIS—Episiotomy  
VCUF—Vaginal cuff  
OREP—Other infections of the male or female reproductive tract

*SST—Skin and Soft Tissue Infection*

SKIN—Skin  
ST—Soft tissue  
DECU—Decubitus ulcer  
BURN—Burn infection  
BRST—Breast abscess or mastitis  
UMB—Omphalitis  
PUST—Infant pustulosis  
CIRC—Newborn circumcision

*SYS—Systemic Infection*

DI—Disseminated infection (not to be confused with DI [Dialysis Incident])

MICHAEL E. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 08-374. Filed for public inspection February 29, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Service Procurement, Implementation and Contingency Plan

**P-2008-2022931. UGI Utilities, Inc.—Electric Division.** Petition of UGI Utilities, Inc.—Electric Division, for Expedited approval of a Default Service Procurement, Implementation and Contingency Plan.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided directly to the Administrative Law Judge, on or before March 17, 2008. The documents filed in support of the petition 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 petitioner's business address.

*Applicant:* UGI Utilities, Inc.—Electric Division

*Through and By Counsel:* Michael W. Hassell, Esquire, Anthony D. Kanagy, Esquire, Post and Schell, P.C., 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

**Petition of UGI Utilities, Inc.—Electric Division**

For Expedited Approval of a Default Service Procurement, Implementation and Contingency Plan.

**Notice**

A prehearing conference on the previously-captioned case will be held as follows:

**Type:** Initial Prehearing Conference  
**Date:** Friday, March 28, 2008  
**Time:** 10 a.m.  
**Location:** Hearing Room 2  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120  
**Presiding:** Administrative Law Judge  
 Kandace F. Melillo  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265  
 (717) 783-5452  
 Fax (717) 787-0481

If you are a person with a disability, and you wish to attend the prehearing, the Commission may be able to make arrangements for your special needs. Call the scheduling office at the Pennsylvania Public Utility Commission at least 2 business days prior to your hearing:

**Scheduling Office:** (717) 787-1399, AT&T Relay Service number for persons who are deaf or hearing-impaired (800) 654-5988

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-375. Filed for public inspection February 29, 2008, 9:00 a.m.]

**Ratification Order**

Public Meeting held  
 February 14, 2008

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

*Petition for Emergency Relief of the Pennsylvania Taxi and Paratransit Association; P-2008-2013624*

**Ratification Order**

*By the Commission:*

On January 14, 2008, Chairman Wendell F. Holland issued an Emergency Order (EO), pursuant to our regulations at 52 Pa. Code § 3.3.<sup>1</sup> ("Attachment A"). The EO was issued in response to the Petition for Emergency Relief filed by the Pennsylvania Taxi and Paratransit Association (PTPA) on January 10, 2008. In its Petition, PTPA alleged that due to a change in the utility groupings and consequent change in assessment factors used by the Commission, its member assessments have increased by approximately 320%, creating a financial hardship on its members. PTPA requested an installment payment plan, rate relief, or any other relief the Commission deems appropriate.

<sup>1</sup> A copy of the January 14, 2008 Emergency Order is attached.

In response to the PTPA Petition, Chairman Holland issued an EO which provided for an installment payment plan for motor carriers of passengers and railroads, if the utility so chooses. Additionally, the EO authorized motor carriers of passengers to add a temporary 1% surcharge to the final amount of each fare, with further guidance on the surcharge to be provided in this Ratification Order. Finally the EO directed the Commission's Fiscal Office to issue supplemental notices of assessment to each transportation utility, with the Commission accepting objections filed within 15 days of the supplemental notice as timely filed objections.<sup>2</sup>

By way of background, at the public meeting held August 8, 2007, the Commission determined the total amount to be assessed on all public utilities (\$49.5 million) for Fiscal Year 2007/08, and approved assessment factors for all public utilities except for transportation utilities, pending further review of how utilities in the transportation industry should be grouped. The Fiscal Office subsequently issued assessment bills to all fixed public utilities; however, no assessment bills were issued for the transportation portion of Commission budget (\$9.4 million).

At the public meeting held November 8, 2007, after further internal review, the Commission approved assessment factors for transportation utilities based on the use of three (3) utility groups in order to reflect more accurately the costs of regulation attributable to each group providing the same type of service.<sup>3</sup> The utility groups used were: passenger motor carriers, property motor carriers, and railroads. The Fiscal Office then used these factors to calculate assessment bills for individual utilities and sent out notices of assessment and invoices by registered mail.<sup>4</sup>

Pursuant to section 510(c), 66 Pa.C.S. § 510(c), receipt of the notice of assessment triggers the utility's obligation to pay the amount assessed within 30 days, and the utility's right to file objections within 15 days and the Commission's obligation to hold hearings on any timely filed objections. As such, the statutory scheme provides for due process hearings regarding the amount of an assessment only after the assessment invoice has been received. In addition, the statutory scheme does not excuse the utility's obligation to pay the amount assessed while objections are pending. Rather, the amount assessed is subject to reconciliation and refund if the utility's objection is sustained in whole or in part by the Commission or on judicial review.

In general, the result of using three utility groups for the transportation industry has lowered the assessments for property motor carriers and substantially increased the assessments for passenger carriers and railroads. Numerous objections have been filed by passenger motor carriers and railroads challenging their increased assessments. In addition, we have received letters from the Keystone State Railroad Association (KSRRA), the leadership of the Senate and House Transportation Committees, and the leadership of the Senate Consumer Protection and Professional Licensure Committee and House Con-

<sup>2</sup> Issuance of the supplemental assessment notices was delayed pending this ratification of the emergency order.

<sup>3</sup> Section 510(f) provides as follows: "It is the intent and purpose of [Section 510] that each public utility subject to [the Public Utility Code] shall advance to the commission its reasonable share of the cost of administering [the Public Utility Code]." 66 Pa.C.S. § 510(f).

<sup>4</sup> Assessment invoices were not mailed to property carriers who provided information to the Fiscal Office adequate to verify their coverage under the federal Uniform Carrier Registration (UCR) Act and its preemptive provisions regarding state fees and assessments. 49 U.S.C. § 14504a. However, the Commission anticipates that it will be made whole for its costs for regulating these property carriers by Pennsylvania's participation in the UCR program effective January 1, 2008.

sumer Affairs Committee raising issues of notice and urging us to, inter alia, maintain the single group approach until there has been a full opportunity for all stakeholders to address this issue.

At the public meeting held January 24, 2008, the Commission delayed ratification of the emergency order in order to provide more time to consider these important issues. Upon further consideration of these issues, the Commission will, by this Ratification Order, take action that will provide an open forum in which interested stakeholders can address equitable allocation of the Commission's costs of regulating the transportation industry, will hold the amount of assessment due to 1/3 of the amount currently assessed, and will result in a final adjudication on the allocation issue before any further assessment payments are due.

In particular, the Commission will refer all timely filed objections to the Office of Administrative Law Judge (OALJ) for hearing and decision.<sup>5</sup> In addition, the Commission will direct OALJ to convene, on March 19, 2008, an on-the-record technical conference regarding transportation assessments, at which any interested person may participate by way of comments and/or sworn testimony. The Fiscal Office and interested parties will be required to file their comments or testimony in advance on or before March 14, 2008; at the technical conference, the participants will be organized into panels for purposes of making presentations to the Commission and will be subject to questions from the Commissioners.

Thereafter, OALJ will assign an ALJ who will hold such further evidentiary hearings as may be necessary to address and resolve any generic issues regarding transportation assessments (such as, utility groupings, computation of direct hours, etc.) raised in the technical conference and individual objections, and may assign other ALJs to address utility-specific issues (such as, intrastate revenues, timeliness of objections, etc.). The ALJ assigned to handle the technical conference and generic issues will schedule any further hearings, as necessary, and establish a briefing schedule that will enable the Commission to render a final adjudication on allocation of the transportation assessments by the public meeting scheduled for June 12, 2008.<sup>6</sup>

By this procedure, the Commission will have, in effect, delayed the normal due date for assessment payments by six (6) months and has opened up the process of determining the cost allocations and utility groupings to affected parties before any substantial increase becomes due. Thus, the Commission will render a final appealable order regarding the allocation of transportation assessments on or before June 12, 2008, which is before any subsequent assessment installment payment would be due.<sup>7</sup>

Pursuant to our regulations at 52 Pa. Code § 3.3, it is necessary for the full Commission to ratify an Emergency Order. After due consideration of the issues associated with this matter, we hereby adopt and ratify Chairman Holland's January 14, 2008 EO, as modified herein. The Commission will provide an installment payment plan, a temporary 1% surcharge for passenger carriers, and re-issuance of the assessment invoices. In addition, the Commission will convene a technical conference on trans-

portation assessments, to provide an open forum for all stakeholders, and schedule subsequent hearings to resolve all generic issues by the public meeting of June 12, 2008.

As indicated in the EO, we will also provide further guidance for the implementation of the 1% surcharge. The 1% surcharge is voluntary, left to the discretion of the carrier. If a carrier chooses to implement the surcharge, it may do so beginning March 1, 2008. The 1% surcharge is temporary, and will expire on March 1, 2009. Carriers wishing to continue the surcharge beyond March 1, 2009, must timely file a tariff revision with the Commission during the pendency of the temporary surcharge. Scheduled route, airport transfer, and paratransit carriers may include the 1% surcharge on each paying customer's fare for a particular trip. Limousine and group and party (15 passengers or less) carriers may add 1% to the total transportation charge billed. Finally, call or demand carriers may collect the 1% surcharge by either (1) adding a flat 1% surcharge to the total bill; or (2) recalibrating the meter to reflect the 1% surcharge.

The Commission appreciates the concerns raised regarding notice and the amount of the assessments billed for Fiscal Year 2007/08. While we are not, at this time, revising the amounts assessed, we are providing an open forum to address these concerns and a hearing schedule that can provide relief, if warranted by the facts and law, before the major portions of the increased assessments for passenger carriers and railroad are due; *Therefore,*

*It is Ordered That:*

1. The Emergency Order issued on January 14, 2008, and appended hereto as "Attachment A," is hereby ratified, as modified herein.
2. An installment payment plan for motor carriers of passengers and railroads is granted for payment of the 2007/08 Commission assessment. Motor carriers of passengers and railroads may pay their 2007/08 assessments in three (3) equal installments of 1/3 of the total assessment amount.
  - (a) If a carrier chooses this option, the first payment is due on March 17, 2008. Depending upon the outcome of the generic hearing regarding transportation assessments, the second payment is tentatively due on or before June 20, 2008, and the third payment is tentatively due on or before September 15, 2008.
  - (b) If the utility does not elect the installment plan, the total amount assessed will be due on or before March 17, 2008.
  - (c) Filing an objection does not eliminate a public utility's obligation to pay its assessment on the due dates permitted by this order.
3. Motor carriers of passengers are authorized to add a temporary 1% surcharge onto the final amount of each fare, as described in the body of this Ratification Order.
4. The Fiscal Office shall issue supplemental notices of assessments to motor carriers of passengers and railroads. The Commission will accept objections filed within 15 days of the supplemental notices as timely filed objections.
5. A "Generic Investigation Regarding Transportation Assessment" be initiated at Docket No. I-2008-2022003 to address and resolve common issues regarding transportation assessments and that this proceeding be assigned to the Office of Administrative Law Judge (OALJ) for hearing and decision.

<sup>5</sup> The objections will be consolidated for hearing purposes to the extent practicable.

<sup>6</sup> In order to participate in these further hearings, the person must have filed a timely objection or a petition to intervene which has been granted. The Fiscal Office shall have automatic standing to participate.

<sup>7</sup> In this ratification order we are revising the due date for the second installment payment to June 20, 2008 to allow more time between the Commission's final order and the second installment.



6. OALJ shall convene, on March 19, 2008, a technical conference regarding transportation assessments, at which any interested person may participate by way of comments and/or sworn testimony. An original and 9 copies of any comments and/or sworn testimony must be pre-filed on or before March 14, 2008, and be addressed to Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265 and reference Docket No. I-2008-2022003.

7. OALJ shall assign an ALJ who will hold such further hearings as may be necessary to address and resolve any generic issues regarding transportation assessments and may assign other ALJs to address utility-specific issues. Petitions to intervene in the generic issues proceeding must be filed on or before March 10, 2008; the initial pre-hearing conference is scheduled for March 14, 2008.

8. All assessment amounts paid are subject to reconciliation, refund and/or reassessment as may be directed by the Commission's final order following the technical conference and evidentiary hearings.

9. The letters filed by the Keystone State Railroad Association, the leadership of the Senate and House Transportation Committees, and the leadership of the Senate Consumer Protection and Professional Licensure Committee and House Consumer Affairs Committee shall be made a part of the record in the technical conference and generic hearings.

10. A copy of this Ratification Order be served on the PA Taxi and Paratransit Association, the Keystone State Railroad Association, the PA Motor Truck Association, and all utilities that have filed objections, and that notice of this order be published in the Pa. Bulletin and on the Commission's web site.

JAMES J. MCNULTY,  
*Secretary*

### Emergency Order

On January 10, 2008, the Pennsylvania Taxi and Paratransit Association (PTPA) filed a Petition for Emergency Relief with the Commission. In its petition, the PTPA alleges that it is a duly organized association whose members are taxi, limousine and paratransit operators licensed to operate within the Commonwealth of Pennsylvania and are regulated by the Commission. The PTPA alleges that on or about January 2, 2008, most, but not all of its members, received annual assessment invoices from the Commission for their 2007-2008 assessments. Payment of the assessment is due within 30 days of receipt of the invoice.

PTPA alleges that due to a change in the utility groupings and assessment factors used by the Commission, the assessments billed to its members have increased by approximately 320%. PTPA states that this significant increase has created a financial hardship on its members. PTPA requests an installment payment plan, rate relief, or any other relief the Commission deems appropriate.

At its public meeting held November 8, 2007, the Commission approved assessments factors for the transportation industry based on three (3) utility groups: motor carriers of property, motor carriers of passengers and railroads. This grouping is consistent with prior Commission treatment of these utility groups for assessment purposes and reflects more accurately the costs of regulation attributable to transportation utility groups providing the same kind of service. Based on the Commission

approved assessment factors, the Fiscal Office then calculated the assessment bill for individual utilities, in accordance with the statutory formula, and mailed assessment notices and invoices of transportation utilities.

The Commission recognizes that the assessments charged to motor carriers of passengers and railroads have increased significantly over the prior year's assessments. And while the statutory scheme provides for after the fact hearings on timely filed objections, the amount billed must be paid within 30 days of the assessment notice and invoice, unless the Commission provides otherwise. In response to this increase, the Commission has been apprised by numerous motor passenger carriers, beyond PTPA, and railroads that immediate payment of the assessment is unduly burdensome due to the magnitude of the increase and the inability to prepare for such an increase.

Consistent with 66 Pa.C.S. § 510(c), the assessment notices and invoices notified the utilities, inter alia, that payment of the assessment was due within 30 days of receipt of the invoice. In light of the significant increase and the limited ability of the utilities to budget for same, I find an emergency situation exists, as defined at 52 Pa. Code § 3.1. Accordingly, I will order that the Commission allow motor carriers of passengers and railroads to pay their 2007-2008 assessments in three (3) equal installments of 1/3 each of the total assessment amount. If a carrier chooses this option, the first payment is due on March 15, 2008. The second payment is due on or before June 15, 2008. The third payment is due on or before September 15, 2008. Otherwise, the total amount assessed will be due on or before March 15, 2008.

This action does not diminish the assessment obligations owned by these utilities, as set forth in their invoices but, rather, aids these transportation utilities in meeting their assessment obligations.

Additionally, I believe that an opportunity for immediate rate relief is warranted under these circumstances. The additional assessment amount required to be paid by motor carriers of passengers is substantial and undisputed, and is equal to 1% of each carriers' intrastate gross revenues.<sup>1</sup> I authorize motor carriers of passengers to add a temporary surcharge onto the final amount of each fare in order to bridge this revenue shortfall necessitated by the assessment. Further guidance on the effective date and mechanics of implementing the temporary surcharge will be provided in the Commission's January 24, 2008 ratification order.

Finally, I note that the assessment notice and invoices were mailed by the Fiscal Office during the year end holidays and that this may have adversely affected the ability of some carriers to exercise their right to file timely objections under the statute. In order to maximize the opportunity of carriers to challenge their assessments and have a hearing on their claims, I will direct the Fiscal Office to issue supplemental notices of assessment to each transportation utility. The Commission will accept objections filed within 15 days of the supplemental notice as timely filed objections; *Therefore,*

*It is Ordered That:*

1. The Petition for Emergency Relief filed by PTPA is granted consistent with this emergency order.

<sup>1</sup> Each utility's assessment is the product of the Commission-approved assessment factor, based on direct and indirect hours allocated to industry groups, and the utility's gross intrastate revenues from the prior calendar year, as reported to the Commission pursuant to Section 510(b). The assessment factor for passenger motor carriers increased from 0.002955350699 for fiscal year 2006-07 to 0.013160906903 for fiscal year 2007-08, which equates to an increase of approximately 1% of each carrier's gross intrastate revenues.

2. An installment payment plan for motor carrier of passengers and railroads is hereby granted for payment of the 2007-2008 Commission assessments. Motor carriers of passengers and railroads may pay their 2007-2008 assessments in three (3) equal installments of 1/3 of the total assessment amount. If a carrier chooses this option, the first payment is due on March 15, 2008. The second payment is due on or before June 15, 2008. The third payment is due on or before September 15, 2008. Otherwise, the total amount assessed will be due on or before March 15, 2008.

3. Motor carriers of passengers are authorized to add a temporary 1% surcharge onto the final amount of each fare; further guidance regarding implementation of the temporary surcharge will be provided in the January 24, 2008 ratification order.

4. The Fiscal Office shall issue supplemental notices of assessment to each transportation utility; the Commission will accept objections filed within 15 days of the supplemental notice of timely filed objections.

WENDELL F. HOLLAND,  
*Chairperson*

[Pa.B. Doc. No. 08-376. Filed for public inspection February 29, 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 17, 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-2008-2019757. (Corrected) 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.

**A-2008-2020265. Walter E. Gaul, Jr.** (4742 Route 210 Highway, Smicksburg, Indiana County, PA 16256)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Armstrong, Indiana and Jefferson Counties, to points in Pennsylvania, and return.

**A-2008-2021063. Glamourous Limousine, LLC** (870 North Kearney Street, Allentown, Lehigh County, PA 18109)—in limousine service, from points in Lehigh and Northampton Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Matthew T. Croslist, 532 West Walnut Street, Allentown, PA 18101.

**A-2008-2022138. Amish Farm and House, LLC** (2395 Covered Bridge Drive, Lancaster, Lancaster County, PA 17602)—a limited liability corporation of the State of Delaware—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, within Lancaster County. *Attorney:* Steven K. Haas, 100 North 10th Street, Harrisburg, PA 17101.

### 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-00121551. Application of Luxury Limousine of Harrisburg, LLC** (3990 Paxton Street, Harrisburg, Dauphin County, PA 17112), a limited liability company of the Commonwealth, for an amendment to its common carrier certificate, which grants the right to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in the Counties of Dauphin, York, Cumberland and Lancaster, and from points in said counties, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority: *So as to permit* the transportation of persons, in limousine service, from points in the Counties of Perry, Lebanon, Franklin, Berks, Lehigh, Chester, Schuylkill and Adams, to points in Pennsylvania, and return. *Attorney:* Hawke, McKeon, Sniscak & Kennard, LLP, 100 North 10th Street, P. O. Box 1718, Harrisburg, PA 17105.

**A-2008-2019683. 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 Township of West Norriton and the Borough of Norristown, Montgomery County. *Attorney:* Steven K. Bainbridge, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601.

**A-2008-2020946. WGM Transportation, Inc.** (9074 Franklin Hill Road, East Stroudsburg, Monroe County, PA 18301)—a corporation of the Commonwealth, for amendment to its common carrier certificate. *So as to permit* the transportation of persons, in paratransit service, from points in Monroe and Pike Counties, to points in Pennsylvania.

### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers* for the transportation of *household goods* as described under each application.

**A-00116440. Discount Movers, Inc., t/a SBI/Discount Movers, Inc.** (P. O. Box 789, Manchester, MD 21102)—a corporation of the State of Maryland, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of York, Adams and Lancaster, to points in Pennsylvania and return.

**A-2008-2019988. Connolly Options, LLC, t/a Two Men and a Truck** (340 Springhouse Lane, West Chester, Chester County, PA 19380), a limited liability company of the Commonwealth—begin right to transport, by motor vehicle, household goods in use, from that portion of Chester County bounded on the north by Route 30, to points in Pennsylvania, and vice versa.

**Application of the following for approval of the beginning of the exercise of the right and privilege of Applications of the following for approval to begin operating as contract carriers for transportation of persons as described under each application.**

**A-2008-2021427. Shakia Priester, t/a Sure Ride Paratransit Company** (4740 North 12th Street, Philadelphia, Philadelphia County, PA 19141-3406)—persons from points in the Counties of Philadelphia, Delaware and Montgomery, to points in Pennsylvania, and return, for Logisticare.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-377. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Telecommunications

**A-311191F7001. Verizon North, Inc. and BullsEye Telecom, Inc.** Joint petition of Verizon North, Inc. and BullsEye Telecom, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and BullsEye Telecom, Inc., by its counsel, filed on February 8, 2008, at the Pennsylvania Public Utility Commission, a joint petition for approval of amendment no. 1 to the 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 BullsEye 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. 08-378. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Telecommunications

**A-311322F7001. Verizon North, Inc. and CommPartners, LLC.** Joint petition of Verizon North, Inc. and CommPartners, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and CommPartners, LLC, by its counsel, filed on February 8, 2008, at the Pennsylvania Public Utility Commission, a joint petition for approval of amendment no. 1 to the 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 CommPartners, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-379. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Telecommunications

**A-311191F7000. Verizon Pennsylvania, Inc. and BullsEye Telecom, Inc.** Joint petition of Verizon Pennsylvania, Inc. and BullsEye Telecom, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and BullsEye Telecom, Inc., by its counsel, filed on February 8, 2008, at the Pennsylvania Public Utility Commission, a joint petition for approval of amendment no. 1 to the 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 BullsEye 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. 08-380. Filed for public inspection February 29, 2008, 9:00 a.m.]

### Telecommunications

**A-311322F7000. Verizon Pennsylvania, Inc. and CommPartners, LLC.** Joint petition of Verizon Pennsylvania, Inc. and CommPartners, LLC for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and CommPartners, LLC, by its counsel, filed on February 8, 2008, at the Pennsylvania Public Utility Commission, a joint petition for approval of amendment no. 1 to the 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 CommPartners, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-381. Filed for public inspection February 29, 2008, 9:00 a.m.]

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### Telecommunications

**A-311262F7000. Verizon Pennsylvania, Inc. and First Communications, LLC.** Joint petition of Verizon Pennsylvania, Inc. and First Communications, LLC for approval of an amended, extended and restated interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and First Communications, LLC, by its counsel, filed on January 29, 2008, at the Pennsylvania Public Utility Commission, a joint petition for approval of an amended, extended and restated 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 First Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-382. Filed for public inspection February 29, 2008, 9:00 a.m.]

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### Telecommunications

**A-311449F7000. Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc.** Joint petition of Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and RNK Pennsylvania, Inc., by its counsel, filed on February 8, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the 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 RNK Pennsylvania, 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. 08-383. Filed for public inspection February 29, 2008, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v. Quang N. Huynh, t/d/b/a Lisa Nail Salon; Doc. No. 0182-45-2008**

On January 28, 2008, Quang N. Huynh, t/d/b/a Lisa Nail Salon, of Minersville, Schuylkill County, had her license suspended for failing to obey a previously issued 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. 08-384. Filed for public inspection February 29, 2008, 9:00 a.m.]

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**Bureau of Professional and Occupational Affairs v. Nasser Mahmud; Doc. No. 2526-54-2007**

On December 26, 2007, Nasser Mahumd, Pennsylvania license no. RP-043242, of Beltsville, MD, was suspended under the Order of the Court of Common Pleas of Montgomery County dated December 7, 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 Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-385. Filed for public inspection February 29, 2008, 9:00 a.m.]

# STATE CONSERVATION COMMISSION

## Special Meeting

The State Conservation Commission (Commission) will hold a special meeting on March 13, 2008, at 9 a.m. in the VIP Room of the Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA 17110, to act on the David and Eric Gemmill nutrient management plan, a hog farm operation in Delta, PA, York County. Access to the proposed nutrient management plan is available at the Commission Office, 2301 North Cameron Street, Room 407, Harrisburg, PA 17110 between 8 a.m. to 4 p.m., Monday through Friday. Written comments regarding the proposed nutrient management plan must be provided to the Commission at least 7 days prior to the March 13th meeting. The public will be provided an opportunity at the March 13th meeting to provide verbal comments to the Commission in relation to the proposed nutrient management plan. Anyone planning to provide verbal comment at the March 13th meeting is asked to contact the Commission at least 1 day prior to the meeting so you can be registered to provide comment. The Dave and Eric Gemmill operation currently has a CAFO NPDES permit application in with the Department of Environmental Protection, and any approved nutrient management plan for this operation will become part of the CAFO permit application.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-386. Filed for public inspection February 29, 2008, 9:00 a.m.]

# SUSQUEHANNA RIVER BASIN COMMISSION

## Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 1 p.m. on March 13, 2008, at the Bedford Springs Resort, P. O. Box 639, Bedford, PA. At the public hearing, the Commission will consider: 1) a request for an administrative hearing; 2) approval of certain water resources projects, including one enforcement action and several diversions into and out of the basin for pipeline testing; and 3) a separate rescission of an existing docket approval. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0423, Ext. 301, fax (717) 238-2436, ddickey@srbc.net.

### *Supplementary Information*

In addition to the public hearing and its related action items identified, the business meeting also includes the following items on the agenda: 1) a special presentation on the Bedford Springs Resort renovation project; 2) a report on the present hydrologic conditions of the basin;

3) authorization to release for public comment a proposed increase of the consumptive use fee from its current level of 14 cents per 1,000 gallons of water consumed to 28 cents per 1,000 gallons consumed with an annual CPI adjustment; 4) a Consumptive Use Mitigation Plan; 5) the 2008 Water Resources Program; 6) adjustments in the Fiscal Year 2009 Budget; and 7) approval of various grants and contracts.

### *Public Hearing—Request for Administrative Hearing*

1. Project Sponsor: East Hanover Township, Dauphin Co., PA re: December 5, 2007, Commission approval of a consumptive use for Mountainview Thoroughbred Racing Association, Inc.

### *Public Hearing—Projects Scheduled for Action*

1. Project Sponsor and Facility: Cooperstown Dreams Park, Inc., Town of Hartwick, Otsego County, NY. Modification of consumptive use and surface water withdrawal approval (Doc. No. 20060602).

2. Project Sponsor and Facility: Millennium Pipeline Company, LLC (Chenango River) Towns of Chenango and Fenton, Broome County, NY. Application for surface water withdrawal of 2.480 mgd.

3. Project Sponsor and Facility: Millennium Pipeline Company, LLC (Susquehanna River); Town of Windsor; Broome, Tioga and Chemung Counties, NY. Application for surface water withdrawal of 4.130 mgd.

4. Project Sponsor and Facility: Millennium Pipeline Company, LLC (Newtown Creek) Town of Horseheads, Chemung County, NY. Application for surface water withdrawal of 2.150 mgd.

5. Project Sponsor and Facility: Millennium Pipeline Company, LLC (Cayuta Creek); Towns of Van Etten and Barton; Chemung and Tioga Counties, NY. Application for surface water withdrawal of 2.810 mgd.

6. Project Sponsor and Facility: Millennium Pipeline Company, LLC (Owego Creek), Towns of Owego and Tioga, Tioga County, NY. Application for surface water withdrawal of 3.000 mgd.

7. Project Sponsor: Sand Springs Development Corp. Project Facility: Sand Springs Golf Community, Butler Township, Luzerne County, PA. Modification of groundwater withdrawal approval (Doc. No. 20030406).

8. Project Sponsor and Facility: First Quality Tissue, LLC, City of Lock Haven, Clinton County, PA. Applications for consumptive water use of up to 2.500 mgd and surface water withdrawal of 10.500 mgd.

9. Project Sponsor: Wynding Brook, Inc. Project Facility: Wynding Brook Golf Club (formerly Turbot Hills Club), Turbot Township, Northumberland County, PA. Applications for consumptive water use of up to 0.283 mgd and surface water withdrawal of 0.499 mgd, and rescission of Commission Doc. No. 20020808.

10. Project Sponsor: Papetti's Hygrade Egg Products, Inc. Project Facility: Michael Foods Egg Products Co., Upper Mahanoy Township, Schuylkill County, PA. Modification of consumptive water use and groundwater withdrawal approval (Doc. No. 19990903).

11. Project Sponsor and Facility: Mountainview Thoroughbred Racing Association, Inc., East Hanover Township, Dauphin County, PA. Application for groundwater withdrawal of 0.400 mgd.

12. Project Sponsor and Facility: Bottling Group, LLC, d/b/a The Pepsi Bottling Group—Harrisburg, Lower Paxton Township, Dauphin County, PA. Application for

consumptive water use of up to 0.466 mgd, and settlement of an outstanding compliance matter.

13. Project Sponsor: Martin Limestone, Inc. Project Facility: Burkholder Quarry, Earl Township, Lancaster County, PA. Modification of groundwater withdrawal approval (Doc. No. 20040307).

14. Project Sponsor: Golf Enterprises, Inc. Project Facility: Valley Green Golf Course, Newberry Township, York County, PA. Modification of groundwater withdrawal approval (Doc. No. 20021019).

15. Project Sponsor: Springwood, LLC Project Facility: Springwood Golf Club, York Township, York County, PA. Applications for consumptive water use of up to 0.350 mgd and surface water withdrawal of 0.400 mgd.

16. Project Sponsor and Facility: Port Deposit Water & Sewer Authority, Town of Port Deposit, Cecil County, MD. Application for surface water withdrawal of 1.500 mgd.

*Public Hearing—Project Scheduled for Action Involving Diversions:*

1. Project Sponsor and Facility: Millennium Pipeline Company, LLC, Re: Nos. 2—6, Projects Scheduled for Action, Chemung, Tioga and Broome Counties, NY. A portion of the waters withdrawn by these projects (up to 3.230 mgd) will be diverted into the Delaware River Basin and the Great Lakes Basin, which will also constitute a consumptive use of water.

*Public Hearing—Project Scheduled for Rescission Action:*

1. Project Sponsor and Facility: Walsh Construction (Doc. No. 20050603), Fermanagh Township, Juniata County, PA.

*Opportunity to Appear and Comment:*

Interested parties may appear at the previous hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, ddickey@srbc.net. Comments mailed or electronically submitted must be received prior to December 5, 2007 to be considered.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: February 15, 2008.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 08-387. Filed for public inspection February 29, 2008, 9:00 a.m.]



