

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 24, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-17-2009	VIST Bank Wyomissing Berks County	The Heritage of Green Hills 200 Tranquility Lane Reading Berks County (Limited Service Facility)	Opened

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-16-2009	Susquehanna Bank Lititz Lancaster County	<i>To:</i> 10 Marketplace Boulevard Monroe Township Snyder County <i>From:</i> 48 Orchard Drive Shamokin Dam Snyder County	Effective

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-16-2009	First Columbia Bank & Trust Co. Bloomsburg Columbia County	<i>Into:</i> 232 East Street Bloomsburg Columbia County <i>From:</i> 11 West Main Street Bloomsburg Columbia County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-20-2009	Firsttrust Savings Bank Conshohocken Montgomery County	405 Oxford Valley Road Fairless Hills Bucks County	Closed
3-23-2009	United-American Savings Bank Pittsburgh Allegheny County	3353 SR 130 Harrison City Westmoreland County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
3-24-2009	Jonestown Bank and Trust Company of Jonestown, PA Jonestown Lebanon County	Amend Article V of the Articles of Incorporation	Filed

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
		Amendment to Article V excludes from otherwise applicable pre-emptive rights of shareholders the offer and sale of common stock under a dividend reinvestment and stock purchase plan (or similar plan) approved by the Board of Directors in which holders of the outstanding shares are eligible to participate (subject to the terms and conditions of the plan).	

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>
3-24-2009	Alcose Credit Union, White Oak and Basil Community Credit Union, Pittsburgh Surviving Institution: Alcose Credit Union, White Oak	White Oak	Approved

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-628. Filed for public inspection April 3, 2009, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program's Proposed State Plan

The Department of Community and Economic Development (Department) publishes notice of a public hearing to be held at 10 a.m. on Tuesday, April 14, 2009, in Room 125-B, Plaza Level of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA. The purpose of this hearing is to receive comments on the Weatherization Assistance Program's proposed State Plan to be submitted to the United States Department of Energy for program year 2009-2010, regarding use of regular, appropriated Department of Energy funds. This hearing will not address the American Recovery and Reinvestment Act Funding.

A copy of this plan may be obtained by contacting the Department of Community and Economic Development, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 787-1984 or it can be downloaded from the Department's web site at www.newpa.com.

Written comments may be submitted to Jamesetta Reed, Director, Center for Community Empowerment, 4th Floor, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120 until 5 p.m. on April 14, 2009.

Persons with a disability who wish to attend this hearing and require auxiliary aid, services or other accommodations to participate in the proceedings, contact Yvonne Adams at (717) 787-1984 to discuss how the Department may accommodate their needs.

GEORGE E. CORNELIUS,
Acting Secretary

[Pa.B. Doc. No. 09-629. Filed for public inspection April 3, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Resolution Approving the Petition of the Center Area School District and the Monaca School District Into One School District

Whereas, on the 18th day of September, 2008, the State Board of Education, acting under to section 224 of the Public School Code of 1949 (School Code) (24 P. S. § 2-224) adopted a resolution approving the petition of the Center Area School District and the Monaca School District to combine into one school district, finding that the combination of the two school districts would be in the best interests of the educational system of the Commonwealth of Pennsylvania; and

Whereas, as part of its Resolution and acting under to section 224 of the School Code, the State Board of Education (Board) directed the Secretary of Education to issue a certificate creating the new school district, effective July 1, 2009.

Whereas, acting under to section 224 of the School Code and the Resolution of the Board, and with the power vested in me, I, Gerald L. Zahorchak, Secretary of Education, issued a Certificate creating, effective July 1, 2009, a new school district of the third class consisting of the Township of Center, the Township of Potter and the Borough of Monaca, all situate in Beaver County, and to be known as the Center-Monaca School District or such other name upon which the boards of school directors of the two school districts might, in accordance with law, mutually agree and certify to the Department of Education before July 1, 2009.

Whereas, on February 12, 2009, at a combined meeting of the Center Area School District and the Monaca School District adopted separate resolutions selecting the name for the newly merged district effective July 1, 2009, to be known as the Central Valley School District.

Now, Therefore, acting under section 224 of the School Code and the Resolution of the State Board of Education, and with the power vested in me, I, Gerald L. Zahorchak, Secretary of Education, issue this Certificate creating, effective July 1, 2009, a new school district of the third class consisting of the Township of Center, the Township of Potter and the Borough of Monaca, all situate in Beaver County, and to be known as the Central Valley School District.

Given under my hand and seal this 16th day of March, 2009.

GERALD L. ZAHORCHAK,
Secretary

[Pa.B. Doc. No. 09-630. Filed for public inspection April 3, 2009, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060470 (Nonmunicipal sewage)	Geisinger Foundation/Marworth Lily Lake Road Waverly, PA 18471	Lackawanna North Abington Township	UNT Ackerly Creek 4F	Y

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0247502 (Sew)	John and Kathleen Kauffman 227 Conway Street Carlisle, PA 17013-3602	Cumberland County North Newton Township	7B	Y
PA0033391 (Sew)	Pine Manor, LLC P. O. Box 677 Morgantown, PA 19543	Dauphin County Londonderry Township	UNT of Lynch Run 7-G	Y
PA0083585 (Sew)	Todd Township Fulton County Knobsville WWTF 2998 East Dutch Corner Road McConnellsburg, PA 17233	Fulton County Todd Township	Licking Creek 13-B	Y
PA0086550 (Sew)	Jeffrey and Rose Siddens 65 Stonewall Lane Alburtis, PA 18011	Berks County Longswamp Township	UNT Swabia Creek 2-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0111953 SN	Guardian Elder Care, Inc. Highlands Continuing Care Facility P. O. Box 10 LaPorte, PA 18626	Sullivan County LaPorte Borough	UNT to Mill Creek 10B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239283	Castle Cheese, Inc. 2850 Perry Highway Slippery Rock, PA 16057	Scott Township Lawrence County	Slippery Rock Creek 20-C	Y
PA0210153	Coinco, Inc., d/b/a Morco Corp. 125 High Street Cochranon, PA 16314	Cochranon Borough Crawford County	UNT to French Creek 16-D	Y
PA0222836	Wendy L. Davis SFTF 106 Bend Road New Wilmington, PA 16142	Wilmington Township Mercer County	UNT to the West Branch Little Neshannock Creek 20-A	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.

PA0052761, Sewage, SIC 4952, **Buckingham SNF, LLC**, 820 Durham Road, Newtown, PA 18940. This existing facility is located in Buckingham Township, **Bucks County**.

Description of Proposed Activity: Applicant requests a transfer and renewal of an NPDES permit for a discharge of treated effluent from a sewage treatment facility serving the Buckingham Valley Rehabilitation and Nursing Center.

The receiving stream, a UNT to Mill Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA, Southeast Division, is located on Neshaminy Creek and is approximately 18 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 mgd:

Parameters	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
CBOD ₅					
(5-1 to 10-31)			10		20
(11-1 to 4-30)			20		40
Total Suspended Solids			30		60
NH ₃ -N					
(5-1 to 10-31)			3.0		6.0
(11-1 to 4-30)			9.0		18.0
(NO ₂ +NO ₃) as N					
(7-1 to 10-31)			8.0		16.0
Total Residual Chlorine			0.1		0.25
Fecal Coliform (Col/100 ml)			200		1,000*
Dissolved Oxygen			5.0 minimum		
pH (Standard Units)			6.0 minimum		9.0
Phosphorus as P:					
(4-1 to 10-31)	0.1		0.8		1.6
(11-1 to 3-31)					
(Issuance—Year 2)	Report		Report		Report
(Year 3—Expiration)	0.2		1.6		3.2

* No greater than 10% of the samples tested may exceed 1,000 col/100 ml.

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Dry Stream Discharge.
7. Change in Ownership.
8. Chlorine Minimization.
9. Proper Sludge Disposal.
10. Operator Training.
11. Operation and Maintenance Plan.
12. Laboratory Certification.
13. Fecal Coliform Reporting.
14. Twice per Month Sampling.
15. Instantaneous Maximum Limitations.

PA0043974, Sewage, SIC 4953, **Valley Forge Sewer Authority**, 333 Pawling Road, Phoenixville, PA 19460-2656. The facility is located in Schuylkill Township, **Chester County**.

Description of Activity: Discharge of treated sewage from Valley Forge Sewer Authority WWTP into Schuylkill River in Schuylkill Township, Chester County.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3D and is classified for WWF and MF. The nearest downstream public water supply intake for Pennsylvania American-Norristown Water Treatment Plant is approximately 7 miles below the point of discharge.

The proposed effluent limits for Outfall 001, based on a design flow of 9.2 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
CBOD ₅					
(5-1 to 10-31)	1,535	2,302	20	30	40
(11-1 to 4-30)	1,918	3,069	25	40	50
Total Suspended Solids	2,302	3,453	30	45	60
Ammonia as N					
(5-1 to 10-31)	614		8.0		16.0
(11-1 to 4-30)	1,228		16.0		32.0
Phosphorus as P			Monitor		
Fecal Coliform (#/100 ml)			200		1,000*
Dissolved Oxygen			Shall not be less than 5.0 mg/l at all times		
pH (Standard Units)			within limits of 6.0 to 9.0 Standard Units at all times		
Total Dissolved Solids			1,000	2,000 Daily Maximum	2,500
Total Residual Chlorine			0.5		1.6
Copper, Total			Monitor		
Lead, Total			Monitor		
Zinc, Total			Monitor		
Silver, Total			Monitor		
Chromium, Hex			Monitor		
Cyanide, Free			Monitor		
Chloroform			Monitor		
Bis(2-Ethylhexyl)Phthalate			Monitor		

The proposed effluent limits for Outfall 001, based on a design flow of 11.75 mgd, are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instantaneous Maximum</i>
CBOD ₅					
(5-1 to 10-31)	1,535	2,302	16	24	32
(11-1 to 4-30)	1,918	3,069	20	30	40
Total Suspended Solids	2,939	4,410	30	45	60
Ammonia as N					
(5-1 to 10-31)	614		6.3		12.5
(11-1 to 4-30)	1,228		12.5		25.0
Phosphorus as P	196		2.0		4.0
Fecal Coliform (#/100 ml)			200		1,000*
Dissolved Oxygen			Shall not be less than 5.0 mg/l at all times		
pH (Standard Units)			Within limits of 6.0 to 9.0 Standard Units at all times		
Total Dissolved Solids			1,000	2,000 Daily Maximum	2,500
Total Residual Chlorine			0.3		1.0
Copper, Total			0.033	0.066 Daily Maximum	0.083
Lead, Total			Monitor		
Zinc, Total			Monitor		
Silver, Total			Monitor		
Chromium, Hex			Monitor		
Cyanide, Free			Monitor		
Chloroform			Monitor		
Bis(2-Ethylhexyl)Phthalate			Monitor		

* Shall not exceed in more than 10% samples.

The EPA waiver is not in effect.

Other Requirements:

1. Notification of Designated Operator.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater Runoff.
5. Acquiring Necessary Rights.
6. Change in Ownership.
7. Approved Tests Methods.

8. TRC Minimizations.
9. Proper Sludge Disposal.
10. Watershed TMDL/WLA Analysis.
11. WET Test for Next Renewal.
12. Certified Operator Requirements.
13. I Max Requirements.
14. Stormwater Requirements.
15. Pretreatment Program Requirements.
16. Operations and Maintenance Plan.
17. Laboratory Certification.
18. I-Max Requirements for Fecal Coliform.
19. No PCBs Discharge.
20. PCBs Monitoring Requirements.

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

PA0065251, Sewage, **His Camps, Inc.**, R. R. 1, Box 1601, Hallstead, PA 18822. This proposed facility is located in Liberty Township, **Susquehanna County**.

Description of Proposed Activity: NPDES Permit for a new, treated sewage discharge.

The receiving stream, a UNT to Snake Creek, is in the State Water Plan Watershed 04E and is classified for: CWF. The nearest downstream public water supply intake is located in Danville on the Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.009750 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10.0	20.0
Total Suspended Solids	10.0	20.0
NH ₃ -N		
(5-1 to 1-31)	3.0	6.0
(11-1 to 4-30)	9.0	18.0
Dissolved Oxygen	A minimum of 4.0 mg/l at all times.	
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	
pH	6.0 to 9.0 Standard Units at all times.	
Total Residual Chlorine	Nondetectable	

Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/l) Monthly Average</i>	<i>Mass (lbs) Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	16.3, Offset by credits	Report	Report
Total Phosphorus	9.9, Offset by credits	Report	Report
Net Total Nitrogen		Report	0*
Net Total Phosphorus		Report	0*

*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 applicant proposes to utilize nitrogen offsets based upon the retirement of existing septic systems at the camp. The applicant also proposes to purchase nitrogen and phosphorus credits from Red Barn Trading Company, LLC. An executed contract will be required before permit issuance.

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

Application No. PA 0043052, Sewage, **Township of Spring**, 2800 Shillington Road, Sinking Spring, PA 19608-1682. This facility is located in Township of Spring, **Berks County**.

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

The receiving stream, Cacoosing Creek, is in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed Interim effluent limits for Outfall 001 for a design flow of 1.28 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21
Total Residual Chlorine	0.45		1.48
Total Phosphorus	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

The proposed Final effluent limits for Outfall 001 for a design flow of 1.28 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21
Total Phosphorus	2.0		4.0
Total Residual Chlorine	0.28		0.92
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	

The proposed Final effluent limits for Outfall 001 for a design flow of 2.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	10.5		21
Total Phosphorus	1.28		2.5
Total Residual Chlorine	0.19		0.63
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 not in effect.

Application No. PA 0038598, Industrial Waste, SIC Code 0921, **Susquehanna Aquacultures, Inc.**, P. O. Box 306, York Haven, PA 17370. This facility is located in East Manchester Township, **York County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-F, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Wrightsville Water Supply Company located on the Susquehanna River, approximately 11 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 6.62 mgd are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH		From 6.0 to 9.0 inclusive	
Temperature		Monitor and Report	
Net Total Suspended Solids	30		60
Total Suspended Solids (Intake)	Monitor and Report		
(Effluent)	Monitor and Report		
Net CBOD ₅	25		50
CBOD ₅ (Intake)	Monitor and Report		
(Effluent)	Monitor and Report		

Chesapeake Bay Requirements

	Concentration (mg/l)		Mass (lbs)	
	Monthly Average	Quarterly	Annual	Annual
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report

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

The EPA waiver is not in effect.

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

PA0024163, Sewage, **Cambria Township Sewer Authority**, P. O. Box 247, Revloc, PA 15948. This application is for renewal of an NPDES permit to discharge treated sewage from Revloc Wastewater Treatment Plant in Cambria Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Branch of Blacklick Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the United States Army Corps of Engineers Conemaugh River Lake Facility.

Outfall 001: existing discharge, design flow of 0.5 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0032271, Sewage, **Bureau of State Parks, Keystone State Park**, 1150 Keystone Park Road, Derry, PA 15627-3679. This application is for renewal of an NPDES permit to discharge treated sewage from Keystone State Park Sewage Treatment Plant in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as McCune Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Municipal Authority of Buffalo Township located on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.075 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅				
(5-1 to 10-31)	20			40
(11-1 to 4-30)	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	2.0			4.0
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	0.1			0.2
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.

PA0030694, Sewage, **Exco-North Coast Energy, Inc.**, One GoJo Plaza, Suite 325, Akron, OH 44311-1062. This application is for renewal of an NPDES permit to discharge treated sewage from Camp Henry Kaufmann STP in Fairfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Snyders Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Municipal Authority of Buffalo Township.

Outfall 001: existing discharge, design flow of 0.0216 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	12.5			25.0
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0041564, Sewage, **S2 Properties, Inc.**, P. O. Box 24509, Pittsburgh, PA 15234-4509. This proposed facility is located in Lancaster Township, **Butler County**.

Description of Proposed Activity: New permit replacing an expired permit.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the potable water supply (Public Water Supplier) is located on the Beaver River (Beaver Falls Municipal Authority) and is approximately 10 miles below point of discharge.

The receiving stream, the UNT to Doe Run, is in Watershed 20-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	1.5		3.0
(11-1 to 4-30)	4.5		9.0
Phosphorus	2		4

<i>Parameter</i>	<i>Concentrations</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	
Total Residual Chlorine	0.2		0.5
Dissolved Oxygen		minimum of 5 mg/l at all times	
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

PA0103781, Industrial Waste, **Wheatland Tube Company**, P. O. Box 606, Wheatland, PA 16161. This proposed facility is located in Sharon City, **Mercer County**.

Description of Proposed Activity: New NPDES permit for an existing discharge of treated industrial waste, noncontact cooling water and stormwater. This is a minor discharge from a primary industry. SIC Code 3317 (Steel Pipe and Tube). The previous permit expired because of effluent violations and could not be renewed.

The receiving water is Shenango River. The receiving stream is in State Water Plan 20-A and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, PA American Water Company intake on the Shenango River, is located at New Castle and is approximately 24 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of N/A mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)		XX			
(MO) Iron		XX		XX	
(MO) Lead		XX		XX	
(MO) Oil and Grease				XX	

The proposed effluent limits for Outfall 002 based on a design flow of 0.95 mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX				
(CH-95) Oil and Grease			15		30
(MO) Iron			XX		
(MO) Lead			XX		
(CH-95) pH			Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfall 302 based on a design flow of N/A mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow	XX				
(BAT) TSS	78	208	XX		
(BAT) Oil and Grease		52		XX	

The proposed effluent limits for Outfall 402 based on a design flow of N/A mgd.

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Maximum Daily (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
(MO) Flow (mgd)	XX				
(BAT and NSPS) TSS	126	282	XX		
(BAT and NSPS) O and G	36	105	XX		
(BAT and NSPS) Lead	0.5	1.6	XX		
(BAT and NSPS) Zinc	0.6	1.8	XX		
(BAT and NSPS) Naphthalene		0.1			
(BAT and NSPS) Tetrachloroethylene					

The EPA waiver is in effect.

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

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

WQM Permit No. 0909402, Sewerage, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Action/Activity: Replacement of several pipe segments that have insufficient peak flow capacity with a larger diameter pipe.

WQM Permit No. 2309404, Sewerage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Installation of new pumps, an automatic influent screen and an influent flow equalization tank.

WQM Permit No. 2309405, Sewerage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: New tertiary disk filter.

WQM Permit No. 1508417, Sewerage, **Philadelphia Water Department, ARAMARK Tower**, 5th Floor, 1101 Market Street, Philadelphia, PA 19107-2994. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Construction and operation of the State Road parallel relief sewer gravity.

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

WQM Permit No. 3909402, Sewerage, **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106. This proposed facility is located in Upper Milford Township, **Lehigh County**.

Description of Proposed Action/Activity: This project consists of installation of sanitary sewers to serve the Village of Vera Cruz and surrounding areas.

WQM Permit No. 4509402, **Rainmaker Capital of Chestnuthill, LLC**, 3 Quail Run, Boonton, NJ 07005. This proposed facility is located in Chestnuthill Township, **Monroe County**.

Description of Proposed Action/Activity: This project involves construction of a 5,000 gpd sewage treatment system and an elevated sand mound absorption area.

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

WQM Permit No. 0109401, Sewerage, **Steve and Cindy Sheets**, 385 Bull Valley Road, Aspers, PA 17304. This proposed facility is located in Butler Township, **Adams County**.

Description of Proposed Action/Activity: Application for construction/operation of a small flow sewage treatment system to serve their single-family residence at 1669 Old Carlisle Road.

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

WQM Permit No. 6509402, Sewerage, **Municipal Authority of Washington Township**, 283 Pine Run Church Road, Apollo, PA 15613. This proposed facility is located in Washington Township, **Westmoreland County**.

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

The Pennsylvania Infrastructure Investment Authority which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. 6589410-A1, Sewerage, **Ashbridge Oil Company, Inc.**, P. O. Box 5478, Johnstown, PA 15904-5478 This existing facility is located in Donegal Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for permit amendment to update Robyns Shop Donegal Tri Fuel sewage treatment plant.

WQM Permit No. 0409401, Sewerage, **Lakeview Estates**, P. O. Box 3, New Brighton, PA 15066 This proposed facility is located in Marion Township, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant to serve apartments and one cottage.

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

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

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

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

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q202R(1)	Headlands Realty Corp. Attn: Botond Farkas One Meadowlands Plaza East Rutherford, NJ 07073	Lehigh	Lower Macungie Township	Swabia Creek HQ-CWF

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

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033609002	Paul Lantz Builders 140 Stubel Road Strasburg, PA 17579	Lancaster	Bart Township	West Branch Octoraro Creek HQ-CWF-MF

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.

NPDES

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0610 09 001	SR 0079, Section 230 Seneca Missing Ramps Department of Transportation District 10-0 2550 Oakland Avenue Indiana, PA 15701	Butler	Jackson Township Harmony Borough	Little Connoquenessing Creek CWF

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

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

STATE CONSERVATION COMMISSION

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

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

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Mercer Vu Farms, Inc. 122275 Mt. Pleasant Road Mercersburg, PA 17236	Franklin	1,394.2	2,100	Dairy	NA	Renewal

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

Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996561, Public Water Supply.

Applicant	Nestle Waters North America, Inc.
Township or Borough	Dallas, TX
Responsible Official	Jeremy Sprinzl QA Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	March 17, 2009

Description of Action Applicant requesting the Department of Environmental Protection's approval to sell bottled water in Pennsylvania under the following brand names: Nestle Pure Life Purified Water, Nestle Pure Life Distilled Water and Gerber Purified Water.

Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996558, Public Water Supply.

Applicant	Nestle Waters North America, Inc.
Township or Borough	Stanwood, MI
Responsible Official	John Mill Quality Control Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	March 18, 2009

Description of Action Applicant requesting the Department of Environmental Protection's approval to sell a new purified bottled water product in this Commonwealth. The following bottled water brands are to be sold in Pennsylvania: Ice Mountain Natural Spring Water, Ice Mountain Distilled Water, Ice Mountain Drinking Water, Ice Mountain Fluoridated Water for Kids and Gerber Purified Water.

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

Application No. 4009507, Public Water Supply.

Applicant	Nature's Way Purewater Systems, Inc.
Responsible Official	Dupont Borough Sandy Insalaco President/CEO Nature's Way Purewater Systems, Inc. 164 Commerce Road Dupont, PA 18641
Type of Facility	Bottled Water Facility

Consulting Engineer James P. Palumbo, P. E.
Quad Three Group, Inc.
72 Glenmaura National
Boulevard
Moosic, PA 18507

Application Received Date March 4, 2009

Description of Action Installation of deionized water treatment system and mineral and fluoride injection system to produce new products using existing bottled water production lines.

Application No. 4009508, Public Water Supply.

Applicant **Eugene H. Wolfgang Enterprises, Inc.**
North Whitehall Township
Lehigh County

Responsible Official Eugene H. Wolfgang
3426 Faye Drive
Orefield, PA 18069

Type of Facility Community Water System

Consulting Engineer Terry P. DeGroot, P. E.
Terraform Engineering
One East Broad Street
Suite 330
Bethlehem, PA 18018
(484) 895-4632

Application Received Date March 6, 2009

Description of Action Application for construction of a replacement well source and hydro pneumatic tank for the community water system serving Ossie's Mobile Home Community.

Application No. 3909504, Public Water Supply.

Applicant **Chernay Printing, Inc.**
City of Coopersburg

Responsible Official Edmund Ward
Chernay Printing, Inc.
7483 South Main Street
Coopersburg, PA 18036

Type of Facility NTNC PWS

Consulting Engineer George W. Ruby, P. E.
Ruby Engineering
3605 Island Club Drive
Unit 9
North Port, FL 34288-6611

Application Received Date March 11, 2009

Description of Action Applicant proposes the installation of treatment facilities for the reduction of arsenic levels in system.

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

Permit No. 0409505, Public Water Supply.

Applicant **Municipal Water Authority of Aliquippa**
160 Hopewell Avenue
Aliquippa, PA 15001

Township or Borough Hopewell and Raccoon Townships

Responsible Official Eugene Smith, Jr.
General Manager
Municipal Water Authority of Aliquippa
160 Hopewell Avenue
Aliquippa, PA 15001

Type of Facility Water treatment plant

Consulting Engineer Widmer Engineering, Inc.
806 Lincoln Place
Beaver Falls, PA 15010

Application Received Date March 18, 2009

Description of Action Construction of the First Alley booster pump station and upgrade to the existing Raccoon booster pump station.

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

Application No. 1009501, Public Water Supply.

Applicant **Edgar Mountain Management Company, LLC, d/b/a Woodbine Oakes Mobile Home Park**

Township or Borough Oakland Township
Butler County

Responsible Official Monty Edgar, Owner

Consulting Engineer William J. McGarvey, P. E.
McGarvey Engineering
172 Woodcrest Road
Butler, PA 16002

Application Received Date March 16, 2009

Description of Action Permitting existing system, also upgrades and repair to piping and treatment building; install new water storage tanks and booster pumps.

MINOR AMENDMENT

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

Application No. 6409502MA, Minor Amendment, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Waymart Borough
Wayne County

Responsible Official Roswell McMullen
Aqua Pennsylvania, Inc.
HC 6
Box 6040
Hawley, PA

Type of Facility Public Water System

Consulting Engineer Entech Engineering, Inc.
4 South 4th Street
P. O. Box 32
Reading, PA

Application Received Date March 5, 2009

Description of Action The replacement of a rubber lined reservoir with a steel water storage tank.

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

Application No. 0409504MA, Minor Amendment.

Applicant **Monaca Borough Water Department**
928 Pennsylvania Avenue
Monaca, PA 15061

Township or Borough Monaca Borough

Responsible Official Thomas Ely
Council President
Monaca Borough Water Department
928 Pennsylvania Avenue
Monaca, PA 15061

Type of Facility Water system

Consulting Engineer Widmer Engineers
61 East Wheeling Street
Washington, PA 15301

Application Received Date March 17, 2009

Description of Action Construction of a new 500,000 gallon elevated water storage tank and replacement of waterlines throughout the Borough of Monaca.

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 demon-

strates 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

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

Oak Tree Industrial Associates, Hatfield Township, **Montgomery County**. Michael A. Christie, P. G., Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Roger Altemose, Oak Tree Industrial Associates, 2880 Bergey Road, Suite D, Hatfield, PA 19440 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of lead. The proposed future use of the property will be light industrial.

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

908 Manor Street Property, City of Lancaster, **Lancaster County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Mehari Kifle, 769 Euclid Avenue, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils contaminated with PCE from an automobile repair garage. The site will be remediated to the Residential Statewide Health Standard and will operate as an automobile repair garage.

US Foodservice, Inc., Allegheny Township, **Blair County**. Delta Consultants, P. O. Box 415, Hershey, PA 17033, on behalf of US Foodservice, Inc., 6685 Crescent Drive, Norcross, GA 30071, submitted a Notice of Intent to Remediate site soils contaminated with non-PCB trans-

former oil from electrical transformers. The site will be remediated to the Residential Statewide Health Standard and will remain commercial.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Bio-Team Mobile, LLC, 6 East Kendig Road, Willow Street, PA 17584. License No. PA-HC 0225. Effective January 20, 2009.

Medical Waste Recovery, Inc., 9 Broadway, Suite 30, Denville, NJ 07834. License No. PA-HC 0233. Effective February 12, 2009.

Alpha Bio/Med Services, LLC, 7 West Eby Road, Leola, PA 17540. License No. PA-HC 0234. Effective February 12, 2009.

Stericycle, Inc., 1525 Chestnut Hill Road, Morgantown, PA 19543-9508. License No. PA-HC 0196. Effective February 18, 2009.

S-J Transportation Co., Inc., P. O. Box 169, Woodstown, NJ 08098. License No. PA-HC 0031. Effective February 24, 2009.

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. 101699. Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County**. Application for a new 198-acre landfill to be known as Fairless Landfill received under 25 Pa. Code § 271.202. An alternative project timeline of 600 days was negotiated for the review of the Phases I and II components of the application. The application was received by the Southeast Regional Office on March 23, 2009.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

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

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

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

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

PLAN APPROVALS

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

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

15-0115E: QVC, Inc. (1200 Wilson Drive, West Chester, PA 19380) for installation of a replacement 2-MW generator at an existing facility in West Goshen Township, **Chester County**. Along with three other 2-MW generators, NOx emissions will be restricted to 7.63 tpy. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility 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.

14-00039: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) for construction of two portable crushing plants, two portable screening plants,

and five conveyors at the Glenn O. Hawbaker, Inc.—Recycling Center in Potter Township, **Centre County**.

59-00004D: Ward Manufacturing, LLC (117 Gulick Street, Blossburg, PA 16912) to construct a natural gas-fired wastewater evaporator in Blossburg Borough, **Columbia County**.

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

25-124D: Mayer Brothers Construction Co. (1902 Cherry Street, Erie, PA 16502) for an increase in annual throughput restrictions associated with the hot mix asphalt plant at their facility in the City of Erie, **Erie County**.

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

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

15-0060D: Southeastern Chester County Refuse Authority (P. O. Box 221, Kennett Square, PA 19348) for installation of an enclosed flare for the control of VOC emissions from an existing landfill located at 219 Street Road, London Grove Township, **Chester County**. The flare will have a destruction efficiency of 98% for VOC or have a VOC emission rate of 20 ppmv or less (measured as hexane at 3% oxygen). The flare will be equipped with a flow meter to continuously monitor the flow of landfill gas to the flare when operating. This facility is a minor facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

07-03043B: McLanahan Corp. (200 Wall Street, Hollidaysburg, PA 16648) for a special down-draft and cure spray booth with intake and exhaust filters for their facility in Hollidaysburg Borough, **Blair County**. The plan approval will include restrictions, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05114B: BAE Systems Land and Armaments, LP (1100 Bairs Road, York, PA 17404) for revision of the 41 tpy VOC emission limit on surface coating operations at their armored military vehicle manufacturing/refurbishing facility in West Manchester Township, **York County**. The surface coating operations will be capped at a new limit of 57.2 tons of VOC per year. The plan approval will contain emission restrictions, monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

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

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

09-00015: Rohm and Haas Co.—Bristol Facility (200 Route 413, Bristol Township, Bucks County, PA 19007) for an administrative amendment to the Title V Operating Permit at their Bristol facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant with a variety of continuous and batch-type processes. In general, the plant specializes in various acrylate polymerization reactions to produce products such as emulsions, plastics, coatings and resins.

The permit is being amended to incorporate changes approved under the following plan approvals: Plan Approval 09-0015G to revise the limit for emissions of NOx and CO from the regenerative thermal oxidizer; Plan Approval 09-0015H for the installation of a carbon adsorption system to replace the existing waste water treatment plant scrubber (Source C03).

23-00089: FPL Energy Marcus Hook, LP, (Delaware Avenue and Green Street, Marcus Hook, PA 19061) for operation of three combined cycle combustion turbines with a combined output of 750 MW in the Borough of Marcus Hook, **Delaware County**. The permit is for a Title V facility. This Title V Permit contains the following emission limits for each of the three combined cycle combustion turbine: 112.3 tons NOx per year, 29.6 tons VOCs per year, 246.6 tons CO per year, 119.3 tons PM per year, 63.4 tons SO₂ per year, and 22.1 tons sulfuric acid mist per year. The operation is subjected to NSPS Subparts Da, Gg and J. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

53-00001: Tennessee Gas Pipeline Co. (197 Tennessee Road, Coudersport, PA 16915) for renewal of the Title V Operating Permit for their facility in Hebron Township, **Potter County**. The facility is currently operating under TVOP 53-00001, which was issued November 17, 1999. The facility's main sources include 14 natural gas-fired compressor engines, natural gas dehydration unit and various space/water heaters. The facility has the potential to emit major quantities of CO, NOx, VOCs and HAP (in the form of formaldehyde) emissions. The facility has the potential to emit SOx and PM emissions less than the major emissions thresholds. The proposed title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

46-00166: M & M Stone Co. (460 Indian Creek Road, Harleysville, PA 19438) is a non-Title V, Natural Minor facility in Lower Salford Township, **Montgomery County**. The company owns and operates a stone quarry, portable crusher with an electric generator and a batch asphalt plant at this location. The company produces a potential of 24.16 tons of NOx per year, 10.15 tons of SO₂

per year, 13.92 tons PM per year, 41.45 tons of CO per year and 14.55 tons of VOCs per year. Monitoring and recordkeeping requirements have been added to the permit to address applicable limitations.

09-00081: Thermco Products (1409 West Broad Street, Quakertown, PA 18951) for operation of a 300-horsepower, with rated heat input of 10.0 mmBtu/hr natural gas-fired boiler and a 350-horsepower, with rated heat input of 11.7 mmBtu/hr natural gas-fired boiler in Quakertown Borough, **Bucks County**. This action is a renewal of the State-only Operating Permit. The initial permit was issued on July 28, 2004. The permit is for a non-Title V Facility (State-only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

09-00097: Lower Bucks Hospital (501 Bath Road, Bristol, PA 19007) for renewal of the original State-only Operating Permit (Synthetic Minor) in Bristol Township, **Bucks County**, which was issued on November 12, 2003, and expired on November 30, 2008. There have been no other changes made to the permit since it was issued. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

54-00019: Air Products and Chemicals, Inc. (357 Marian Avenue, Tamaqua, PA 18252) for operation of an industrial gas manufacturing facility in Rush Township, **Schuylkill County**. This action is a renewal of the State-only (Synthetic Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

54-00070: H.M.M.K., LLC, d/b/a Foster Materials (2052 Lucon Road, Skippack, PA 19474) for operation of a rock crushing operation and associated air cleaning devices at their facility in Foster Township, **Schuylkill County**. This facility is currently operating under Operating Permits 54-310-020A, 54-310-034 and 54-310-031. All permit requirements shall be included in the new State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

40-00033: Gulf Oil, LP, DuPont Terminal (275 Washington Street, Newton, MA 02458-1646) for operation of Bulk Petroleum Stations and Terminals in Pittston Township, **Luzerne County**. This is a State-only Synthetic Minor operating permit.

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

21-03055: Fry Communications, Inc. (101 Fry Drive, Mechanicsburg, PA 17055) for their Building No. 4 commercial printing operation in Silver Spring Township, **Cumberland County**. This is a renewal of the State-only operating permit issued in 2003.

28-05029: Fayetteville Contractors, Inc. (3185 Lincoln Way East, Fayetteville, PA 17222) for operation of a

batch asphalt plant in Antrim Township, **Franklin County**. The State-only operating permit will include emission limits along with work practice standards, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Asphalt Concrete Plants. This is a renewal of the previous permit issued in 2004.

28-05031: Borough of Chambersburg—Orchard Park Generating Station (100 South 2nd Street, Chambersburg, PA 17201) for renewal of the synthetic minor operating permit issued in October 2004 in Chambersburg Borough, **Franklin County**. The facility's major sources of emissions include four natural gas or diesel fired engine generators, which primarily emit NOx.

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

08-00013: Cooley Tioga Point Crematory & Burial Options (802 North Main Street, Athens, PA 18810-1826) for operation of a crematory incinerator utilized to incinerate human cadavers for their facility in Athens Borough, **Bradford County**. This source has the potential to emit PM/PM10, NOx, SOx, CO, VOCs and VHAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and report conditions.

59-00019: Metalkraft Industries (P. O. Box 606, Wellsboro, PA 16901-0606) for manufacture of sintered metal parts at their facility in Charleston Township, **Tioga County**. The facility's main sources include six Sintering Furnaces and two parts washers. These sources have the potential to emit NOx, SOx, CO, PM/PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

47-00005: Geisinger Medical Center (100 North Academy Avenue, Danville, PA 17822-1540) for their facility located in Mahoning Township, **Montour County**. The facility's main sources include nine commercial/industry boilers, various space/water heaters, waste oil burner, diesel and natural gas-fired engine-generators, two parts washers and laboratory chemical usage. The facility has the potential to emit CO, PM10, NOx, VOCs and combined and individual HAPs emissions below the major thresholds. The facility has taken a synthetic minor restriction to limit the SOx emissions below the major thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

63-00631: Columbia Gas Transmission Corp. (1700 MacCorkle Avenue SE, P. O. Box 1273, Charleston, WV 25314) for operation of Compressor Station in Donegal Township, **Washington County**. This is a State-only Operating Permit Renewal.

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

20-00264: Salt Painting, Inc. (17918 Highway 198, Saegertown, PA 16433-3640) to re-issue the referenced permit for this abrasive blasting and surface coating operation in Hayfield Township, **Crawford County**.

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 Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such 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 the application is available for inspection at the District Mining Office indicated above each 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 the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application 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 address of the district mining office indicated above each 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.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; 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, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the 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 desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in

conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must 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 or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	Table 1		
	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹ 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) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and 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.

02851602 and NPDES Permit No. PA0214396, Mon Valley Transportation Center, Inc., (279 Shannon Road, Monongahela, PA 15063), to renew the permit for the Glassport Tipple in Glassport and Lincoln Boroughs, **Allegheny County** and related NPDES permit. No additional discharges. Application received January 20, 2009.

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

56090105 and NPDES No. PA0262757. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552 commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 48.0 acres. Receiving streams: UNTs to and Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2009.

32040101 and NPDES No. PA024958. Twin Brook Coal, Inc., P. O. Box 225, Clymer, PA 15728, permit renewal for reclamation only of a bituminous surface and auger mine in Green Township, **Indiana County**, affecting 41.0 acres. Receiving streams: UNT to Dixon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 12, 2009.

56663094 and NPDES No. PA0606031. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 182.0 acres. Receiving streams: UNTs to and Blue Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 19, 2009.

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

65090101 and NPDES Permit No. PA0251593. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Rostraver Township, **Westmoreland County**, affecting 166.4 acres. Receiving streams: UNTs to Monongahela

River and Monongahela River, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: West Penn Power, Mitchell Power Station. Application received March 16, 2009.

26080102 and NPDES Permit No. PA0251321. Patterson Coal Company (20 Elizabeth Drive, Smithfield, PA 15478). Revision application to add 9 acres and land use change for all affected unmanaged natural habitat to be reclaimed to pastureland and/or land occasionally cut for hay for the existing bituminous surface mine, located in German Township, **Fayette County**, affecting 50.3 acres. Receiving streams: UNTs to North Branch Browns Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: Carmichaels Municipal Authority. Application received March 17, 2009.

02090101 and NPDES Permit No. PA0251585. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 79.9 acres. Receiving streams: UNTs to Monongahela River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 16, 2009.

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

33040101 and NPDES Permit No. PA0242497. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip operation in Perry Township, **Jefferson County** affecting 107.2 acres. Receiving streams: Perryville Run, Nicely Run and UNT to Mahoning Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received March 20, 2009.

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

14090102 and NPDES No. PA0257117. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Commencement, operation and restoration of a bituminous surface mine in Rush Township, **Centre County**, affecting 234.4 acres. Receiving streams: Trout Run and UNT to Trout Run, UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 6, 2009.

17820104 and NPDES No. PA0609218. Sky Haven Coal Company (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and

restoration of a bituminous surface mine in Boggs and Bradford Townships, **Clearfield County**, affecting 479.5 acres. Receiving streams: Long Run to Clearfield Creek to West Branch Susquehanna, classified for the following uses: CWF, CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 23, 2009.

17970102 and NPDES No. PA0220558. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Revision of an existing bituminous surface mine for a Land Use Change in Graham Township, **Clearfield County**, affecting 58.9 acres. Receiving streams: Alder Run or Flat Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water

supply intakes within 10 miles downstream. Application received February 3, 2009.

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

35840203R5. CSY, Inc., (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 61.5 acres, receiving stream: none. Application received March 16, 2009.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i> <i>30-day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instantaneous</i> <i>Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 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.

34090801. Deihl's Excavation, 250 Industrial Park Road, Mifflintown, PA 17059, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5 acres, receiving stream: Juniata River. Permit received March 11, 2009.

07090801. Curry Excavating, Inc., 3403 Mill Road, Duncansville, PA 16635, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Allegheny Township, **Blair County**, affecting 3 acres, receiving stream: Spencer Run. Permit received March 19, 2009.

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

65930401 and NPDES Permit No. PA0200492. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal for an existing large noncoal surface mine, located in Ligonier and Derry Townships, **Westmoreland County**, affecting 172.6 acres. Receiving streams: UNTs to Loyalhanna Creek, classified for the following use: TSF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received March 16, 2009.

03090801. Glenn Fleming Construction Company (P. O. Box 88, 112 Fleming Lane, Elderton, PA 15736). Application received for commencement, operation and reclamation of a small noncoal surface mining (sandstone quarry) permit located in Plumcreek Township, **Armstrong County**, affecting 1.7 acres. Receiving streams: UNT to Crooked Creek to Allegheny River,

classified for the following use: WWF. It is unknown whether there is a potable water supply intake within 10 miles downstream from the point of discharge. Application received March 9, 2009.

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

61090302 and NPDES Permit No. PA0258717. Schiffer Excavating, Inc., d/b/a Cooperstown Sand and Gravel (P. O. Box 4, Cooperstown, PA 16317). Commencement, operation and restoration of a sandstone operation in Jackson Township, **Venango County** affecting 25.5 acres. Receiving streams: Two UNTs to Wolf Run and Wolf Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 11, 2009.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E15-795. Dewson Construction Company, 7 South Lincoln Street, Wilmington, DE 19805, Pennsbury Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following activities associated with four Dewson Construction lot Residential Subdivision: 1.) Pile supported multispans timber bridge and retaining wall (45 feet total) across Grains Mill Run (WWF, MF) and the 100-year floodplain. 2.) To place fill in 0.05 acre of wetland (PEM/PFO) for the construction of a driveway. Work includes 0.03 acre of indirect wetland impact and 0.16 acre of temporary wetland impact.

The site is located approximately 2,500 linear feet west of the intersection of Fairville Chadds and Stabler Roads (Wilmington North, DE-PA, N: 19.6 inches; W: 16.4 inches).

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

E45-538. Mount Airy 1, LLC, 44 Woodland Road, Mount Pocono, PA 18344-9703, in Paradise Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain approximately 13,899 linear feet of new pedestrian walking/biking trails, 13,587 linear feet of improvements to existing walking/biking trails, the construction of five new trailhead access areas with gravel parking lots, and 13 wetland, stream, stormwater ditch and floodplain crossings (0.030 acre of total earth disturbance) along Forest Hills Run (HQ-CWF) for the purpose of expanding and improving the existing trails associated with Mount Airy Casino and Resort. The project is located 3.86 miles east of the intersection of I-380 and SR 0940 (Mount Pocono, PA Quadrangle Latitude: 41° 06' 43"; Longitude: 75° 19' 27").

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

E36-849. Manheim Borough Authority, William Kelso, 15 East High Street, Manheim, PA 17545, Penn Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) two oxidation ditches with a length of 147.3 feet and a combined width of 254.8 feet; (2) a 15-foot long by 22-foot wide utility building; (3) a 7.5-foot long by 14.5-foot wide valve control chamber; (4) a 15.3-foot long by 33.7-foot wide pump station; (5) a 41.5-foot diameter final clarifier; (6) minor grading and paving for site access all located in the floodplain of Chickies Creek (WWF). Also to remove an existing 150.0-foot long by 30.0-foot wide building and associated paved parking area with a combined area of 12,810 square feet, and a 10,340-square foot concrete sludge drying which will be excavated to 2.0 feet below existing grade both in the floodplain of Chickies Creek (WWF) for the purpose of upgrading an existing waste water treatment facility, located at a point just southeast of the intersection of Rettew Lane and High Street (SR 0722) (Manheim, PA Quadrangle 5.25 inches N; 4.00 inches W, Latitude: 40° 09' 13.2" N; Longitude: 76° 24' 13.3" W) Penn Township, Lancaster County.

E36-850. Columbia Economic Development Corporation, Jeff Seibert, 361 Locust Street, Columbia, PA 17512, Columbia Borough, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To remove 214.0 feet of 5-foot by 4.5-foot concrete box culvert and 278.0 feet of concrete lined channel, and to construct and maintain 492.0 feet of 5-foot diameter RCP in a UNT to the Susquehanna River (WWF) (Columbia West, PA Quadrangle 6.0-inches North; 0.4-inch West, Latitude: 40° 02' 16.2" N; Longitude: 76° 30' 24.9" W) for the purpose of relocating the stream to facilitate the development of the Turkey Hill Experience attraction at a point just east of the intersection of Linden and North Third Streets, Columbia Borough, Lancaster County.

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

E02-1607. Plum Borough Municipal Authority, 4555 New Texas Road, Pittsburgh, PA 15239-1197. To relocate and maintain to prevent further erosion in Plum Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Murrysville, PA Quadrangle N: 13.3 inches; W: 12.3 inches, Latitude: 40° 26' 54"; Longitude: 79° 42' 47"). The applicant proposes to relocate and maintain approximately 254.0 linear feet of Abers Creek (TSF) for the purpose of preventing further erosion to the stream bank and to protect the existing pet store and an electrical substation. The project is located on the east side of SR 286, approximately 1,000.0 feet north from the intersection of Old Frankstown Road and SR 286 and will impact approximately 254.0 linear feet of stream channel.

E26-352. Shallenberger Construction Company, 2611 Memorial Boulevard, Connellsville, PA 15425. To construct a water treatment facility in the floodway in Masontown Borough, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District (Masontown, PA Quadrangle N: 18.9 inches; W: 6.9 inches, Latitude: 39° 51' 13"; Longitude: 79° 55' 29"). The applicant proposes to construct and maintain a water treatment facility in the floodway of the Monongahela River (WWF) for treating industrial waste water produced during gas well drilling and extraction and to construct

and maintain an outfall structure in said river. The project is located approximately 500 feet from the SR 21 Bridge.

E32-488. SFAM, LLC, 349 North Fourth Street, Indiana, PA 15701. To construct a culvert and fill in White Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (Indiana, PA Quadrangle N: 22.0 inches; W: 9.8 inches, Latitude: 40° 37' 15"; Longitude: 79° 11' 45"). The applicant proposes to construct and maintain a steel grate bridge with a span of 20' a width of 66' and an underclearance of approximately 3.8' with precast concrete block abutments over a UNT to McCarthy Run (CWF), to construct and maintain a stormwater outfall structure, and to place and maintain fill in the floodway of and UNT to McCarthy Run, all for the purpose of expanding an existing automobile dealership. The project is approximately 570' west of the intersection of Ben Franklin Road and Philadelphia Street.

DAM SAFETY

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

D15-218. Malvern Prep Lower Dam. Malvern Preparatory School, 418 South Warren Avenue, Malvern, PA 19355. To modify, operate and maintain Malvern Prep Lower Dam located across a tributary to Crum Creek (HQ-CWF), impacting 0.02 acre of wetlands PFO (Palustrine Forested) and 25.0 feet of stream and provid-

ing (de minimis) acres of wetland mitigation, for the purpose of spillway repairs and the raising of the earthen embankment by approximately one foot in order to pass the 100-year design storm in (Malvern, PA Quadrangle N: 4.7 inches; W: 1.15 inches) in Malvern Borough, **Chester County**.

D39-093A. Leaser Lake Dam, Fish and Boat Commission, c/o Gerald G. Woomer, P. E., 450 Robinson Lane, Bellefonte, PA 16826. To modify, operate and maintain the Leaser Lake Dam across the Jacksonville Branch of the Ontelaunee Creek (CWF), impacting 0.01 acre of wetlands (PEM) with no proposed impacts to the stream channel, for the purpose of rehabilitating the dam by constructing a new spillway, installing an internal embankment drain system and raising the elevation of the dam (Lehigh, PA Quadrangle N: 7.8 inches; W: 11.7 inches) in Lynn Township, **Lehigh County**.

D13-108A. Towamensing Trails Property Owners Association, Towamensing Trails Property Owners Association, c/o Patrick Anderson, P. O. Box 100, Albrightsville, PA 18210. To modify, operate and maintain the Towamensing Trails Dam across a tributary to Wolf Run (HQ-CWF), impacting 0.18 acre of wetlands (PEM) and 108 feet of stream channel, for the purpose of installing a blanket drain on the downstream face of the dam, raising the top of dam 1 foot in elevation to store and safely discharge the required spillway design flood and rehabilitate the existing spillway (Blakeslee, PA Quadrangle N: 0.1 inch; W: 13.8 inches) in Penn Forest Township, **Carbon County**.

ACTIONS

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

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal wastes; discharges to groundwater
Section IV	NPDES	MS4 individual permit
Section V	NPDES	MS4 permit waiver
Section VI	NPDES	Individual permit stormwater construction
Section VI	I 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

Pennsylvania Bulletin, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060747 (Industrial Waste)	AMETEK 42 Mountain Avenue Nesquehoning, PA 18240-2201	Nesquehoning Borough Carbon County	Nesquehoning Creek 02B	Y
PA0061212 (Minor Sewage)	Mik-Joan, Inc. 655 Route 61 Orwigsburg, PA 17961	North Manheim Township Schuylkill County	Mahannon Creek 03A	Y
PA0063282	Fairland Sewer Company, Inc. 5426 Route 873 Schecksville, PA 18078-2103	North Whitehall Township Lehigh County	Lehigh Watershed 2C UNT to Fells Creek CWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS803504 (IW)	UPS Freight 1000 Semmes Avenue Richmond, VA 23224	Cumberland County Hampden Township	UNT to Trindle Spring Run 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0035602 SN	Department of Transportation Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Montour County Liberty Township	UNT of Beaver Run 10D	Y
PA0035599 SN	Department of Transportation Bureau of Design P. O. Box 3060 Harrisburg, PA 17105-3060	Montour County Liberty Township	UNT of Beaver Run 10D	Y
PA0021733	Borough of Watsontown 4th and Main Streets Watsontown, PA 17777	Northumberland County Watsontown Borough	West Branch Susquehanna River	Y
PA0209660 SP	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	Clearfield County Cooper Township	Moshannon Creek 8D	Y
PA0209678 SP	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	Clearfield County Cooper Township	UNT of Moshannon Creek 8D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0092894 Sewage	Consol PA Coal Company, LLC P. O. Box J Claysville, PA 15323	Greene County Richhill Township	Enlow Fork	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0216381 Sewage	Holly Hill, Inc. P. O. Box 801 Warrendale, PA 15095	Beaver County New Sewickley Township	UNT of Crows Run	Y
PA0037044 Sewage	Ford City Borough Municipal Sewage Disposal Authority P. O. Box 66 Ford City, PA 16226	Armstrong County Ford City Borough	Allegheny River	N
PA0030856 Sewage	Western Beaver County School District 343 Ridgemoor Drive Midland, PA 15059	Beaver County Industry Borough	Swale to UNT to Wolf Run	Y
PA0095621 Sewage	Ashville Borough P. O. Box 165 Ashville, PA 16613	Cambria County Ashville Borough	Clearfield Creek	Y
PA0097667 Sewage	Imperial Business Parks, LP 101 International Drive Oakdale, PA 15071	Allegheny County North Fayette Township	UNT of North Branch Robinson Run	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0239194	Cherrytree Land Development Route 8 and Black Road Titusville, PA 16354	Cherrytree Township Venango County	UNT to Oil Creek 16-E	Y

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

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

NPDES Permit No. PA0036447, Industrial Waste, **Naval Surface Warfare Center Carderock Division—SSES**, 5001 South Broad Street, Philadelphia, PA 19112-1403. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the amendment to allow monitoring of Total Residual Chlorine for the fire pump discharge from Building 485. The discharge will be from the Delaware Estuary Zone 4 in Watershed 3F.

NPDES Permit No. PA0057606, Sewage, **Upper Salford Township**, P. O. Box 100, Salfordville, PA 18958. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the Upper Salford Authority farmhouse STP into a UNT to Perkiomen Creek in Watershed 3E.

NPDES Permit No. PA0058025, Sewage, **Upper Salford Township**, P. O. Box 100, Salfordville, PA 18958. This proposed facility is located in Upper Salford Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Upper Salford Township Park STP into a UNT to Perkiomen Creek in Watershed 3E.

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

Amplified Final Public Notice for NPDES Permit No. PA0253928, Sewage, **Thomas H. Meehan**, P. O. Box 3, New Brighton, PA 15066. This notice reflects changes from the notice published at 39 Pa.B. 598 (January 31, 2009).

The DRAFT Permit was issued under NPDES Permit Number PA0253925. This typographical error has been corrected for the issuance of the FINAL NPDES Permit.

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

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

WQM Permit No. WQG018680, Sewerage, **Peter M. Thornton**, 1871 Abraham Hollow Road, Pittsfield, PA 16371. This proposed facility is located in Pittsfield Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a Single-Residence Sewage Treatment Plant.

WQM Permit No. WQG018681, Sewerage, **Stephen M. Bell**, 901 Main Street, Duke Center, PA 16749. This proposed facility is located in Eldred Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a Single-Residence Sewage Treatment Plant.

WQM Permit No. WQG018689, Sewerage, **Matthew L. Boozer**, 357 Champion Road, New Bethlehem, PA 16242. This proposed facility is located in Porter Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a Single-Residence Sewage Treatment Plant.

WQM Permit No. WQG018688, Sewerage, **Heather E. Eckart**, 14212 Foster Road, Conneautville, PA 16406-1318. This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a Single-Residence Sewage Treatment Plant.

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

WQM Permit No. 1508415, Sewerage, **Chadds Ford Investment Company**, 514 McCue Road, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of an equalization tank.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908020	Polaris Iron Run, LP 7562 Penn Drive Suite 100 Allentown, PA 18106	Lehigh	Upper Macungie Township	Iron Run HQ-CWF
PAI024808006	Wilson Borough Guy B. Tomaino Municipal Building 2040 Hay Terrace Easton, PA 18042	Northampton	Wilson Borough	Bushkill Creek HQ-CWF
PAI023908025	DB 3, LLC 2005 City Line Road Suite 106 Bethlehem, PA 18107	Lehigh	Bethlehem City	Monocacy Creek HQ-CWF
PAI024808018	Phillips & Phillips P. O. Box 160 Bath, PA 18014	Northampton	East Allen Township	Monocacy Creek HQ-CWF
PAS10Q003R(2)	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Iron Run 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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032208001	Joshua and Sarah Spicher 921 Red Hill Road Dauphin, PA 17018	Dauphin	Middle Paxton Township	Clark Creek HQ

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Hazleton Luzerne County	PAG2004009001	Commonwealth of PA Department of Military and Veteran Affairs Attn: Mark E. Austin Bureau of Facilities and Engr. Building 047 Fort Indiantown Gap Annville, PA 17003-5002	Tributary to Hazle Creek WWF	Luzerne County Conservation District (570) 674-7991
Middle Paxton Township Dauphin County	PAG2002208043	Kathleen Hagy 1001 Drayer Court Carlisle, PA 17013	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Derry Township Dauphin County	PAG2002209004	Hershey Trust Milton Hershey School 100 Mansion Road East Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Red Lion Borough Windsor Township York County	PAG2006709012	Glenn Rexroth Rexroth Equities, LP P. O. Box 98 Dallastown, PA 17313	Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAG2006708044-1	A. Richard Astheimer FR Independence Property Holding, LP 707 Eagleview Boulevard Suite 110 Exton, PA 19341	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Conewago Township York County	PAG2006708079	Sophie Simon Dover Township Sewer Authority 2480 West Canal Road Dover, PA 17315	Fox Run—Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Logan Township Blair County	PAG2000709001	Durbin Companies, LP Brian Durbin 810 East Wopsonnock Avenue Altoona, PA 16601	Spring Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Windsor and York Townships York County	PAG2006706089	Robert Holweck Panorama Hills Interceptor Venture, LLC 2700 Philadelphia Road Edgewood, MD 21040	Kreutz Creek—Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
York Township York County	PAG2006706122	Carl Dallmeyer 6 Stars, LP 4775 North Sherman Street Unit 1 Mt. Wolf, PA 17347	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
South Lebanon Township Lebanon County	PAG2003807033	Department of Military and Veterans Affairs Attn: Mark Austin Building 0-47 Fort Indiantown Gap Annville, PA 17003	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 (717) 272-5314
South Londonderry Township Lebanon County	PAG2003808032	Light's Welding, Inc. Earl W. Light 2628 Brandt Road Annville, PA 17003	Killinger Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 (717) 272-5314
East Hanover Township Lebanon County	PAG2003808028	Department of Military and Veterans Affairs (PAARNG) Attn: David L. Edwards Building 0-48 Fort Indiantown Gap Annville, PA 17003-5002	UNT to Indiantown River CWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 (717) 272-5314
South Heidelberg Township Berks County	PAG2000603076-R	Walter Greth Greth Development Group 253 Snyder Road Temple, PA 19560	Hospital Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000606105-1	P. Marlin Mast Mast Homes, LLC 2612 Conestoga Road Morgantown, PA 19543	Conestoga River—East Branch Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Union Township Berks County	PAG2000608075	Timothy DiNoto 22 Memory Lane Birdsboro, PA 19508	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bethel Township Berks County	PAG2000608079	Edward Albert Tulpehocken School District 27 Rehrersburg Road Bethel, PA 19507	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Richmond Township Berks County	PAG2000608072	Fernando Folino Pennaco Excavating, Inc. 63 South Hampton Drive Wyomissing, PA 19610	Maiden Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Bethel Township Berks County	PAG2000609012	Lamar Lehman 161 Manbeck Road Bernville, PA 19506	UNT to Meck Creek—Susquehanna River CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Allegheny Township Blair County	PAG2000709003	Altoona City Authority William Geis 20 Greenwood Road Altoona, PA 16602-7114	Beaverdam Branch Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
Clearfield County Sandy Township	PAG2001708019	Wal-Mart Stores, Inc. 2001 SE 10th Street Bentonville, AR 72716-0550	Beaver Run CWF McCracken Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Lycoming County Mifflin and Watson Townships City of Williamsport	PAG2004109001	Kevin Kilpatrick 1500 West Third Street Williamsport, PA 17701	Lycoming Creek WWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Montour County Mahoning Township	PAG2004706012-1	Martin Mariano, d/b/a Mariano Rentals P. O. Box 127 Bloomsburg, PA 17815		Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Snyder County Jackson Township	PAG2005508006	Shade Mountain Homes Vincent L. Shrawder 14 Lester Lane Middleburg, PA 17842	Monongahela Creek CWF	Snyder County Conservation District 403 West Market Street Middleburg, PA 17842 (570) 837-0007, Ext. 5
Somerset County Jenner Township	PAG2005608013	Sulli's Welding & Pipe Fitting, LLC 1217 Glades Pike Somerset, PA 15501	UNT to Quemahoning Creek CWF	Somerset County Conservation District (814) 445-4652
Washington County Cecil Township	PAG2006309008	Hawthorne Partners, Inc. 102 West Pike Street Suite 200 Houston, PA 15342	UNT to Brush Run WWF	Washington County Conservation District (724) 228-6774
Crawford County Cochranton Borough	PAG2002008007	Cochranton Elementary School Michael Dolecki Crawford Central School District 11280 Mercer Pike Meadville, PA 16335	French Creek WWF	Crawford County Conservation District (814) 763-5269
Erie County Summit Township	PAR10K175R(2)	Scott Development Company 8040 Peach Street Erie, PA 16509	Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Hazleton Borough Luzerne County	PAR232242	Graham Packaging Company, LP 2401 Pleasant Valley Road York, PA 17403	Black Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Hazle Township Luzerne County	PAR232241	Graham Packaging PET Technologies, LP 2401 Pleasant Valley Road York, PA 17403	Abandoned Surface Mining Pits	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Upper Mahantango Township Schuylkill County	PAR122214	Michael Foods/Papetti's Hygrade Egg Products, Inc. 68 Spain Road Klingerstown, PA 17941	Pine Creek TSF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Coopersburg Borough Lehigh County	PAR212204	HYK Construction Corporation, d/b/a Rahns Construction Material Co. 430 Bridge Road Rahns, PA 19426-4195	UNT to Saucon Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Adams County East Berlin Township	PAR123535	Zeigler Brothers, Inc. East Berlin Mill 400 Gardners Station Road Gardners, PA 17324-0095	Conewago Creek WWF 7F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams County Tyrone Township	PAR123534	Zeigler Brothers, Inc. Gardners 400 Gardners Station Road Gardners, PA 17324-0095	UNT to Opossum Creek TSF 7F	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-4**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Wrightstown Township Bucks County	PAG040105	William and Joan Elsing 46 Mega Way Furlong	Neshaminy Creek Neshaminy 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Bedford County Liberty Township	PAG043609	William D. Baker 2305 Pinchot Road Saxton, PA 16678	UNT of the Raystown Branch Juniata River	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Pittsfield Township Warren County	PAG049500	Peter M. Thornton 1871 Abraham Hollow Road Pittsfield, PA 16371	UNT to Brokenstraw Creek 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Eldred Township McKean County	PAG049501	Stephen M. Bell 901 Main Street Duke Center, PA 16749	UNT to Moody Hollow Run 16-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Porter Township Clarion County	PAG049511	Matthew L. Boozer 357 Champion Road New Bethlehem, PA 16242	UNT to Leisure Run 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG049509	Heather E. Eckart 14212 Foster Road Conneautville, PA 16406-1318	UNT to Cussewago Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-5**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Dallas Borough Luzerne County	PAG052224	Pump n Pantry 100 Grow Avenue Montrose, PA 18801 Former Pump n Pantry #009	Toby Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

*General Permit Type—PAG-8**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Mechanicsburg Borough Cumberland County	PAG083528	Borough of Mechanicsburg 36 West Allen Street Mechanicsburg, PA 17055-6282		DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T 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. 4009506MA, Minor Amendment, Public Water Supply.

Applicant	Aqua PA, Inc. 50 East Woodhaven Drive White Haven, PA 18661 Exeter Township
County	Luzerne
Type of Facility	PWS
Consulting Engineer	William D. LaDieu, P. E. CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	March 12, 2009

Permit No. 5403501MA, Minor Amendment, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111
North Union Township

County **Schuylkill**

Type of Facility PWS

Consulting Engineer Arthur C. Saunders, P. E.
United Water Pennsylvania, Inc.
4211 East Park Circle
P. O. Box 4151
Harrisburg, PA 17111

Permit to Construct Issued March 12, 2009

Permit No. 2646542, Operations Permit, Public Water Supply.

Applicant **Worobey Transport, Inc.**
2047 Crosstown Highway
P. O. Box 72
Preston Park, PA 18455
Salem Township

County **Wayne**

Type of Facility Bulk Water Hauling System

Consulting Engineer N/A

Permit to Operate Issued March 12, 2009

Permit No. 2450034, Operations Permit, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
410 Stokes Avenue
East Stroudsburg, PA 18301
Stroud Township

County **Monroe**

Type of Facility PWS

Consulting Engineer Russell D. Scott, P. E.
RKR Hess Associates
112 North Courtland Street
East Stroudsburg, PA 18301

Permit to Operate Issued March 16, 2009

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

Operations Permit issued to **Lazy K Campground, Inc.**, 3060105, Washington Township, **Berks County** on March 19, 2009, for the operation of facilities approved under Construction Permit No. 0608521 MA.

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

Permit No. 4909501, Construction and Operation, Public Water Supply.

Applicant **Cherokee Pharmaceuticals, LLC**

Township or Borough Riverside Borough

County **Northumberland**

Responsible Official Justin Noll, Plant Manager
Cherokee Pharmaceuticals, LLC
P. O. Box 367
100 Avenue C
Riverside, PA 17868

Type of Facility Public Water Supply—
Construction and Operation

Consulting Engineer Dana Pizarro, P. E.
O'Brien & Gere Engineers, Inc.
512 East Township Line Road
Two Valley Square
Suite 120
Blue Bell, PA 19422

Permit Issued Date March 23, 2009

Description of Action Construction and operation of TOC removal facilities, including a change in flocculant from Cat-Floc to Nalco 8140 and the addition of the polymer, Nalclear 7768.

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

Permit No. 2690502A1, Public Water Supply.

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

Borough or Township Luzerne Township

County **Fayette**

Type of Facility Hiller Reservoir Cover

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Permit to Construct Issued March 20, 2009

Permit No. 6308501, Public Water Supply.

Applicant **Authority of the Borough of Charleroi**
3 McKean Avenue
P. O. Box 211
Charleroi, PA 15022

Borough or Township Speers Borough

County **Washington**

Type of Facility Speers pump station

Consulting Engineer Chester Engineers
One Twilight Hollow Road
Charleroi, PA 15022

Permit to Construct Issued March 20, 2009

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

Operations Permit issued to **Fryburg Water Company**, PWSID No. 6160030, Washington Township,

Clarion County, March 18, 2009, to utilize a single tank truck to provide bulk water as an emergency source of finished water for customers of the Fryburg Water Company. Finished water will be hauled from the Venango Water Company (PWSID No. 6610014), Venango County. EMERGENCY Permit will expire June 15, 2009.

Operations Permit issued to Wilcox Water Company, PWSID No. 6240020, Jones Township, **Elk County**, March 18, 2009. Permit issued for operation of the Sodium Carbonate (Soda Ash) facility for pH adjustment under General Corrosion Control, as approved under construction permit 2408501, issued June 30, 2008.

Operations Permit issued to Aqua Pennsylvania, Inc., Shenango Valley Division, PWSID No. 6430054, Shenango Township, **Mercer County** and Wilmington Township, **Lawrence/Mercer Counties**, on March 18, 2009. Permit issued for operation of the 12-inch water main along Sharon-New Castle Road (SR 18) as approved under construction permit 4300503-T1-MA1, issued August 14, 2007.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Sugarloaf Township	P. O. Box 61 Sybertsville, PA 18251-0061	Luzerne

Plan Description: The Corrective Action Plan (CAP), submitted as a plan update revisions to the Township's Official Sewage Facilities Plan, proposes a systematic investigation that will identify and propose corrective measures for portions of the Sugarloaf Township wastewater collection system that may be subject to excessive amounts of infiltration/inflow. The CAP is also intended to reduce hydraulic overloading at the Greater Hazleton Joint Sewer Authority's Wastewater Treatment Facility. The CAP also contains an implementation schedule for its investigative activities. The CAP is now to be considered an integral part of Sugarloaf Township's Official Sewage Facilities Plan.

Should conditions be encountered during the implementation of the CAP, which require the alteration of the approved CAP, Sugarloaf Township shall contact the Department of Environmental Protection (Department), in writing, and discuss the need to alter the CAP at the earliest possible time. Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the CAP must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

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

Categorical Exclusion

Township of Hampden—230 South Sporting Hill Road, Mechanicsburg, PA 17050.

The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project.

The project is undertaken by the Township to eliminate overflow at the Pump Stations. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Plan Location: Union Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Union Township	255 Pine Grove Road Hanover, PA 17331	Adams

Plan Description: The approved plan provides for hydrogeologic studies on all subdivisions involving two or more dwelling units or any property underlain by carbonate geology. The name of the project is Union Township Act 537 Sewage Facilities Plan Update and the Department of Environmental Protection's code No. is B1-01931-ACT. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority or owner as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Hanover Township	8848 Jonestown Road Grantville, PA 17028	Dauphin

Plan Description: The approved plan provides for two separate sewer extensions to serve 57 existing structures in the Partridge Hills area of the Township with gravity sewers and 56 existing structures in the Englewood area with a gravity and low pressure collection system tributary to a new municipal pump station and force main. This project expands the scope of previously approved planning in East Hanover Township. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

BIOSOLIDS INDIVIDUAL PERMITS

(PABIG, SSN and PABIS)

The Department of Environmental Protection has taken the following actions on the previously received individual permit applications for the land application of treated sewage sludge (biosolids).

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 AT&T 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information

TYPE 4A

Southcentral Regional Office, Department of Environmental Protection, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

PABIS 3501. Natali Brothers Farm, Bedford County, Colerain Township, Municipal Authority of the Borough of Bedford, 244 West Penn Street, Bedford, PA 15522, is approved to beneficially use their biosolids on the Natali Brothers Farm in Colerain Township, Bedford County.

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 con-

cerning 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Sun Malvern Tanker Spill Site, East Whiteland Township **Chester County.** Krista Snyder, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Tony Bamonte, Liberty Property Trust, LP, 500 Chesterfield Parkway, Malvern, PA 19355 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with unleaded gasoline, MTBE and BTEX. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lustrik Corporation, City of Philadelphia, **Philadelphia County.** Craig Herr, Gary Brown, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Tom Vezzosi, Philadelphia Proof Rust Company, 2086 East Willard Street, Philadelphia, PA 19134, David Vezzosi, Lustrik Corporation, 4329 Paul Street, Philadelphia, PA 19124 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with No. 4 fuel oil. The report is intended to document remediation of the site to meet the Background and Statewide Health Standard.

Holland Shopping Center, Northampton Township, **Bucks County.** Keith T. D'Ambrosio, Whitestone Associates, Inc., 1600 Manor Drive, Chalfont, PA 18914 on behalf of Matthew Winters, Wawa, Inc., Red Roof Office, 260 Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

165 Oak Street Property, Uwchlan Township, **Chester County.** James Mulry, Mulry and Cresswell Environmental Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Kane Residence, Lower Merion Township, **Montgomery County.** Jeremy Bolyn, EMC., Inc., 1420 East Mermaid Lane, Glenside, PA 19066 on behalf of Ann Kane, 18 Merion Road, Merion Station, PA 19066 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

The Hake Building, Borough of Eddystone, **Delaware County.** Richard Werner, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Frank Hake, Hake Headquarters, LP, 1380 Wisteria Drive, Malvern, PA 19355 has submitted a Remedial Investigation/Cleanup Plan and Risk Assessment Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Kenneth Miller Residence, Straban Township, **Adams County**. Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038, on behalf of Kenneth Miller, 24 Mountclair Road, Gettysburg, PA 17325, submitted a Final Report concerning remediation of site soils contaminated with kerosene. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard. The report was submitted within 90 days of the release, and the site will remain residential.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

International Paper—South Yard, City of Erie, **Erie County**. MACTEC Engineering and Consulting, Inc., 800 North Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510 has submitted a Final Report concerning remediation of site soils contaminated with trichloroethene, tetrachloroethene, 1,3,5-trimethylbenzene; site groundwater contaminated with trichloroethene, tetrachloroethene, cis-1,2-dichloroethene, vinyl chloride and surface water contaminated with iron, manganese and sulfate. 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 reuse 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Schroder Residence, Lower Oxford Township, **Chester County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Charles Schroder, 109 Hill Lane, Oxford, PA 19363 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 12, 2009.

Sun Malvern Tanker Site, City of Philadelphia, **Philadelphia County**. Krista Snyder, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Martin Liebhardt, Sunoco, Inc. (R&M), 350 Eagleview Boulevard, Suite 30, Exton, PA 19341, Gary Brown, on behalf of Tony Baonte, Liberty Property Trust, LP, 500 Clearfield Parkway, Malvern, PA 19355 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with unleaded gasoline, MTBE and BTEX. The Final Report did not demonstrate attainment of the Statewide Health Standard and was placed on hold by the Department of Environmental Protection on March 6, 2009.

Lustrik Corporation, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Thomas Vezzosi, Philadelphia Rust-Proof Company, 2086 East Willard Street, Philadelphia, David Vezzosi, Lustrik Corporation, 4329 Paul Street, Philadelphia, PA 19124 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater and soil contaminated with No. 4 fuel oil. The Remedial Investigation/Final Report was disapproved by the Department of Environmental Protection on March 6, 2009.

JD Byrider, Inc., City of Philadelphia, **Philadelphia County**. Mark Kuczynski, REPSG, Inc., P. O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Brenda MacPhail, REPSG, Inc., P. O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Karl Hartman, REPSG, Inc., P. O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Brad Pogachefsky, Harbison Property, LLC, 2185—2187 Bridge Street, Philadelphia, PA 19124 has submitted a Baseline Environmental Report concerning the remediation of site groundwater and soil contaminated with gasoline. The Baseline Environmental Report

was placed on hold by the Department of Environmental Protection on March 3, 2009.

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

Cvejkus Paving & Excavating Accident, Riverside Borough, **Northumberland County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Cvejkus Paving & Excavating, R. R. 1, Box 112, Liverpool, PA 17045 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 17, 2009.

James Estate Farm, Turbot Township, **Northumberland County**. Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Century 21 Mertz & Assoc. Real Estate, 1817 Market Street, Lewisburg, PA 17837 has submitted a Final Report concerning remediation of site soil contaminated with gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 17, 2009.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Renewed

Triumvirate Environmental, Inc., 61 Inner Belt Road, Somerville, MA 02143. License No. PA-AH 0477. Effective January 6, 2009.

Transwaste, Inc., 3 Barker Drive, Wallingford, CT 06492. License No. PA-AH 0674. Effective January 8, 2009.

Envirite Of Ohio, Inc., 2050 Central Avenue SE, Canton, OH 44707. License No. PA-AH 0548. Effective January 2, 2009.

The Pennohio Corporation, 4813 Woodman Avenue, Ashtabula, OH 44004. License No. PA-AH 0618. Effective January 26, 2009.

Monarch Transport, Inc., P. O. Box 330, Woodstown, NJ 08098. License No. PA-AH 0558. Effective January 26, 2009.

Cambridge Chemical Cleaning, Inc., P. O. Box 4220, 1250 West Elizabeth Avenue, Linden, NJ 07036. License No. PA-AH 0356. Effective January 29, 2009.

Select Transportation, Inc., 5055 Nike Drive, Hilliard, OH 43026. License No. PA-AH 0469. Effective January 29, 2009.

Lancaster Oil Company, 1076 Old Manheim Pike, Lancaster, PA 17601. License No. PA-AH 0679. Effective February 2, 2009.

Clean Harbors Environmental Services, 42 Longwater Drive, Norwell, MA 02061. License No. PA-AH 0312. Effective February 3, 2009.

Ecoflo, Inc., 2750 Patterson Street, Greensboro, NC 27407. License No. PA-AH 0225. Effective February 5, 2009.

Envirotran, Inc., 387 Gore Road, Conneaut, OH 44030. License No. PA-AH 0543. Effective February 13, 2009.

EQ Northeast, Inc., P. O. Box 617, Wrentham, MA 02093-0617. License No. PA-AH 0224. Effective February 18, 2009.

Reserve Environmental Services, Inc., P. O. Box 1038, Ashtabula, OH 44005-1038. License No. PA-AH 0678. Effective February 18, 2009.

Tier DE, Inc., 5745 Lincoln Highway, Gap, PA 17527. License No. PA-AH 0680. Effective February 18, 2009.

Laidlaw Carriers Bulk GP, Inc., 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9. License No. PA-AH 0703. Effective February 20, 2009.

Laidlaw Carriers Tank GP, Inc., 1179 Ridgeway Road, P. O. Box 1669, Woodstock, ON N4S 0A9. License No. PA-AH 0704. Effective February 20, 2009.

Elliott Truck Line, Inc., P. O. Box 1, 532 South Wilson Street, Vinita, OK 74301. License No. PA-AH 0355. Effective February 23, 2009.

Hukill Chemical Corporation, 7013 Krick Road, Bedford, OH 44146. License No. PA-AH 0625. Effective March 2, 2009.

Ashland, Inc., 5200 Blazer Parkway, Dublin, OH 43017. License No. PA-AH 0121. Effective March 3, 2009.

MCF Systems Atlanta, Inc., 5353 Snapfinger Woods Drive, Decatur, GA 30035. License No. PA-AH S240. Effective March 13, 2009.

Triad Transport, Inc., P. O. Box 818, Mcalester, OK 74502. License No. PA-AH 0392. Effective March 17, 2009.

Allstate O.R.C., Inc., 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective March 18, 2009.

Hazardous Waste Transporter License Issued

Environmental Coordination Services, 3237 US Highway 19, Cochran, PA 16314. License No. PA-AH 0757. Effective January 6, 2009.

Inland Waters of Ohio, Inc., 2195 Drydock Avenue, Cleveland, OH 44113. License No. PA-AH 0758. Effective January 7, 2009.

Jade Tank Lines, Inc., P. O. Box 1621, Wilmington, NC 28401. License No. PA-AH 0759. Effective January 23, 2009.

Hydrocarbon Recovery Services, Inc., 14950 Heathrow Forest Parkway, Suite 111, Houston, TX 77032. License No. PA-AH 0752. Effective March 13, 2009.

Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101–6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Expired

Veolia ES Solid Waste of PA, Inc., 6330 Route 219, Brockway, PA 15824. License No. PA-AH 0699. Effective February 28, 2009.

Hazardous Waste Transporter License Voluntarily Terminated

Pollution Control Industries, Inc., 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0537. Effective July 1, 2008.

Commercial Environmental Solutions, Inc., 5501 FM 637, Corsicana, TX 75109. License No. PA-AH 0731. Effective January 1, 2009.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious And Chemotherapeutic Waste Transporter License Renewed

Bio-Team Mobile, LLC, 6 East Kendig Road, Willow Street, PA 17584. License No. PA-HC 0225. Effective February 5, 2009.

Medical Waste Recovery, Inc., 9 Broadway, Suite 30, Denville, NJ 07834. License No. PA-HC 0233. Effective February 17, 2009.

Alpha Bio/Med Services, LLC, 7 West Eby Road, Leola, PA 17540. License No. PA-HC 0234. Effective February 19, 2009.

Stericycle, Inc., 1525 Chestnut Hill Road, Morgantown, PA 19543-9508. License No. PA-HC 0196. Effective February 20, 2009.

S-J Transportation Co., Inc., P. O. Box 169, Woodstown, NJ 08098. License No. PA-HC 0031. Effective February 26, 2009.

RESIDUAL WASTE GENERAL PERMITS

Permits Renewed under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and 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 WMGR046. Hyponex Corporation, 311 Reedville Road, Oxford, PA 19363. General Permit Number WMGR046 authorizes processing and beneficial use of drinking water treatment sludge, yard waste, bark ash, coal ash, agricultural residues, waste cardboard and paper, sludge generated by paper or pulp mills (SIC Code 2621 and 2611), waste from vegetable food processing, unused sands, spent mushroom substrate and freshwater, brackish and marine dredged material to be used as manufactured soil or soil amendments. The approved processing is limited to separation, size reduction (grinding), mixing, windrow composting, static composting and screening. The permit was renewed by Central Office on March 20, 2009.

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 of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

General Permit Number Number WMGR046D001. Summit Anthracite Inc., R. R. 1, Box 12a, Klingers-town, PA 17941-9704. General Permit Number WMGR 046D001 authorizes processing and beneficial use of drinking water treatment sludge, yard waste, bark ash, coal ash, agricultural residues, waste cardboard and paper, sludge generated by paper or pulp mills (SIC Code 2621 and 2611), waste from vegetable food processing, unused sands, spent mushroom substrate and freshwater, brackish and marine dredged material to be used as manufactured soil or soil amendments. The approved processing is limited to separation, size reduction (grinding), mixing, windrow composting, static composting and screening. The permit was renewed by Central Office on March 20, 2009.

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 of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

52-310-014GP3: E. R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on March 17, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Lackawaxen Township, **Pike County**.

45-310-052GP3: E. R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on March 17, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Barrett Township, **Monroe County**.

35-310-049GP3: E. R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on March 17, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Jessup Borough, **Lackawanna County**.

64-310-023GP3: E. R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on March 17, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Damascus Township, **Wayne County**.

64-310-022GP3: E. R. Linde Construction (9 Collan Park, Honesdale, PA 18431) on March 17, 2009, to construct and operate a Portable Crushing Operation with watersprays at the site in Palmyra Township, **Wayne County**.

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

GP3-21-03088: Pennsy Supply, Inc. (Corporate Office, 1001 Paxton Street, Harrisburg, PA 17105) on March 18, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County**.

GP9-21-03088: Pennsy Supply, Inc. (Corporate Office, 1001 Paxton Street, Harrisburg, PA 17105) on March 18, 2009, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in Silver Spring Township, **Cumberland County**.

GP9-21-03089: Pennsy Supply, Inc. (Corporate Office, 1001 Paxton Street, Harrisburg, PA 17105) on March 18, 2009, for Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in Penn Township, **Cumberland County**.

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

GP5-08-02C: Chesapeake Appalachia, LLC (P. O. Box 6070, Charleston, WV 25362) on March 23, 2009, to construct and operate a triethylene glycol dehydration unit, a 1.0 mmBtu/hr reboiler and a 3.5 mmBtu/hr line heater under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Evanchock Compressor Station in Asylum Township, **Bradford County**.

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

GP5-30-00183: EQT Gathering, LP (225 North Shore Drive, Pittsburgh, PA 15212) on March 19, 2009, for authorization to install and operate a Caterpillar Model 3516 LE 1340-bhp compressor engine and an Exterran Dehydrator rated at .5 mmBtu/hr at their Jupiter Compressor Station located at Morgan Township, **Greene County**.

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

GP-42-158A: TIN, Inc.—Temple-Inland Medium Density Fiberboard Plant (149 Temple Drive, Kane, PA 16735) on March 20, 2009, to operate a diesel or No. 2 fuel-fired internal combustion engine (BAQ-GPA/GP-9) in Sergeant Township, **McKean 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.

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

48-310-078: Haines & Kibblehouse, Inc.—A.B.E. Materials—Easton (P. O. Box 196, 2052 Lucon Road, Skipack, PA 19474) on March 23, 2009, to construct and operate a hopper, particle separation box, conveyor and wet paddle screen at their site in Lower Mt. Bethel Township, **Northampton County**.

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

36-05002D: Armstrong World Industries, Inc. (1067 Dillerville Road, Lancaster, PA 17603-2613) on March 20, 2009, for renovation of the existing vinyl floor coating operations in the City of Lancaster, **Lancaster County**.

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

AMS 08218: Growmark, Inc. (Pier 122 South, Philadelphia, PA 19148) on March 24, 2009, to install a 2 million tpy dry bulk materials handling process in the City of Philadelphia, **Philadelphia 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.

09-0186A: Kinder Morgan Bulk Terminals, Inc. (1 Sinter Road, Fairless Hills, PA 19030) on March 19, 2009, to operate and handle fertilizer transfer and storage products in Falls Township, **Bucks County**.

46-0260: Durapax, LLC (400 Old Reading Pike, Suite 304, Pottstown, PA 19464) on March 19, 2009, to operate a coal tar roofing material process in West Pottsgrove Township, **Montgomery County**.

46-313-146: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) on March 19, 2009, to operate a base pigment dispersion facility in Hatfield Township, **Montgomery County**.

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

08-00003C: CraftMaster Manufacturing, Inc. (P. O. Box 311, Shiner Road, Towanda, PA 18848) on March 18, 2009, to operate wood-fired boiler No. 3 and dry fuel handling equipment identified in the respective plan approval on a temporary basis until September 21, 2009, at their facility in Wysox Township, **Bradford County**. The Plan Approval has been extended.

08-313-038H: Global Tungsten & Powders, Corp. (Hawes Street, Towanda, PA 18848-0504) on March 19, 2009, for their multiple hearth roaster and material handling equipment (Source IDs P117 and P119) at their facility in North Towanda Township, **Bradford County**. This plan approval revision is for an insignificant increase to the total PM emission limitations and an increase in the opacity limitation for the multiple hearth roaster and handling equipment. The plan approval contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

25-124C: Mayer Brothers Construction Co. (1225 West 18th Street, Erie, PA 16502) on March 20, 2009, to modify an existing hot mix asphalt plant to burn No. 5 fuel oil as an alternate fuel in Erie City, **Erie County**.

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

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

21-05029: Sunoco Partners Market & Terminal, LP (17351 Market Street, 29MBC, Philadelphia, PA 19103) on March 20, 2009, to operate a petroleum product bulk storage and loading facility at their Mechanicsburg Terminal in Hampden Township, **Cumberland County**. This is a renewal of the Title V operating permit.

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

TV-16-00124: Peoples Natural Gas Co.—Truittsburg Station (5093 Truittsburg Road, Fairmont City, PA 16224) on March 20, 2009, the Department of Environmental Protection administratively amended the referenced permit to incorporate changes brought about by Plan Approval Number 16-124A. The plan approval authorized the installation of a 4th natural gas compressor engine. The facility is in Redbank Township, **Clarion County**.

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

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

09-00117: Heucotech, LTD (99 Newbold Road, Fairless Hills, PA 19030) on March 18, 2009, for issuance of a State-only Operating Permit to operate organic pigments production in Falls Township, **Bucks County**. The facility is natural minor. Plan Approval, PA-09-00117B is being incorporated into this new State-only Operating Permit. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

46-00100: Saint Gobain Abrasives (200 Commerce Drive, Montgomeryville, PA 18936) on March 18, 2009, for a non-Title V Facility, State-only, Synthetic Minor Permit in Montgomery Township, **Montgomery County**. The sources of emissions are space heaters, surface coating operations and thermal oxidizer. The facility has a potential to emit VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00118: Associated Rubber, Inc. (115 South 6th Street, Quakertown, PA 18951) on March 18, 2009, for a natural minor operating permit in Quakertown Borough, **Bucks County**. The facility molds rubber for various industrial and commercial uses. The main source of emissions is the vapor degreaser, which is used for cleaning the rubber parts. The facility has a potential to emit less than 10 tons of VOCs. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00168: Fiberglass Technologies, Inc. (1610 Hanford Street, Levittown, PA 19057) on March 13, 2009, for operation of a gelcoat and a resin spray booth at their facility in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The potential to

emit styrene from the facility exceeds 25 tpy; however, styrene emissions from the facility are restricted to less than 2.7 tpy. Therefore, the facility is categorized as Synthetic Minor. The permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

15-00029: Dopaco, Inc. (100 Arrandale Boulevard, Exton, PA 19341) on March 18, 2009, for operation of their printing and paperboard assembly facility in Downingtown Borough, **Chester County**. The permit is for a non-Title V (State-only) facility, with the Site-wide VOC emissions limited to 24.9 tons per 12-consecutive month period. Major sources of air emissions include six flexographic presses and support equipment. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00012: Sunoco Chemicals (Blueball Avenue Post Road, Marcus Hook, PA) on March 18, 2009, for renewal of the Title V Operating Permit in Marcus Hook Borough, **Delaware County**. The initial permit was issued on June 4, 2001. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of The Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

15-00057: Coatesville Hospital Corporation—d/b/a Brandywine Hospital (201 Reeceville Road, Coatesville, PA 19320) on March 20, 2009, for operation of a medical and surgical hospital in Caln Township, **Chester County**. This action is a renewal of the original State-only Operating Permit (Synthetic Minor), which was issued on February 2, 2004. Several typographical changes have been made to the permit. Three cold cleaning parts washers and two ethylene oxide sterilizers were added to the source inventory. The facility shall continue to remain a synthetic minor. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00078: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on March 24, 2009, for issuance of a State-only Operating Permit to operate four emergency generators, three boilers, water heaters and space heaters in East Whiteand Township, **Chester County**. The facility is synthetic minor for NOx. The following Plan Approvals and Operating Permits, PA-15-0078, PA-15-0078B, PA-15-0078C, OF-15-0078 are being incorporated into the facility permit, SMOP-15-00078. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

48-00062: Haines and Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on March 18, 2009, to reissue a State-only (Natural Minor) Operating Permit for operation of a rock crushing operation and associated air cleaning devices at their ABE Materials—Easton Crushing Plant in Lower Mount Bethel Township, **Northampton County**.

48-00047: Highway Materials, Inc. (1750 Walton Road, P. O. Box 1667, Blue Bell, PA 19422) on March 16, 2009, to manufacture of Asphalt Paving Mixtures and Blocks in Upper Nazareth Township, **Northampton County**. This is a State-only Synthetic Minor operating permit.

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

01-05020: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 17307-0807) on March 18, 2009, to operate their Biglerville fruit processing facility in Biglerville Borough, **Adams County**. This is a renewal of the State-only operating permit.

01-05033: Knouse Foods Cooperative, Inc. (P. O. Box 807, Biglerville, PA 176307-0807) on March 18, 2009, to operate their Peach Glen fruit processing facility in Tyrone Township, **Adams County**. This is a renewal of the State-only operating permit.

67-03045: ACCO Material Handling Solutions, Inc. (P. O. Box 792, York, PA 17405-0792) on March 9, 2009, to operate their hoist and crane component manufacturing facility in York Township, **York County**. This is a renewal of the State-only operating permit.

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

10-00326: Oesterling Sandblasting and Painting, Inc. (686 Glennwood Way, Butler, PA 16001-8422) on March 19, 2009, to re-issue the Natural Minor Operating Permit to operate their facility's air contamination sources consisting of: 1.2 mmBtu/hr natural gas space heaters, Abrasive Blasting, two large Paint Booths and a 30-gallon parts washer in Center Township, **Butler County**. The facility is not permitted to emit more than 20 tpy of VOCs from the spray painting operation.

25-00066: Accuride Erie, LP (1015 East 12th Street, Erie, PA 16503-1520) on March 23, 2009, to re-issue the Synthetic Minor Permit to operate a nonferrous forging plant in City of Erie, **Erie County**. The significant sources included, 1995 quench tank, 8,000 ton forging press, three 7,000 ton forging presses, 2,000 heat treating furnaces, 1995 solution furnace, 1995 age furnace, cold cleaning machines, process heating, miscellaneous natural gas usage, three wheel washers, two carbottom furnaces, 2006 solution furnace, 2006 quench tank and 2006 age furnace. The facility has taken a restriction of CO emission, 95 tpy to qualify as synthetic minor. The permit also contains additional monitoring, recordkeeping and reporting requirements to assure compliance with the facility-wide CO emission limit.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

09-00013: Wheelabrator Falls, Inc. (1201 New Ford Mill Road, Morrisville, PA, 19067) on March 19, 2009, the Title V Permit is amended to address an inconsistency between the State and Federal regulations concerning the testing requirements of PCDD and PCDF in Falls Township, **Bucks County**. Amendment of the Title V Operat-

ing Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

46-00010: Montenay Montgomery, LTD Partnership (1155 Conshohocken Road, Conshohocken, PA 19428) on March 19, 2009, the Title V Permit is amended to address an inconsistency between the State and Federal regulations concerning the testing requirements of PCDD and PCDF in Plymouth Township, **Montgomery County**. Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

23-00004: Covanta Delaware Valley, LP (10 Highland Avenue, Chester, PA 19013) on March 19, 2009, the Title V Permit is amended to address an inconsistency between the State and Federal regulations concerning the testing requirements of PCDD and PCDF, as well as an incorrect regulatory citation in the City of Chester, **Delaware County**. Administrative Amendment of the Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

31-05013: New Enterprise Stone & Lime Co., Inc. (P. O. Box 77, New Enterprise, PA 16664-0077) on March 17, 2009, to operate an asphaltic concrete batch plant (controlled by a cyclone in series with a fabric collector) at their Tyrone Blacktop Plant in Warriors Mark Township, **Huntingdon County**. This State-only operating permit was administratively amended to incorporate plan approval 31-05013A. This is Revision No. 1.

38-03035: V & S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207-2509) on March 10, 2009, to operate a hot dip galvanizing facility in Union Township, **Lebanon County**. This State-only operating permit was administratively amended to change the contact and responsible official. This is Revision No. 1.

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.

03921602 and NPDES Permit No. PA0214388, Glacial Sand and Gravel Company, (P. O. Box 1022,

Kittanning, PA 16201), to renew the permit for the Glacial Coal Tipple in East Franklin Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received October 24, 2008. Permit issued March 17, 2009.

30841307 and NPDES Permit No. PA0213438, Emerald Coal Resources, LP, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to revise the permit for the Emerald Mine No. 1 in Center Township, **Greene County** to change the land use on 4.5 acres from pastureland to industrial/commercial at Emerald No. 5 Airshaft. No additional discharges. Application received July 1, 2008. Permit issued March 17, 2009.

32991301 and NPDES Permit No. PA0215228, AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650), to revise the permit for the Nolo Deep Mine in Buffington Township, **Indiana County** and related NPDES permit to construct pipeline to transport mine water from Barrett Deep Mine to Nolo Mine for discharge to Laurel Run and injection into Nolo Mine. Surface Acres Proposed 5.5. Receiving Stream: UNT to Laurel Run, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority and intake Yellow Creek. Application received October 22, 2007. Permit issued March 17, 2009.

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

56890101 and NPDES No. PA0598364. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and coal refuse disposal mine in Brothersvalley Township, **Somerset County**, affecting 226.6 acres. Receiving streams: UNTs to and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 16, 2009. Permit issued March 18, 2009.

32020108 and NPDES No. PA0249351. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface mine in Buffington Township, **Indiana County**, affecting 44.0 acres. Receiving streams: UNT to Mardis Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 20, 2009. Permit issued March 18, 2009.

32930105 and NPDES No. PA0212652. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only of a bituminous surface auger and coal refuse disposal mine in Banks Township, **Indiana County**, affecting 86.7 acres. Receiving streams: UNTs to Cush Creek, UNT to South Branch Bear Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 20, 2009. Permit issued March 18, 2009.

11823011 and NPDES No. PA0607614, L & J Energy Company, Inc., P. O. Box J, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface and auger mine in Susquehanna Township, **Cambria County**, affecting 75.0 acres. Receiving streams: UNT to Susquehanna River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 15, 2009. Permit issued March 18, 2009.

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

02070105 and NPDES Permit No. PA0251275. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit revised to add 4.9 acres for mining on the land of Leon and Richard Rochez and to correct the exhibit maps regarding the location of the haul road at an existing bituminous surface mining site located in Jefferson Hills Borough, **Allegheny County**, now affecting 56.6 acres. Receiving streams: UNTs to Monongahela River. Application received October 24, 2008. Revised permit issued March 20, 2009.

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

24030102 and NPDES Permit No. PA0242322. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650) Renewal of an existing bituminous strip operation in Fox Township, **Elk County** affecting 172.5 acres. Receiving streams: UNT No. 1 to Mill Run. Application received January 14, 2009. Permit issued March 17, 2009.

10080103 and NPDES Permit No. PA0258661. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip and auger operation in Concord Township, **Butler County** affecting 116.0 acres. Receiving streams: UNT No. 3 to Pine Run. Application received August 28, 2008. Permit issued March 16, 2009.

Noncoal Permits Actions

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

32082802. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Center Township, **Indiana County**, affecting 4.5 acres. Receiving streams: UNTs to Tearing Run, Two Lick Creek to Blacklick Creek to Conemaugh River. Application received May 15, 2008. Permit issued March 18, 2009.

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

3072SM3. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0605336 in Mercer and Marion Townships, **Butler County**. Receiving streams: Two UNTs to McMurray Run, McMurray Run and UNT to North Branch Slippery Rock Creek. Application received January 29, 2009. Permit issued March 17, 2009.

20070302. W. L. Dunn Construction Company (180 North Franklin Street, Cochranon, PA 16314) Commencement, operation and restoration of a large sand and gravel operation in East Mead Township, **Crawford County** affecting 47.6 acres. Receiving streams: Little Sugar Creek. Application received September 25, 2008. Permit issued March 18, 2009.

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

08080810. Wendy West (R. R. 2, Box 248A1, Wysox, PA 18854). Commencement, operation and restoration of a quarry operation (flagstone) in Standing Stone Township, **Bradford County**, affecting 5.0 acres. Receiving stream: none. Application received September 4, 2008. Permit issued March 11, 2009.

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

58082804. Darwin R. Greene, (R. R. 3, Box 219 B, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 6, 2008. Permit issued March 17, 2009.

58080828. John Maloney, (R. R. 5, Box 5303, Towanda, PA 18848), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received April 14, 2008. Permit issued March 17, 2009.

58082805. Rock Ridge Stone, Inc., (R. R. 2, Box 151 B, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 1.0 acre, receiving stream: none. Application received March 31, 2008. Permit issued March 18, 2009.

66080804. Derek Conroe, (11 Hearthstone Apartments, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Nicholson Township, **Wyoming County** affecting 2.0 acres, receiving stream: none. Application received July 14, 2008. Permit issued March 19, 2009.

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

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

65094002. KESCO, Inc. (P. O. Box 95, Adrian, PA 16210). Blasting activity permit for construction of the Mills Point Shopping Mall, located in North Huntingdon Township, **Westmoreland County**. The expected duration of blasting is 1 year. Permit issued March 16, 2009.

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

38094103. Dyno-Nobel, Inc., (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Brickyard of Campbelltown UCC Cemetery in South Lebanon Township, **Lebanon County** with an expiration date of March 30, 2011. Permit issued March 16, 2009.

36094110. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Lansdale Development in Manheim Township, **Lancaster County** with an expiration date of December 30, 2010. Permit issued March 17, 2009.

40094105. Austin Powder Northeast, LLC, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Center Point West in Pittston Township, **Luzerne County** with an expiration date of March 8, 2010. Permit issued March 17, 2009.

45094107. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Leisure

Lands in Middle Smithfield Township, **Monroe County** with an expiration date of March 31, 2010. Permit issued March 17, 2009.

45094108. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Timber Hills in Price and Paradise Townships, **Monroe County** with an expiration date of March 31, 2010. Permit issued March 17, 2009.

45094109. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Blue Mountain Lake in Stroud Township, **Monroe County** with an expiration date of March 31, 2010. Permit issued March 17, 2009.

45094110. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Alpine Lake in Pocono Township, **Monroe County** with an expiration date of March 31, 2010. Permit issued March 17, 2009.

45094113. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hill Estates in Smithfield Township, **Monroe County** with an expiration date of March 31, 2010. Permit issued March 17, 2009.

52094105. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wild Acres in Delaware Township, **Pike County** with an expiration date of March 31, 2010. Permit issued March 17, 2009.

45094112. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Lake in the Clouds in Barrett Township, **Monroe County** and Greene Township, **Pike County** with an expiration date of March 31, 2010. Permit issued March 18, 2009.

58094008. Eugene C. Carpenter, Geokentics, Inc., (P. O. Box 158, Wysox, PA 18854), construction blasting for Geophysical Exploration for the Bradford 3D Operation in Rush Township, **Susquehanna County** with an expiration date of May 31, 2010. Permit issued March 19, 2009.

22094105. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for High Meadows SS Extension in Derry Township, **Dauphin County** with an expiration date of March 31, 2010. Permit issued March 19, 2009.

39094104. Orica USA, Inc., (5101 Beekmantown Road, Whitehall, PA 18052), construction blasting for core construction and remediation for a sump near Coplay Aggregates, Inc. in Whitehall Township, **Lehigh County** with an expiration date of April 30, 2009. Permit issued March 19, 2009.

40094107. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Stryker Brigade Hazleton in the City of Hazleton, **Luzerne County** with an expiration date of March 31, 2010. Permit issued March 19, 2009.

67094104. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting at Donwood Phase 2 in Dover Township, **York County** with an expiration date of March 18, 2010. Permit issued March 19, 2009.

67094105. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Dallastown School in Springfield Township, **York County** with an expiration date of March 18, 2010. Permit issued March 19, 2009.

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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E28-349: Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106-7676, Southampton Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

The project consists of realigning the Turnpike at the curve immediately east of the Blue Mountain Tunnel, to

the south of the existing roadway from milepost 199.5 to 200.4 involving the following regulated activities:

1. To construct and maintain a 280.0 linear foot by 24-inch RCP pipe road crossing of a UNT to Clippingers Run (WWF) at Station 195+20 R (Doyleburg, PA Quadrangle North: 2.4 inches; West: 3.4 inches, Latitude: 40° 08' 36" N; Latitude: 77° 38' 32" W) resulting in 280.0 feet of perennial stream impact;

2. To relocate approximately 765.0 linear feet of a UNT to Clippingers Run (WWF) from Station 209+35 to 210+60 R (Doyleburg, PA Quadrangle North: 2.0 inches; West: 3.9 inches, Latitude: 40° 08' 45" N; Latitude: 77° 38' 20" W) resulting in 765.0 linear feet of intermittent stream impact;

3. To construct and maintain a 531.0 linear foot by 60-inch RCP pipe road crossing in a UNT to Clippingers Run (WWF) at Station 211+45 R (Doyleburg, PA Quadrangle North: 1.8 inches; West: 3.8 inches, Latitude: 40° 08' 47" N; Latitude: 77° 38' 16" W) resulting in 669.0 feet of perennial stream impact;

4. To construct and maintain a 355.0 linear foot by 54-inch RCP pipe road crossing in Clippingers Run (WWF) at Station 222+30 R (Doyleburg, PA Quadrangle North: 0.8 inch; West: 4.0 inches, Latitude: 40° 08' 56" N; Latitude: 77° 37' 55" W) resulting in 516.0 feet of perennial stream impact; and

5. To construct and maintain a 297.0 linear foot extension of an existing 48-inch CMP pipe in a UNT to Laughlin Run (WWF) at Station 232+00 R (Doyleburg, PA Quadrangle North: 0.5 inch; West: 4.8 inches, Latitude: 40° 09' 04" N; Latitude: 77° 37' 41" W) resulting in 332.0 feet of perennial stream impact.

The project will permanently impact 1,797.0 linear feet of perennial stream channel and 765.0 linear feet of intermittent stream channel, totaling approximately 0.59 acre of impact to Waters of the Commonwealth. To compensate for unavoidable stream impacts, the applicant has proposed to remove a dam on Middle Spring Creek (CWF) along Middle Spring Road in Southampton Township, Cumberland County (Shippensburg, PA Quadrangle North: 14.7 inches; West: 6.0 inches; Latitude: 40° 4' 52"; Longitude: 77° 32' 36").

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

E12-169. David M. Fees, P. O. Box 184, Bellefonte, PA 16823. David M. Fees dwelling addition in First Fork-Sinnemahoning Creek Floodway, Grove Township, **Cameron County**, United States Army Corps of Engineers, Baltimore District (Sinnemahoning, PA Quadrangle Latitude: 41° 22' 0.41"; Longitude: 78° 03' 11.04").

The applicant proposes to modify, operate and maintain an existing residential dwelling and appurtenances that are located in the 100-year floodway of First Fork, Sinnemahoning Creek. Modifications to the existing structure within the floodway shall be limited to constructing a southern addition of 8-feet by 26-feet and an eastern addition of 16-feet by 20-feet onto the existing dwelling. The project is located along the eastern right-of-way of SR 0872 (First Fork Road) 330-feet north of Garman Road and SR 0872 intersection. This permit was issued under Section 105.13(e) "Small Projects." By undertaking the work authorized by this permit, the permittee agrees no temporary or permanent stream and wetland impacts will result from the construction of the two dwelling additions.

E18-441. Justin B. Bryerton, 821 Woodward Avenue, Lock Haven, PA 17745. Water Obstruction and Encroachment Joint Permit, in Woodward Township, **Clinton County**, United States Army Corps of Engineers, Susquehanna River Basin District (Lock Haven, PA Quadrangle N: 41° 09' 17.6"; W: 77° 28' 03.1").

To construct and maintain a pavilion and concrete pad for shelter and recreation in the floodway of the West Branch of the Susquehanna River. The pavilion will have a width of 20-feet, a length of 30-feet and a height of 10-feet. The pavilion will be constructed of lumber with a metal roof. All sides of the pavilion are open. The pavilion will sit on a proposed 6" concrete slab at grade. Six, 6-inch by 6-inch pressure treated posts will support the truss roof. The posts will be anchored in the ground below the frost line. No fill will be placed in the floodway. This project is located along the West Branch of the Susquehanna River, 6,800-feet northwest of the intersection of T-359, West River Road and SR 1001, Far-randville Road (Lock Haven, PA Quadrangle N: 41° 09' 17.6"; W: 77° 28' 03.1") in Woodward Township, Clinton County. This project proposes to have a minimal impact on the West Branch of the Susquehanna River, which is designated a WWF and does not propose to impact any

jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

E02-584-A7 Hanson Aggregates PMA, Inc., 2200 Springfield Pike, Connellsville, PA 15425, in the City of Aliquippa, Baden Borough and Hopewell Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 19.2 to 20.2 (Upstream beginning point: Baden, PA Quadrangle N: 0.4 inch; W: 15.0 inches, Latitude: 40° 37' 37.1"; Longitude: 80° 13' 59.8". Downstream end point: Baden, PA Quadrangle N: 2.9 inches; W: 15.3 inches, Latitude: 40° 38' 28.7"; Longitude: 80° 14' 9.12"), left descending bank in The City of Aliquippa, Baden Borough and Hopewell Township, Beaver County. Additionally, The Commonwealth of Fish Community Sampling Protocol has been revised.

**Permit No. E02-584
Attachment No. 2
Approved Dredging Areas by River Mile**

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Beaver	Ohio	Montgomery	19.2 to 20.2 L	City of Aliquippa Baden Borough Hopewell Township		10/01/13
			19.2 to 20.2 R	Baden Borough		04/12/11
			20.6 to 21.6 R	Conway Borough Economy Borough		03/21/10
			21.0 to 21.1 L	Hopewell Township	Minimum 250 ft. Setback from NP shoreline.	05/16/09
			21.1 to 21.3 L	Hopewell Township		05/16/09
			21.3 to 21.4 L	Hopewell Township Center Township	Minimum 250 ft. setback from NP shoreline.	05/16/09
			21.4 to 21.6 L	Center Township	Minimum 200 ft. setback from NP shoreline.	05/16/09
			21.6 to 21.7 L	Center Township		05/16/09
			26.2 to 27.2 L & R	Beaver Borough Center Township Potter Township Vanport Borough		04/12/11
			31.0 to 31.4 R	Industry Borough		07/26/10
			35.5 to 36.0 L & R	Greene Township Midland Borough Shippingport Borough		03/21/10

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP"—refers to normal pool.

APPENDIX B

**Commonwealth of Pennsylvania Fish Community
Sampling Protocol
June 29, 2006 (Revised March 2009)**

The Department of Environmental Protection shall require Pre Dredging Fish Sampling for the 2006 permit cycle. This sampling, protocol and criteria shall be used to satisfy the requirements of the Pennsylvania National Diversity Index process ("PNDI") search, survey and conflict resolution. The sampling study parameters, protocol and criteria are as follows:

PRE DREDGING

The industry shall conduct benthic trawling sampling of fish in areas proposed for dredging according to this Department protocol. Four (2 minute) un snagged benthic trawls per segment (including buffer segments) are required. All sampling detailed as follows must occur between May 1 and October 1. Outside of that 5-month sampling window, surveys must be conducted with a temperature criterion of greater than or equal to 10° C (50° F) which has been achieved for a minimum of 5 consecutive days prior to the survey and must be maintained during the survey. The temperature can be monitored at the following USGS web site:

- For the Allegheny River: http://waterdata.usgs.gov/nwis/uv?cb_00010=on&cb_00400=on&cb_00095=on&cb_00300=on&format=gif_default&period=7&site_no=03049640.
- For the Ohio River: <http://waterdata.usgs.gov/nwis/uv?03085734>

Presently there exists only one temperature gauge on the Allegheny River and one on the Ohio River in this Commonwealth. If in the future, additional gauges are added to the rivers then the closest gauge to the sampling site should be used for monitoring temperatures.

Notice must be provided to the Department a minimum of 7 days prior to initiation of a fish survey.

Sampling Methods and Procedures

Gear Type
Benthic Trawl

The trawl to be utilized is an extremely effective gear for sampling benthic lithophils (Herzog et al. 2005). The effectiveness of the benthic trawl shall vary based on the bottom substrate, river bed obstructions, boat speed (this shall determine the opening size of the net) and reaction of the fish. In the event that the trawl becomes snagged or turns over, this shall constitute a failed sampling event. The operators must retrieve the trawl, discard the contents of the failed trawl and reset the trawl for a new sampling event.

The Missouri-type 8 ft. wide trawl design described by Herzog et al. (2005) shall be the standard trawl employed during these surveys. The trawl's cod end is manufactured of 2.14 meters (7.02 ft) long 1.5 mm (1/17 in) diameter nylon twine with 19.05 mm (3/4 in) bar mesh and is lined with 3.18 mm (1/8 in) ace-style mesh. The body is manufactured with No. 7 (1-3/8 in. sq. mesh) netting and the bag is manufactured with No. 12 (1-1/4 in. sq. mesh) netting. The two trawl boards are 40.64 cm (16 in.) by 34.13 cm (9.5 in.) and equipped with 1.59 cm (5/8 in.) diameter twisted nylon tow lines 30.48 m (100 ft) in length. The footrope is 1.59 cm in diameter and 5.48 m (17.9 ft) long. The trawl chain is 44 mm (1 3/4") L by 25.4

mm (1") H by 6.4 mm (1/4") diameter. Ideally, the trawl shall be fished from a Jon boat 5.49-6.4 m (18-21 ft in length). The trawl shall be attached to two hard points on the boat with 9.5 mm (3/8 in) braided nylon rope. To effectively fish the trawl, ropes of various lengths should be used, depending on water depth. In water depths of 5 m (16.4 ft) or less, 15.24 m (50 ft) towlines should be used and at water depths between 5 m (16.4 ft) and 10 m (32.8 ft) towlines 30.48 m (100 feet) in length should be used. The length of rope utilized should be recorded on the data sheets provided in addition to river depth at the time of sampling. A small float should be attached to the end of the codpiece with a braided nylon rope. The rope should be longer than the maximum depth to be sampled. In the event the trawl has to be disconnected from the boat, the float shall mark the location of the trawl, facilitating recovery. The trawl shall be towed for 2-minutes un snagged moving backwards downstream just faster than the current.

General Sampling Design

Using a depth finder or other appropriate gear type, the 6-foot depth contour shall be located at a minimum of three contiguous points along the proposed standard 0.1-mi linear sampling zone. Perpendicular to these points, the 150-foot no dredge area (buffer) shall be determined using an appropriate method (that is, laser range finder). This distance shall be marked with additional buoys to demark the edge of the buffer zone and the beginning of the dredge zone. The location of each sampling event shall be indexed by river mile and marked with a global positioning system device.

Any permit request shall include a one-segment upriver and a one segment downriver station which must also be sampled. For example, if (5)-0.1 mile segments are requested then (7)-0.1 mile segments need to be sampled. All benthic trawling events must be completed within the time window between 2 hours after sunrise and 2 hours before sunset. Benthic trawl sampling shall occur within each 0.1 mi. reach as follows: three benthic trawls shall be performed within the proposed dredge zone and one benthic trawl shall be performed within the 45.72 m (150 ft) buffer. In addition, one benthic trawl shall be performed 0.1-mi upriver and 0.1-mi downriver from the proposed dredge zone (Figure 2). These 2 additional up- and downriver trawls shall be performed within the buffer area (2 trawls total) and in the adjacent up- and downriver dredge zones (6 trawls total). Therefore, a minimum total of 12 trawls shall be required to cover the 0.3-river mile sampling area. Data shall be recorded and reported for each individual trawl sample.

Criteria

If the benthic lithophils identified in Table 2 are collected during the surveys several outcomes are possible. If any Category 1 fishes are collected during benthic trawling sampling events, the permit area shall be restricted from dredging and a 0.3-mile upriver and 0.1-mile downriver no-dredge buffer shall be established; If any Category 2 species are collected during Phase I benthic trawling, then Phase 2 sampling shall be completed within 30 days (see Phase II sampling protocol). If three or more Category 3 species are collected during Phase I benthic trawling, then Phase II sampling shall be completed within 30 days (see Phase II sampling protocol). If no Category 1, 2 or 3 species are collected during Phase 1 trawl sampling events dredging for that river segment shall be authorized.

Phase II

If fish species listed in Category 2 (Table 2) are collected during Phase I sampling, then additional sam-

pling under Phase II shall be required. Phase II sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area may be sampled with benthic trawling in Phase II. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases I and II sampling. During Phase II sampling, a minimum of five trawls is required. If any Category 2 fishes are collected, the same species of Category 2 fish shall be documented within a 0.5-mi reach and they shall be in at least 50% of their abundance (rounded to the nearest whole fish) from Phase I sampling.

If three or more Category 3 (Table 2) fish species are collected during Phase I sampling, then additional sampling under Phase II shall be required. Phase II sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area may be sampled with benthic trawling in Phase II. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases I and II sampling. During Phase II sampling, a minimum of five trawls is required. Phase II sampling must document an equal or greater number of Category 3 species per sampling and at least 50% of the most abundant species collected during Phase I sampling must be found in the .5-mile Phase II area to permit dredging to occur in the proposed area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Category 2 and 3 fish species are a resource that requires protection due to their rarity; however, the dredging industry applicant may complete a Phase II assessment of the proposed project area to document that impacts to these fishes shall not be significant. If the applicant provides this Phase II information to document the widespread distribution of these Category 2 and 3 fish species then dredging shall be approved in the designated area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Fishes captured during each sampling event shall be retrieved, identified to enumerated species and returned (if not held for further analysis). Species composition (see attached data sheet as Table 1) shall be recorded for each transect with each gear type used. The consultant shall retain appropriate voucher and questionable species (stored in 10% formalin). At least one specimen of each fish species shall be photographed, documented and returned. Voucher specimens for T&E species shall be provided to the PFBC at the following address: Chief, Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823.

Fishes that do not survive a sampling procedure and that are not retained as vouchers shall be buried on shore or returned to deep water for nutrient recycling by puncturing the swim bladder. Fish community sampling protocols shall be conducted by qualified fisheries scientists. All surveyors shall obtain a valid PFBC scientific collectors permit and a special Chapter 75 permit for the collection of threatened and endangered fish species. The contact for these permits is Chris Urban at the PFBC (814) 359-5113.

References

Dryer, M. 1996. Protocol on collecting, tagging, holding, transporting and data recording for researchers and managers handling pallid sturgeon. United States Fish and Wildlife Service. Bismarck, ND.

Emery, E. B., Thomas P. Simon, Frank H. McCormick, Paul L. Angermeier, Jeffrey E. Deshon, Chris O. Yoder, Randall E. Sanders, Shaliam D. Pearson, Gary D. Hickman, Robin J. Reash and Jeffrey A. Thomas. 2003: Development of a Multimetric Index for Assessing the Biological Condition of the Ohio River. *Transactions of the American Fisheries Society* 132(4):791–808.

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Herzog, D. P., V. A., Barko, J. S., Scheibe, R. A. Hrabik and D. E. Ostendorf. 2005. Efficacy of a benthic trawl for sampling small-bodied fishes in large river systems. *North America Journal of Fisheries Management* 25:594–603.

Murphy, B. R. and D. W. Shallis, eds. 1996. *Fisheries Techniques*, 2nd ed. American Fisheries Society Publication, Bethesda, MD.

Nielsen, L.A. and D.L. Johnson. 1983. *Fisheries Techniques*. American Fisheries Society Publication, Bethesda, MD.

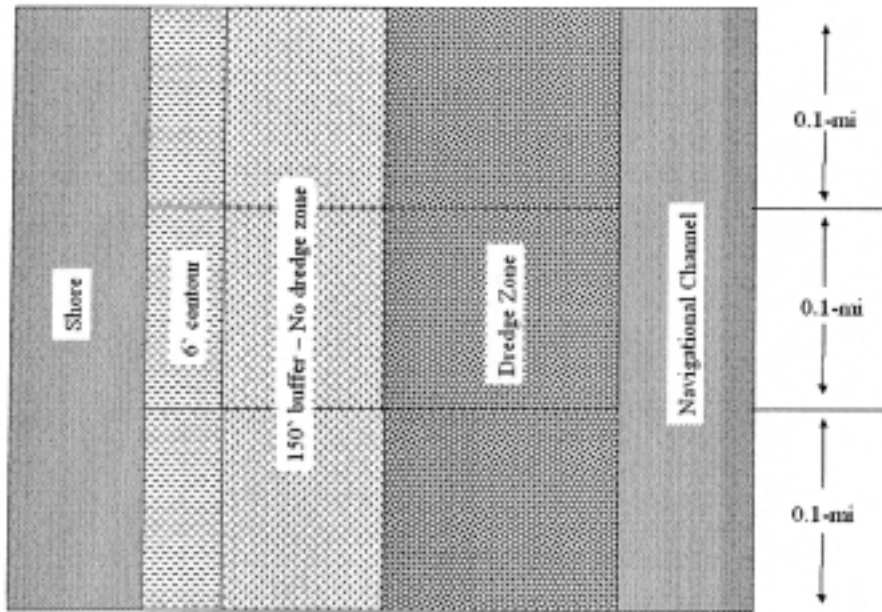


Figure 1 - River schematic diagram from shore to navigation channel denoting the area to be sampled with benthic trawls. Note the 6-foot contour is to be determined using an appropriate method (e.g., depth finder) and the 150-foot no-dredge area is to be determined from the 6-foot contour to establish the edge of a sampling zone

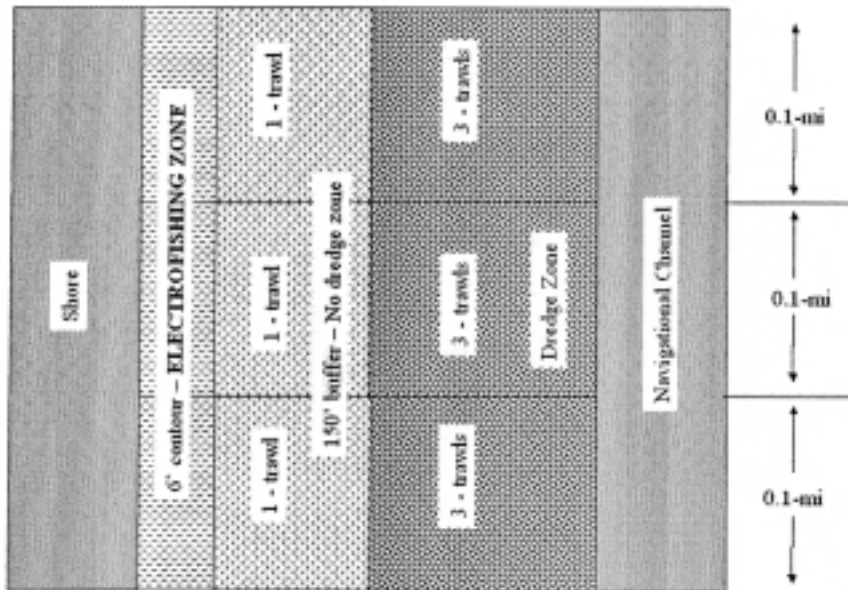


Figure 2 - Three trawls are to be conducted within the 150-ft buffer area, and a total of nine trawls are to be conducted within, above and below the proposed dredged area.

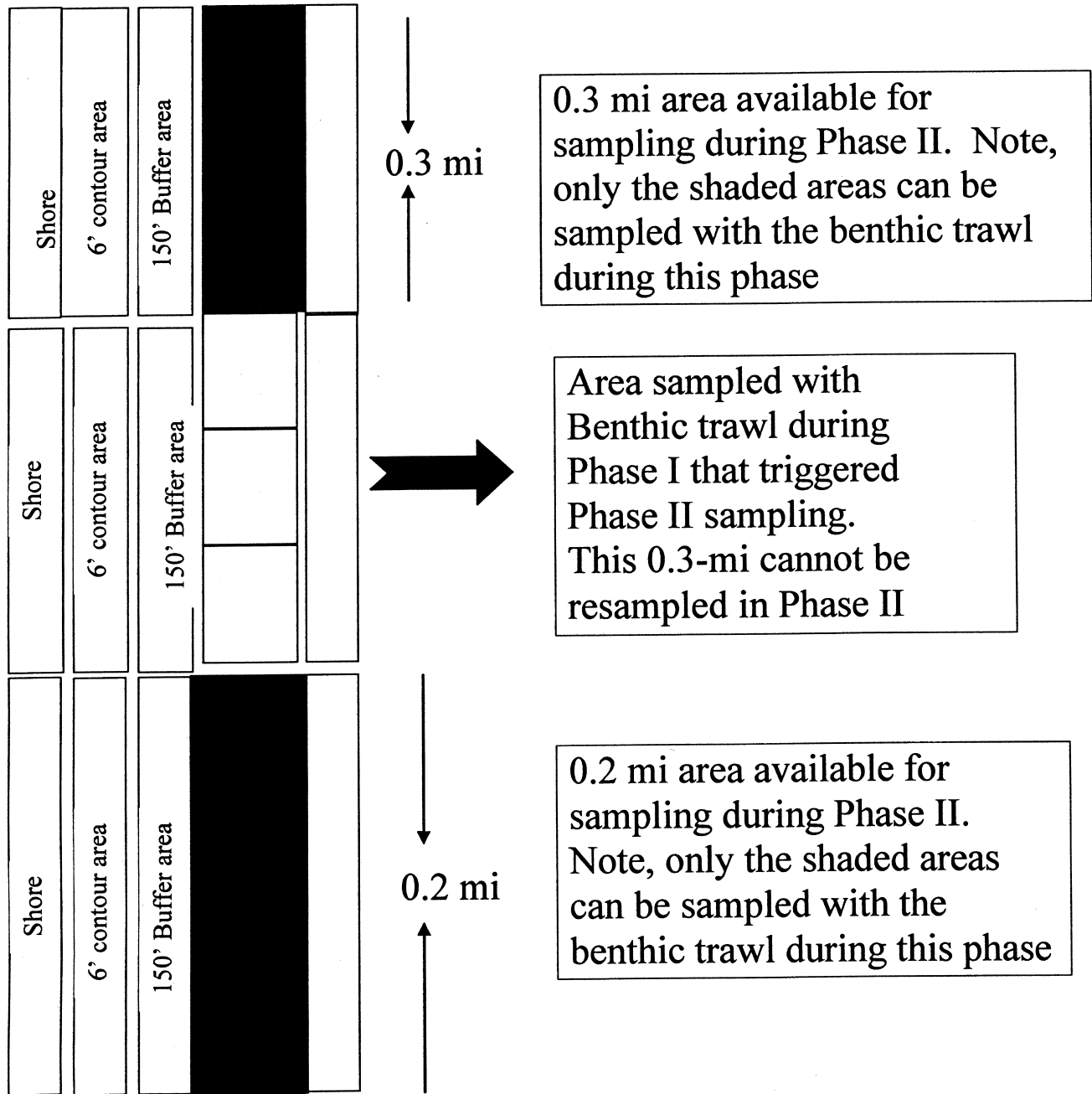


Figure 3— Area for Phase II sampling to document distribution and partial abundance of benthic species. Note the shaded areas are the only areas that can be sampled using the benthic trawl.

Table 2—Benthic lithophilic fishes that, if collected during Phase I sampling, could trigger Phase II sampling.

Category 1 species		<i>Outcome if fishes are collected and/or defined as a Hit</i>
Sturgeon sp.		
Gravel Chub		
Mountain Madtom		If Phase I Hit of One Species,
Tadpole Madtom		Then No dredging shall occur.
Northern Madtom		
Brindled Madtom		
Eastern Sand Darter		
Longnose Sucker		
Iowa Darter		
Category 2 species		
N. Brook Lamprey		
Mountain Brook Lamprey		If Phase I Trawling Hit of One Species or More, then Phase II
Spotted Darter		sampling shall be required.
Spotted Sucker		
Category 3 species		
Silver Chub		
River Shiner		If Phase I Trawling Hit of 3 or More Species, then Phase II
Bluebreast Darter		sampling will be required.
Tippecanoe Darter		
Gilt Darter		

E02-584-A8. Hanson Aggregates PMA, Inc., 2200 Springfield Pike, Connellsville, PA 15425, in East Franklin and Rayburn Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 49.1 to 49.3 (Downstream beginning point: Kittanning, PA Quadrangle N: 20.5 inches; W: 0.1 inch, Latitude: 40° 51' 21.67"; Longitude: 79° 30' 1.41". Upstream end point: Mosgrove, PA Quadrangle N: 19.4 inches; W: 16.7 inches, Latitude: 40° 51' 26.11"; Longitude: 79° 29' 45.15"), left and right descending banks in East Franklin and Rayburn Townships, Armstrong County.

**Permit No. E02-584
Attachment No. 3
Approved Dredging Areas by River Mile**

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Armstrong	Allegheny	5	30.7 to 31.25 L & R	South Buffalo Township Gilpen Township		05/19/13
			31.65 to 31.7 L & R	South Buffalo Township Gilpen Township		05/19/13
		7	49.1 to 49.3 L & R	East Franklin Township Rayburn Township		08/12/13

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
		8	54.7 to 55.0 L & R	Pine Township Washington Township		05/31/12
			55.0 to 55.2 L & R	Pine Township Washington Township		10/08/11

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

E02-919-A7. Tri-State River Products, Inc., Box 218, 334 Insurance Street, Beaver PA 15009, in the City of Aliquippa, Baden Borough and Hopewell Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 19.2 to 20.2 (Upstream beginning point: Baden, PA Quadrangle N: 0.4 inch; W: 15.0 inches, Latitude: 40° 37' 37.1"; Longitude: 80° 13' 59.8". Downstream end point: Baden, PA Quadrangle N: 2.9 inches; W: 15.3 inches, Latitude: 40° 38' 28.7"; Longitude: 80° 14' 9.12"), left descending bank in The City of Aliquippa, Baden Borough and Hopewell Township, Beaver County. Additionally, the Commonwealth of Pennsylvania Fish Community Sampling Protocol has been revised.

**Permit No. E02-584
Attachment No. 2
Approved Dredging Areas by River Mile**

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Beaver	Ohio	Montgomery	19.2 to 20.2 L	City of Aliquippa Baden Borough Hopewell Township		10/01/13
			19.2 to 20.2 R	Baden Borough		04/12/11
			20.6 to 21.6 R	Conway Borough Economy Borough		03/21/10
			21.0 to 21.1 L	Hopewell Township	Minimum 250 ft. Setback from NP shoreline	05/16/09
			21.1 to 21.3 L	Hopewell Township		05/16/09
			21.3 to 21.4 L	Hopewell Township Center Township	Minimum 250 ft. setback from NP shoreline.	05/16/09
			21.4 to 21.6 L	Center Township	Minimum 200 ft. setback from NP shoreline.	05/16/09
			21.6 to 21.7 L	Center Township		05/16/09
			26.2 to 27.2 L & R	Beaver Borough Center Township Potter Township Vanport Borough		04/12/11
			31.0 to 31.4 R	Industry Borough		07/26/10
	Ohio	New Cumberland	35.5 to 36.0 L & R	Greene Township Midland Borough Shippingport Borough		03/21/10

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP"—refers to normal pool

APPENDIX B

**Commonwealth of Pennsylvania Fish Community
Sampling Protocol
June 29, 2006 (Revised March 2009)**

The Department of Environmental Protection shall require Pre Dredging Fish Sampling for the 2006 permit cycle. This sampling, protocol and criteria shall be used to satisfy the requirements of the Pennsylvania National Diversity Index process ("PNDI") search, survey and conflict resolution. The sampling study parameters, protocol and criteria are as follows:

PRE DREDGING

The industry shall conduct benthic trawling sampling of fish in areas proposed for dredging according to this Department protocol. Four (2 minute) un snagged benthic trawls per segment (including buffer segments) are required. All sampling detailed below must occur between May 1 and October 1. Outside of that 5-month sampling window, surveys must be conducted with a temperature criterion of greater than or equal to 10° C (50° F) which has been achieved for a minimum of 5- consecutive days prior to the survey and must be maintained during the survey. The temperature can be monitored at the following USGS web site:

- For the Allegheny River: http://waterdata.usgs.gov/nwis/uv?cb_00010=on&cb_00400=on&cb_00095=on&cb_00300=on&format=gif_default&period=7&site_no=03049640.

- For the Ohio River: <http://waterdata.usgs.gov/nwis/uv?03085734>

Presently there exists only one temperature gauge on the Allegheny River and one on the Ohio River in PA. If in the future, additional gauges are added to the rivers then the closest gauge to the sampling site should be used for monitoring temperatures.

Notice must be provided to the Department a minimum of 7 days prior to initiation of a fish survey.

Sampling Methods and Procedures

Gear Type

Benthic Trawl

The trawl to be utilized is an extremely effective gear for sampling benthic lithophils (Herzog et al. 2005). The effectiveness of the benthic trawl shall vary based on the bottom substrate, river bed obstructions, boat speed (this shall determine the opening size of the net) and reaction of the fish. In the event that the trawl becomes snagged or turns over, this shall constitute a failed sampling event. The operators must retrieve the trawl, discard the contents of the failed trawl and reset the trawl for a new sampling event.

The Missouri-type 8 ft. wide trawl design described by Herzog et al. (2005) shall be the standard trawl employed during these surveys. The trawl's cod end is manufactured of 2.14 meters (7.02 ft) long 1.5 mm (1/17 in) diameter nylon twine with 19.05 mm (3/4 in) bar mesh and is lined with 3.18 mm (1/8 in) ace-style mesh. The body is manufactured with No. 7 (1-3/8 in. sq. mesh) netting and the bag is manufactured with No. 12 (1-1/4 in. sq. mesh) netting. The two trawl boards are 40.64 cm (16 in.) by 34.13 cm (9.5 in.) and equipped with 1.59 cm (5/8 in.) diameter twisted nylon tow lines 30.48 m (100 ft) in length. The footrope is 1.59 cm in diameter and 5.48 m (17.9 ft) long. The trawl chain is 44 mm (1 3/4") L by 25.4 mm (1") H by 6.4mm (1/4") diameter. Ideally, the trawl shall be fished from a Jon boat 5.49-6.4 m (18-21 ft in length). The trawl shall be attached to two hard points on the boat with 9.5 mm (3/8 in) braided nylon rope. To effectively fish the trawl, ropes of various lengths should be used, depending on water depth. In water depths of 5 m (16.4 ft) or less, 15.24 m (50 ft) towlines should be used and at water depths between 5 m (16.4 ft) and 10 m (32.8 ft) towlines 30.48 m (100 feet) in length should be used. The length of rope utilized should be recorded on the data sheets provided in addition to river depth at the time of sampling. A small float should be attached to the end of the codpiece with a braided nylon rope. The rope should be longer than the maximum depth to be sampled. In the event the trawl has to be disconnected from the boat, the float shall mark the location of the trawl, facilitating recovery. The trawl shall be towed for 2-minutes un snagged moving backwards downstream just faster than the current.

General Sampling Design

Using a depth finder or other appropriate gear type, the 6-foot depth contour shall be located at a minimum of three contiguous points along the proposed standard 0.1-mi linear sampling zone. Perpendicular to these points, the 150-foot no dredge area (buffer) shall be determined using an appropriate method (that is, laser

range finder). This distance shall be marked with additional buoys to demark the edge of the buffer zone and the beginning of the dredge zone. The location of each sampling event shall be indexed by river mile and marked with a global positioning system device.

Any permit request shall include a one-segment upriver and a one segment downriver station which must also be sampled. For example, if (5)-0.1 mile segments are requested then (7)-0.1 mile segments need to be sampled. All benthic trawling events must be completed within the time window between 2 hours after sunrise and 2 hours before sunset. Benthic trawl sampling shall occur within each 0.1 mi. reach as follows: three benthic trawls shall be performed within the proposed dredge zone and one benthic trawl shall be performed within the 45.72 m (150 ft) buffer. In addition, one benthic trawl shall be performed 0.1-mi upriver and 0.1-mi downriver from the proposed dredge zone (Figure 2). These 2 additional up- and downriver trawls shall be performed within the buffer area (2 trawls total) and in the adjacent up- and downriver dredge zones (6 trawls total). Therefore, a minimum total of 12 trawls shall be required to cover the 0.3-river mile sampling area. Data shall be recorded and reported for each individual trawl sample.

Criteria

If the benthic lithophils identified in Table 2 are collected during the surveys several outcomes are possible. If any Category 1 fishes are collected during benthic trawling sampling events, the permit area shall be restricted from dredging and a 0.3-mile upriver and 0.1-mile downriver no-dredge buffer shall be established; If any Category 2 species are collected during Phase I benthic trawling, then Phase 2 sampling shall be completed within 30 days (see Phase II sampling protocol). If three or more Category 3 species are collected during Phase I benthic trawling, then Phase II sampling shall be completed within 30 days (see Phase II sampling protocol). If no Category 1, 2 or 3 species are collected during Phase 1 trawl sampling events dredging for that river segment shall be authorized.

Phase II

If fish species listed in Category 2 (Table 2) are collected during Phase I sampling, then additional sampling under Phase II shall be required. Phase II sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area may be sampled with benthic trawling in Phase II. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases I and II sampling. During Phase II sampling, a minimum of five trawls is required. If any Category 2 fishes are collected, the same species of Category 2 fish shall be documented within a 0.5-mi reach and they shall be in at least 50% of their abundance (rounded to the nearest whole fish) from Phase I sampling.

If three or more Category 3 (Table 2) fish species are collected during Phase I sampling, then additional sampling under Phase II shall be required. Phase II sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area

may be sampled with benthic trawling in Phase II. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases I and II sampling. During Phase II sampling, a minimum of 5 trawls is required. Phase II sampling must document an equal or greater number of Category 3 species per sampling and at least 50% of the most abundant species collected during Phase I sampling must be found in the .5-mile Phase II area to permit dredging to occur in the proposed area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Category 2 and 3 fish species are a resource that requires protection due to their rarity; however, the dredging industry applicant may complete a Phase II assessment of the proposed project area to document that impacts to these fishes shall not be significant. If the applicant provides this Phase II information to document the widespread distribution of these Category 2 and 3 fish species then dredging shall be approved in the designated area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Fishes captured during each sampling event shall be retrieved, identified to enumerated species and returned (if not held for further analysis). Species composition (see attached data sheet as Table 1) shall be recorded for each transect with each gear type used. The consultant shall retain appropriate voucher and questionable species (stored in 10% formalin). At least one specimen of each fish species shall be photographed, documented and returned. Voucher specimens for T&E species shall be provided to the PFBC at the following address: Chief, Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823.

Fishes that do not survive a sampling procedure and that are not retained as vouchers shall be buried on shore or returned to deep water for nutrient recycling by puncturing the swim bladder. Fish community sampling protocols shall be conducted by qualified fisheries scientists. All surveyors shall obtain a valid PFBC scientific collectors permit and a special Chapter 75 permit for the collection of threatened and endangered fish species. The contact for these permits is Chris Urban at the PFBC (814) 359-5113.

References

Dryer, M. 1996. Protocol on collecting, tagging, holding, transporting and data recording for researchers and managers handling pallid sturgeon. United States Fish and Wildlife Service. Bismarck, ND.

Emery, E. B., Thomas P. Simon, Frank H. McCormick, Paul L. Angermeier, Jeffrey E. Deshon, Chris O. Yoder, Randall E. Sanders, Shaliam D. Pearson, Gary D. Hickman, Robin J. Reash and Jeffrey A. Thomas. 2003: Development of a Multimetric Index for Assessing the Biological Condition of the Ohio River. *Transactions of the American Fisheries Society* 132(4):791—808.

Grisak, G. G. 1994. Procedure for using a trawl to sample deep-water zones of the Missouri River in Montana. Unpublished Report. Montana Department Fish, Wildlife and Parks. (<http://infolink.cr.usgs.gov/Science/BenthicFish/index.htm>)

Herzog, D. P., V. A., Barko, J. S., Scheibe, R. A. Hrabik and D. E. Ostendorf. 2005. Efficacy of a benthic trawl for sampling small-bodied fishes in large river systems. *North America Journal of Fisheries Management* 25:594—603.

Murphy, B. R. and D. W. Shallis, eds. 1996. *Fisheries Techniques*, 2nd ed. American Fisheries Society Publication, Bethesda, MD.

Nielsen, L.A. and D.L. Johnson. 1983. *Fisheries Techniques*. American Fisheries Society Publication, Bethesda, MD.

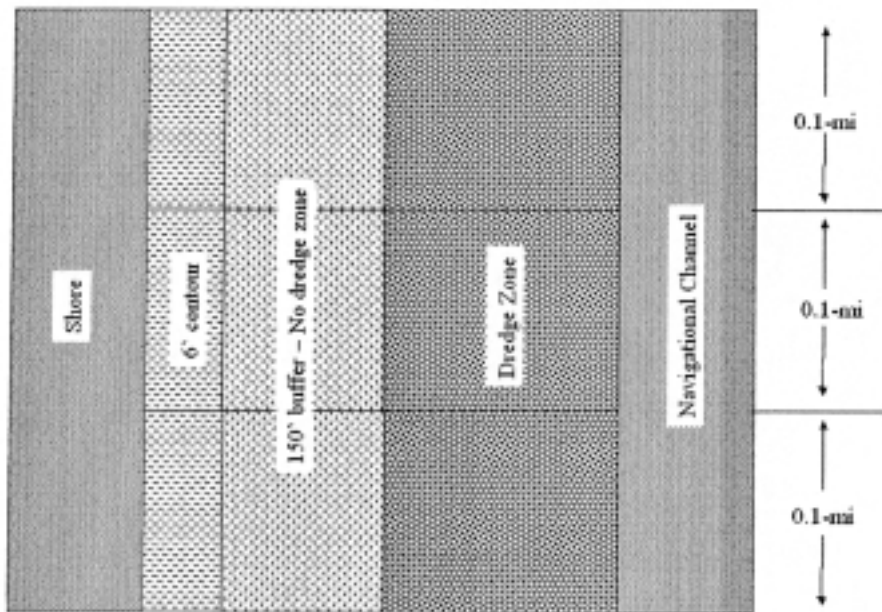


Figure 1 - River schematic diagram from shore to navigation channel denoting the area to be sampled with benthic trawls. Note the 6-foot contour is to be determined using an appropriate method (e.g., depth finder) and the 150-foot no-dredge area is to be determined from the 6-foot contour to establish the edge of a sampling zone

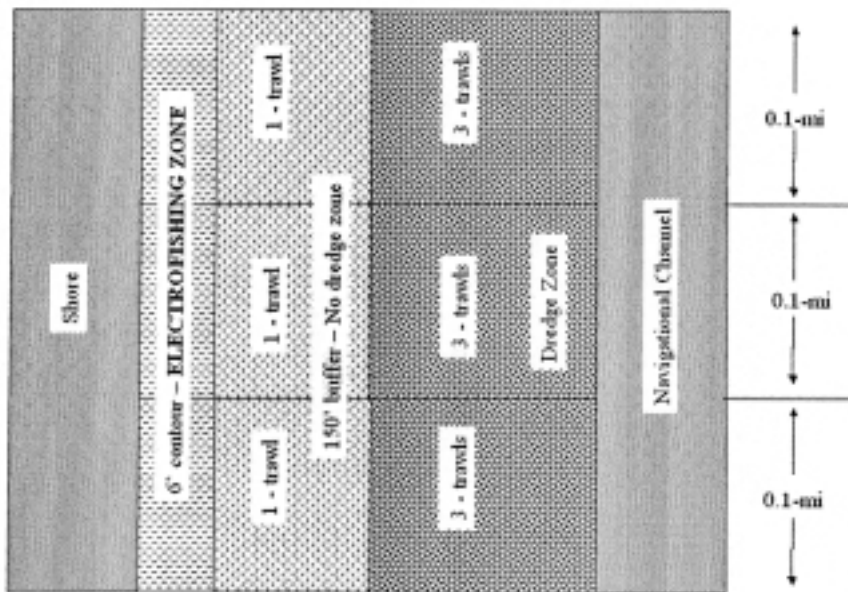


Figure 2 - Three trawls are to be conducted within the 150-ft buffer area, and a total of nine trawls are to be conducted within, above and below the proposed dredged area.

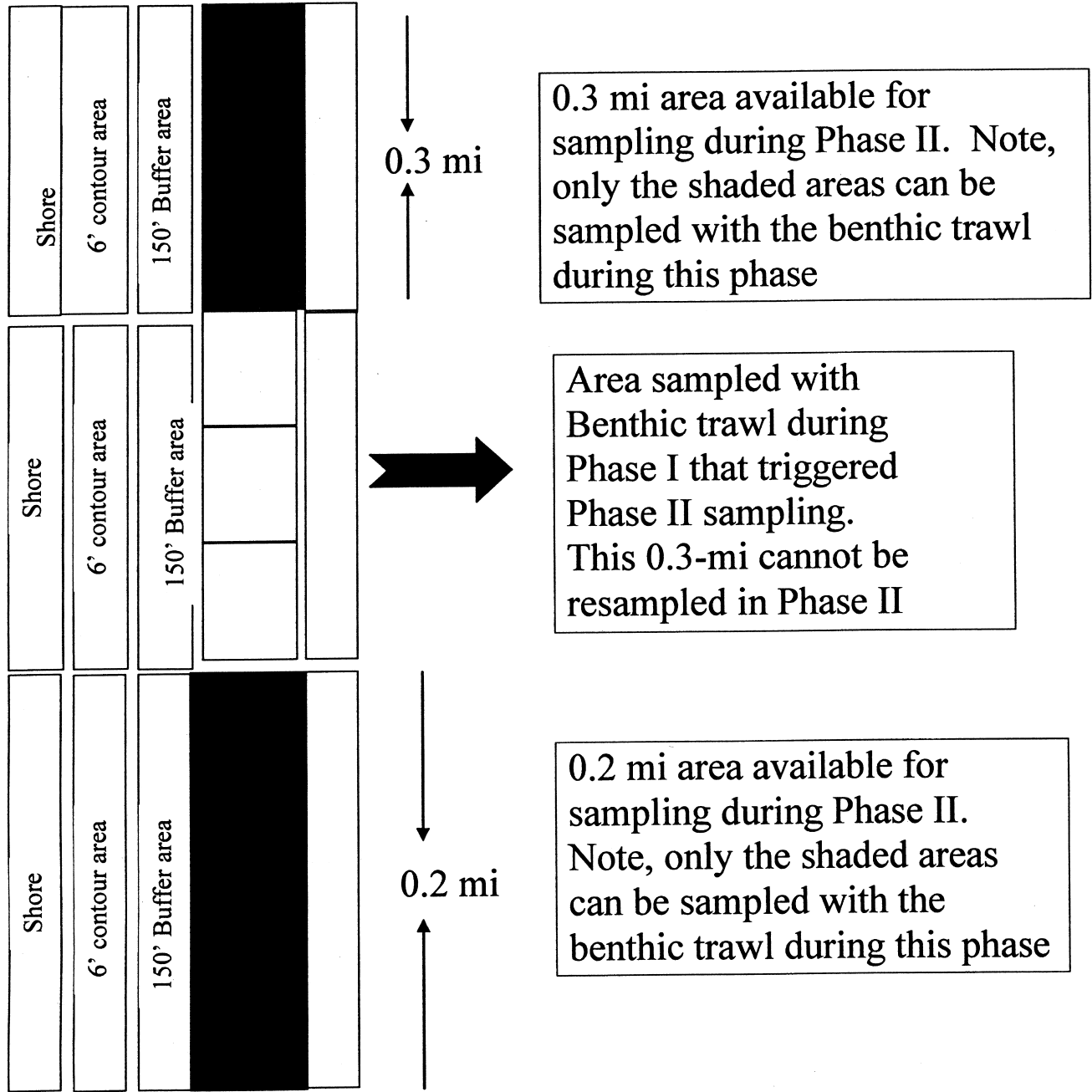


Figure 3— Area for Phase II sampling to document distribution and partial abundance of benthic species. Note the shaded areas are the only areas that can be sampled using the benthic trawl.

Table 2—Benthic lithophilic fishes that, if collected during Phase I sampling, could trigger Phase II sampling.

Category 1 species		<i>Outcome if fishes are collected and/or defined as a Hit</i>
Sturgeon sp.		
Gravel Chub		
Mountain Madtom		If Phase I Hit of One Species,
Tadpole Madtom		Then No dredging shall occur.
Northern Madtom		
Brindled Madtom		
Eastern Sand Darter		
Longnose Sucker		
Iowa Darter		
Category 2 species		
N. Brook Lamprey		
Mountain Brook Lamprey		If Phase I Trawling Hit of One Species or More, then Phase II
Spotted Darter		sampling shall be required.
Spotted Sucker		
Category 3 species		
Silver Chub		
River Shiner		If Phase I Trawling Hit of 3 or More Species, then Phase II
Bluebreast Darter		sampling will be required.
Tippecanoe Darter		
Gilt Darter		

E02-919-A8. Tri-State River Products, Inc., Box 218, 334 Insurance Street, Beaver, PA 15009, in East Franklin and Rayburn Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 49.1 to 49.3 (Downstream beginning point: Kittanning, PA Quadrangle N: 20.5 inches; W: 0.1 inch, Latitude: 40° 51' 21.67"; Longitude: 79° 30' 1.41". Upstream end point: Mosgrove, PA Quadrangle N: 19.4 inches; W: 16.7 inches, Latitude: 40° 51' 26.11"; Longitude: 79° 29' 45.15"), left and right descending banks in East Franklin and Rayburn Townships, Armstrong County.

**Permit No. E02-919
Attachment No. 3
Approved Dredging Areas by River Mile**

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Armstrong	Allegheny	5	30.7 to 31.25	South Buffalo Township Gilpen Township		05/19/13
			31.65 to 31.7	South Buffalo Township Gilpen Township		05/19/13
		7	49.1 to 49.3	East Franklin Township Rayburn Township		08/12/13

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
		8	54.7 to 55.0 L & R	Pine Township Washington Township		05/31/12
			55.0 to 55.2 L & R	Pine Township Washington Township		10/08/11

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

E02-1326-A7 Glacial Sand and Gravel Company, P. O. Box 1022, Kittanning, PA 16201, in the City of Aliquippa, Baden Borough and Hopewell Township, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 19.2 to 20.2 (Upstream beginning point: Baden, PA Quadrangle N: 0.4 inch; W: 15.0 inches, Latitude: 40° 37' 37.1"; Longitude: 80° 13' 59.8". Downstream end point: Baden, PA Quadrangle N: 2.9 inches; W: 15.3 inches, Latitude: 40° 38' 28.7"; Longitude: 80° 14' 9.12"), left descending bank in The City of Aliquippa, Baden Borough and Hopewell Township, Beaver County. Additionally, the Commonwealth of Pennsylvania Fish Community Sampling Protocol has been revised

Permit No. E02-584

Attachment No. 2

Approved Dredging Areas by River Mile

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Beaver	Ohio	Montgomery	19.2 to 20.2 L	City of Aliquippa Baden Borough Hopewell Township		10/01/13
			19.2 to 20.2 R	Baden Borough		04/12/11
			20.6 to 21.6 R	Conway Borough Economy Borough		03/21/10
			21.0 to 21.1 L	Hopewell Township	Minimum 250 ft. Setback from NP shoreline.	05/16/09
			21.1 to 21.3 L	Hopewell Township		05/16/09
			21.3 to 21.4 L	Hopewell Township Center Township	Minimum 250 ft. setback from NP shoreline.	05/16/09
			21.4 to 21.6 L	Center Township	Minimum 200 ft. setback from NP shoreline.	05/16/09
			21.6 to 21.7 L	Center Township		05/16/09
			26.2 to 27.2 L & R	Beaver Borough Center Township Potter Township Vanport Borough		04/12/11
			31.0 to 31.4 R	Industry Borough		07/26/10
	Ohio	New Cumberland	35.5 to 36.0 L & R	Greene Township Midland Borough Shippingport Borough		03/21/10

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank. "NP"—refers to normal pool.

APPENDIX B

**Commonwealth of Pennsylvania Fish Community
Sampling Protocol
June 29, 2006 (Revised March 2009)**

The (Department) Department of Environmental Protection shall require Pre Dredging Fish Sampling for the 2006 permit cycle. This sampling, protocol and criteria shall be used to satisfy the requirements of the Pennsylvania National Diversity Index process ("PNDI") search, survey and conflict resolution. The sampling study parameters, protocol and criteria are as follows:

PRE DREDGING

The industry shall conduct benthic trawling sampling of fish in areas proposed for dredging according to this Department protocol. Four (2 minute) un snagged benthic trawls per segment (including buffer segments) are required. All sampling detailed as follows must occur between May 1 and October 1. Outside of that 5-month sampling window, surveys must be conducted with a temperature criterion of greater than or equal to 10° C (50° F) which has been achieved for a minimum of 5 consecutive days prior to the survey and must be maintained during the survey. The temperature can be monitored at the following USGS website:

• For the Allegheny River: http://waterdata.usgs.gov/nwis/uv?cb_00010=on&cb_00400=on&cb_00095=on&cb_00300=on&format=gif_default&period=7&site_no=03049640.

• For the Ohio River: <http://waterdata.usgs.gov/nwis/uv?03085734>

Presently there exists only one temperature gauge on the Allegheny River and one on the Ohio River in PA. If in the future, additional gauges are added to the rivers then the closest gauge to the sampling site should be used for monitoring temperatures.

Notice must be provided to the Department a minimum of 7 days prior to initiation of a fish survey.

Sampling Methods and Procedures

Gear Type

Benthic Trawl

The trawl to be utilized is an extremely effective gear for sampling benthic lithophils (Herzog et al. 2005). The effectiveness of the benthic trawl shall vary based on the bottom substrate, river bed obstructions, boat speed (this shall determine the opening size of the net) and reaction of the fish. In the event that the trawl becomes snagged or turns over, this shall constitute a failed sampling event. The operators must retrieve the trawl, discard the contents of the failed trawl and reset the trawl for a new sampling event.

The Missouri-type 8 ft. wide trawl design described by Herzog et al. (2005) shall be the standard trawl employed during these surveys. The trawl's cod end is manufactured of 2.14 meters (7.02 ft) long 1.5 mm (1/17 in) diameter nylon twine with 19.05 mm (3/4 in) bar mesh and is lined with 3.18 mm (1/8 in) ace-style mesh. The body is manufactured with No. 7 (1-3/8 in. sq. mesh) netting and the bag is manufactured with No. 12 (1-1/4 in. sq. mesh) netting. The two trawl boards are 40.64 cm (16 in.) by 34.13 cm (9.5 in.) and equipped with 1.59 cm (5/8 in.) diameter twisted nylon tow lines 30.48 m (100 ft) in length. The footrope is 1.59 cm in diameter and 5.48 m (17.9 ft) long. The trawl chain is 44 mm (1 3/4") L by 25.4 mm (1") H by 6.4 mm (1/4") diameter. Ideally, the trawl shall be fished from a Jon boat 5.49-6.4 m (18-21 ft in length). The trawl shall be attached to two hard points on the boat with 9.5 mm (3/8 in) braided nylon rope. To effectively fish the trawl, ropes of various lengths should be used, depending on water depth. In water depths of 5 m (16.4 ft) or less, 15.24 m (50 ft) towlines should be used and at water depths between 5 m (16.4 ft) and 10 m (32.8 ft) towlines 30.48 m (100 feet) in length should be used. The length of rope utilized should be recorded on the data sheets provided in addition to river depth at the time of sampling. A small float should be attached to the end of the codpiece with a braided nylon rope. The rope should be longer than the maximum depth to be sampled. In the event the trawl has to be disconnected from the boat, the float shall mark the location of the trawl, facilitating recovery. The trawl shall be towed for 2-minutes un snagged moving backwards downstream just faster than the current.

General Sampling Design

Using a depth finder or other appropriate gear type, the 6-foot depth contour shall be located at a minimum of three contiguous points along the proposed standard 0.1-mi linear sampling zone. Perpendicular to these points, the 150-foot no dredge area (buffer) shall be determined using an appropriate method (e.g., laser

range finder). This distance shall be marked with additional buoys to demark the edge of the buffer zone and the beginning of the dredge zone. The location of each sampling event shall be indexed by river mile and marked with a global positioning system device.

Any permit request shall include a one-segment upriver and a one segment downriver station which must also be sampled. For example, if (5)-0.1 mile segments are requested then (7)-0.1 mile segments need to be sampled. All benthic trawling events must be completed within the time window between 2 hours after sunrise and 2 hours before sunset. Benthic trawl sampling shall occur within each 0.1 mi. reach as follows: three benthic trawls shall be performed within the proposed dredge zone and one benthic trawl shall be performed within the 45.72 m (150 ft) buffer. In addition, one benthic trawl shall be performed 0.1-mi upriver and 0.1-mi downriver from the proposed dredge zone (Figure 2). These 2 additional up- and downriver trawls shall be performed within the buffer area (2 trawls total) and in the adjacent up- and downriver dredge zones (6 trawls total). Therefore, a minimum total of 12 trawls shall be required to cover the 0.3-river mile sampling area. Data shall be recorded and reported for each individual trawl sample.

Criteria

If the benthic lithophils identified in Table 2 are collected during the surveys several outcomes are possible. If any Category 1 fishes are collected during benthic trawling sampling events, the permit area shall be restricted from dredging and a 0.3-mile upriver and 0.1-mile downriver no-dredge buffer shall be established; If any Category 2 species are collected during Phase I benthic trawling, then Phase 2 sampling shall be completed within 30 days (see Phase II sampling protocol). If three or more Category 3 species are collected during Phase I benthic trawling, then Phase II sampling shall be completed within 30 days (see Phase II sampling protocol). If no Category 1, 2 or 3 species are collected during Phase 1 trawl sampling events dredging for that river segment shall be authorized.

Phase II

If fish species listed in Category 2 (Table 2) are collected during Phase I sampling, then additional sampling under Phase II shall be required. Phase II sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area may be sampled with benthic trawling in Phase II. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases I and II sampling. During Phase II sampling, a minimum of five trawls is required. If any Category 2 fishes are collected, the same species of Category 2 fish shall be documented within a 0.5-mi reach and they shall be in at least 50% of their abundance (rounded to the nearest whole fish) from Phase I sampling.

If three or more Category 3 (Table 2) fish species are collected during Phase I sampling, then additional sampling under Phase II shall be required. Phase II sampling shall consist of benthic trawl sampling only, 0.30-mi upriver and 0.20-mi downriver from the proposed dredged area (Figure 3). If permittees do not seek authorization to dredge on the opposite side of the river then that area

may be sampled with benthic trawling in Phase II. The additional sampling shall occur in 0.1-mi increments and shall consist of a maximum of three trawls for each 0.1-mi increment. Data shall be recorded and reported for each individual trawl sample. Hence, the standard sampling unit is three benthic trawls for Phases I and II sampling. During Phase II sampling, a minimum of five trawls is required. Phase II sampling must document an equal or greater number of Category 3 species per sampling and at least 50% of the most abundant species collected during Phase I sampling must be found in the .5-mile Phase II area to permit dredging to occur in the proposed area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Category 2 and 3 fish species are a resource that requires protection due to their rarity; however, the dredging industry applicant may complete a Phase II assessment of the proposed project area to document that impacts to these fishes shall not be significant. If the applicant provides this Phase II information to document the widespread distribution of these Category 2 and 3 fish species then dredging shall be approved in the designated area. If additional sampling does not demonstrate that these benthic fishes occur in equivalent abundance or in nearby habitats, then dredging shall not be permitted in the proposed area.

Fishes captured during each sampling event shall be retrieved, identified to enumerated species and returned (if not held for further analysis). Species composition (see attached data sheet as Table 1) shall be recorded for each transect with each gear type used. The consultant shall retain appropriate voucher and questionable species (stored in 10% formalin). At least one specimen of each fish species shall be photographed, documented and returned. Voucher specimens for T&E species shall be provided to the PFBC at the following address: Chief, Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823.

Fishes that do not survive a sampling procedure and that are not retained as vouchers shall be buried on shore or returned to deep water for nutrient recycling by puncturing the swim bladder. Fish community sampling protocols shall be conducted by qualified fisheries scientists. All surveyors shall obtain a valid PFBC scientific collectors permit and a special Chapter 75 permit for the collection of threatened and endangered fish species. The contact for these permits is Chris Urban at the PFBC (814) 359-5113.

References

Dryer, M. 1996. Protocol on collecting, tagging, holding, transporting and data recording for researchers and managers handling pallid sturgeon. United States Fish and Wildlife Service. Bismarck, ND.

Emery, E. B., Thomas P. Simon, Frank H. McCormick, Paul L. Angermeier, Jeffrey E. Deshon, Chris O. Yoder, Randall E. Sanders, Shaliam D. Pearson, Gary D. Hickman, Robin J. Reash and Jeffrey A. Thomas. 2003: Development of a Multimetric Index for Assessing the Biological Condition of the Ohio River. *Transactions of the American Fisheries Society* 132(4):791—808.

Grisak, G. G. 1994. Procedure for using a trawl to sample deep-water zones of the Missouri River in Montana. Unpublished Report. Montana Department Fish, Wildlife and Parks. (<http://infolink.cr.usgs.gov/Science/BenthicFish/index.htm>)

Herzog, D. P., V. A., Barko, J. S., Scheibe, R. A. Hrabik and D. E. Ostendorf. 2005. Efficacy of a benthic trawl for sampling small-bodied fishes in large river systems. *North America Journal of Fisheries Management* 25:594—603.

Murphy, B. R. and D. W. Shallis, eds. 1996. *Fisheries Techniques*, 2nd ed. American Fisheries Society Publication, Bethesda, MD.

Nielsen, L.A. and D.L. Johnson. 1983. *Fisheries Techniques*. American Fisheries Society Publication, Bethesda, MD.

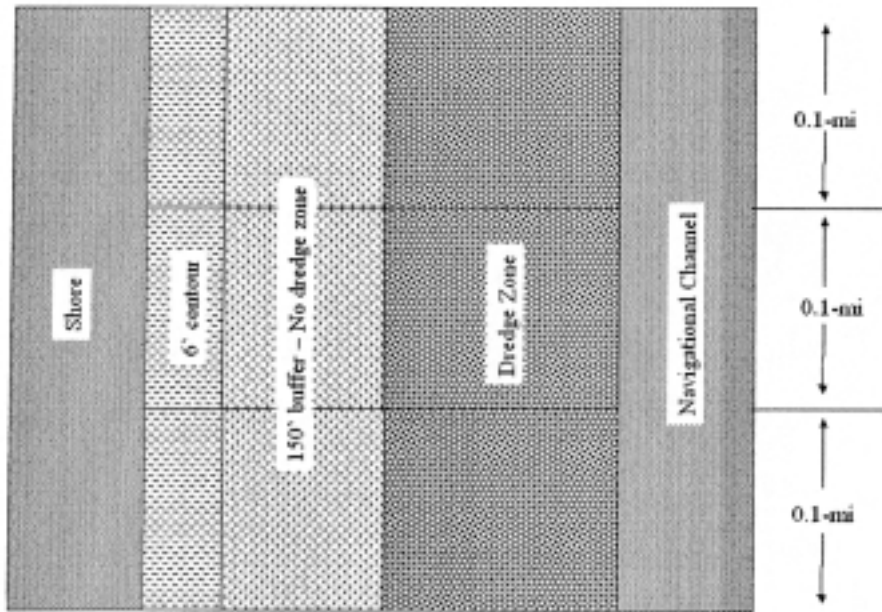


Figure 1 - River schematic diagram from shore to navigation channel denoting the area to be sampled with benthic trawls. Note the 6-foot contour is to be determined using an appropriate method (e.g., depth finder) and the 150-foot no-dredge area is to be determined from the 6-foot contour to establish the edge of a sampling zone

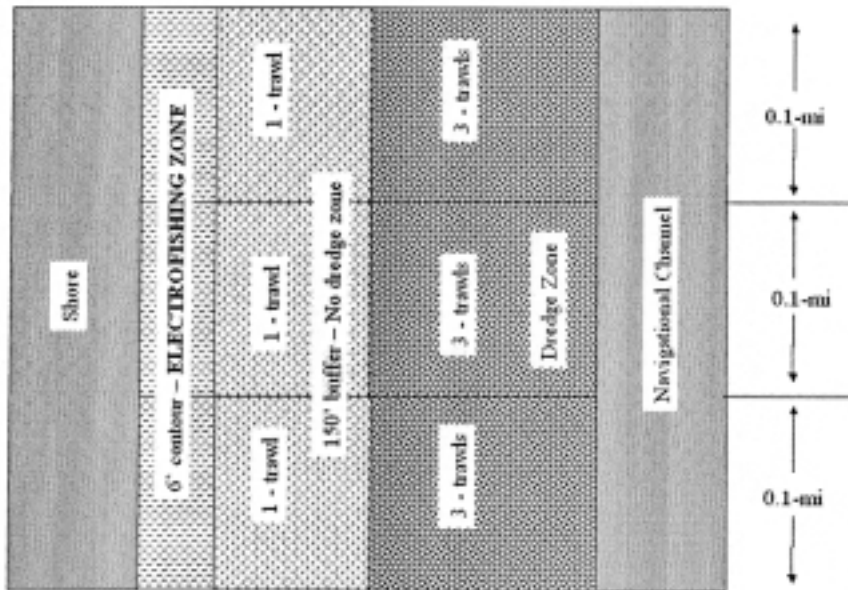


Figure 2 - Three trawls are to be conducted within the 150-ft buffer area, and a total of nine trawls are to be conducted within, above and below the proposed dredged area.

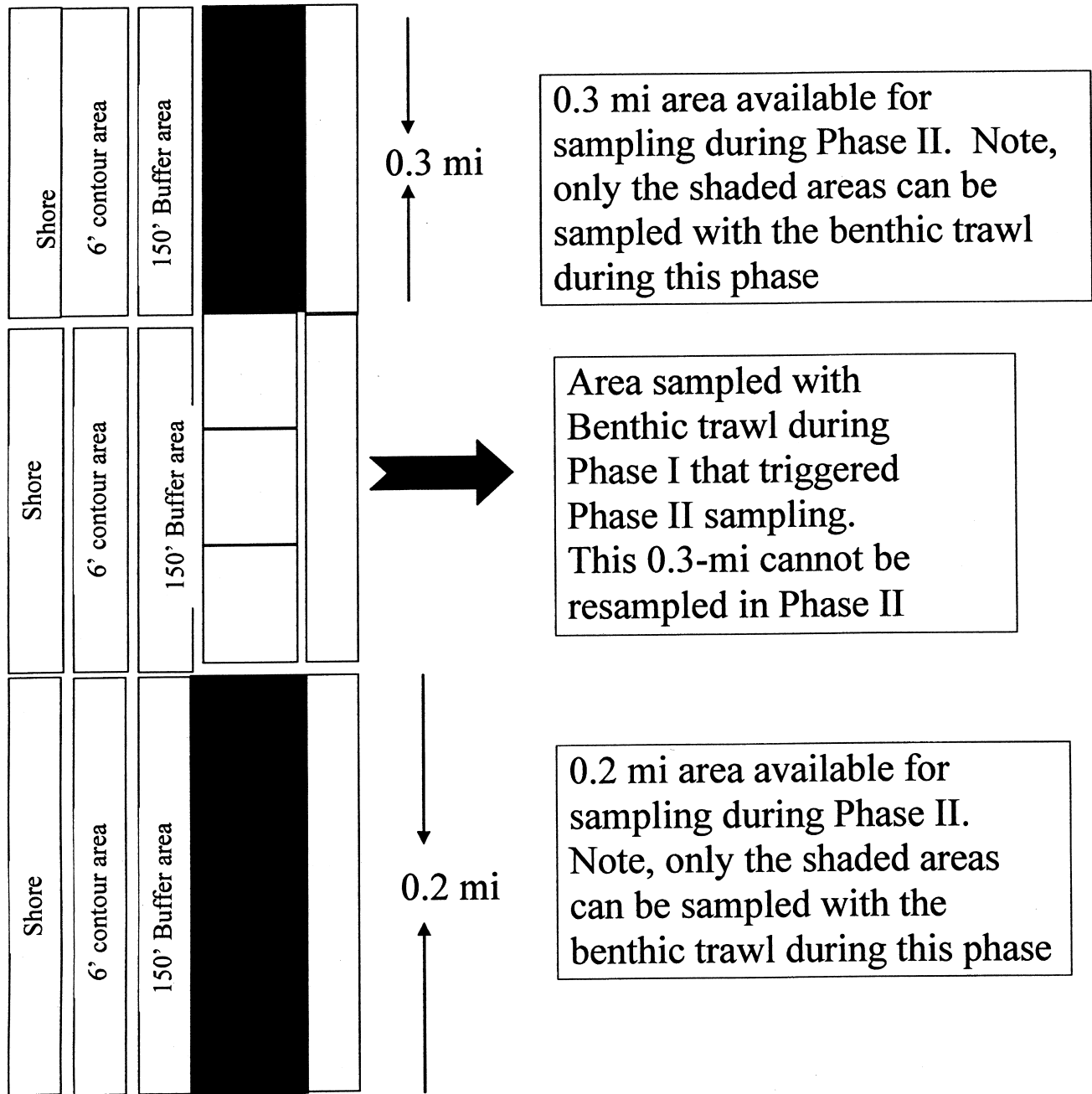


Figure 3— Area for Phase II sampling to document distribution and partial abundance of benthic species. Note the shaded areas are the only areas that can be sampled using the benthic trawl.

Table 2—Benthic lithophilic fishes that, if collected during Phase I sampling, could trigger Phase II sampling.

Category 1 species		<i>Outcome if fishes are collected and/or defined as a Hit</i>
Sturgeon sp.		
Gravel Chub		
Mountain Madtom		If Phase I Hit of One Species,
Tadpole Madtom		Then No dredging shall occur.
Northern Madtom		
Brindled Madtom		
Eastern Sand Darter		
Longnose Sucker		
Iowa Darter		
Category 2 species		
N. Brook Lamprey		
Mountain Brook Lamprey		If Phase I Trawling Hit of One Species or More, then Phase II
Spotted Darter		sampling shall be required.
Spotted Sucker		
Category 3 species		
Silver Chub		
River Shiner		If Phase I Trawling Hit of 3 or More Species, then Phase II
Bluebreast Darter		sampling will be required.
Tippecanoe Darter		
Gilt Darter		

E02-1326-A8, Glacial Sand and Gravel Company, P. O. Box 1022, Kittanning, PA 16201, in East Franklin and Rayburn Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Ohio River Mile Points 49.1 to 49.3 (Downstream beginning point: Kittanning, PA Quadrangle N: 20.5 inches; W: 0.1 inch, Latitude: 40° 51' 21.67"; Longitude: 79° 30' 1.41". Upstream end point: Mosgrove, PA Quadrangle N: 19.4 inches; W: 16.7 inches, Latitude: 40° 51' 26.11"; Longitude: 79° 29' 45.15"), left and right descending banks in East Franklin and Rayburn Townships, Armstrong County.

**Permit No. E02-1326
Attachment No. 3
Approved Dredging Areas by River Mile**

<i>County</i>	<i>River</i>	<i>Pool</i>	<i>River Miles</i>	<i>Municipalities</i>	<i>Comments/ Restrictions</i>	<i>Mussel Survey Expiration Date</i>
Armstrong	Allegheny	5	30.7 to 31.25	South Buffalo Township Gilpen Township		05/19/13
			31.65 to 31.7	South Buffalo Township Gilpen Township		05/19/13
		7	49.1 to 49.3	East Franklin Township Rayburn Township		08/12/13

County	River	Pool	River Miles	Municipalities	Comments/ Restrictions	Mussel Survey Expiration Date
		8	54.7 to 55.0 L & R	Pine Township Washington Township		05/31/12
			55.0 to 55.2 L & R	Pine Township Washington Township		10/08/11

NOTES: "R" refers to Right Descending Bank and "L" refers to Left Descending Bank.

E02-1600. Duquesne Light Company, 2645 New Beaver Avenue, Pittsburgh, PA 15233. To place and maintain fill on the bank of the Ohio River in the City of Pittsburgh, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 16.4 inches; W: 6.5 inches, Latitude: 40° 27' 54"; Longitude: 80° 02' 50"). To place and maintain fill on the right bank of the Ohio River backchannel (WWF) for the purpose of upgrading the existing Brunot Island substation. The project is located on Brunot's Island near river mile 2.5, approximately 8,600.0 feet downstream from the West End Bridge.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), 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 AT&T 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer 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. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

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

ESCGP-1 4109802	Chief Gathering, LLC Ted Wurfel 700 Fiarfield Road Montoursville, PA 17754	Lycoming	Mifflin and Watson Townships	North Fork Tombs Run HQ Tombs Run HQ Mud Run EV
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SPECIAL NOTICES

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

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

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

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

JOHN HANGER,
Acting Secretary

Act 101, Section 901 Planning Grant

Region	County	Applicant	Project Description	Grant Award
Southeast	Chester	Chester County	Plan Revision	\$156,000
Northeast				

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southcentral				
Northcentral				
Southwest				
Northwest				

**DRINKING WATER STATE REVOLVING FUND
SPECIAL NOTICE**

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

Southwest Region: Water Standards and Facility Regulation Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Authority of the Borough of Charleroi	3 McKean Avenue P. O. Box 211 Charleroi, PA 15022	Washington

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority of the Borough of Charleroi proposes the following improvements: a 500,000 gallon elevated finished water storage tank near the Charleroi Area School District complex on Fecsen Drive, a finished water pump station at the Twin Reservoirs on Oakland Avenue, a 12" transmission line from the pump station to a connection at Wesley Avenue and Rodgers Lane and an interconnection with the North Charleroi Service District. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Baden Borough	149 State Street Baden, PA 15005	Beaver

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. Baden Borough proposes waterline replacement of old lines which will improve water service and reduce the frequency of main breaks. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Beaver Falls Municipal Authority	1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010	Beaver

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Beaver Falls Municipal Authority Eastvale project consists of the following components: 1. Construction of an on bank river intake structure with an integrated raw water pumping station; 2. Associated construction of a Raw Water Transmission pipeline and communication facilities to connect the existing WTP SCADA to new intake facility; 3. Improvements to the chemical pretreatment capabilities of the WTP system; and 4. Revisions to the existing WTP electrical arrangement to facilitate the demolition of the existing intake structure. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Monaca Borough	928 Pennsylvania Avenue Monaca, PA 15061	Beaver

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Monaca Borough proposes construction of a 500,000 gallon elevated water storage tank and 11,000 linear feet of water line replacement. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Southwestern Pennsylvania Water Authority	P. O. Box 187 1442 Jefferson Road Jefferson, PA 15344	Greene

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Southwestern Pennsylvania Water Authority proposes the installation of approximately 6,700 linear feet of 12" water line, 8,900 linear feet of 8" water line, 1,700 linear feet of 6" water line, 250 service connections, a 500,000-gallon prestressed concrete water storage tank, associated fire hydrants, connections and restoration for the Village of Nemaocolin. The Department of Environmental Protection's (Department) review of the project and the information received

in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Jackson Township Water Authority	2949 William Penn Avenue Johnstown, PA 15909	Cambria

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Jackson Township Water Authority proposes pumping facilities upgrade, construction of a 278,000 gallon capacity water storage tank and 22,000 LF of 6" and/or 8" diameter water distribution main. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Buffalo Township Municipal Authority	707 South Pike Road Sarver, PA 16055-9201	Armstrong

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Buffalo Township Municipal Authority proposes the construction of a new water treatment plant to replace the existing plant which was built in 1919 and replacement of approximately 18,000 l.f. of waterline. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Pittsburgh Water and Sewer Authority	1200 Penn Avenue 2nd Floor Pittsburgh, PA 15222-4204	Allegheny

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Pittsburgh Water and Sewer Authority proposes the removal of the existing longitudinal sludge collectors and cross collections in Clarifier Nos. 1—3 and their replacement with new equipment; the replacement of existing Motor Control Centers No. 6 and 7 in the electrical room at the clarifier tanks; the rehabilitation of 10,000 lineal feet of pipe main that is over 150 years old—the Fox Chapel 60" riveted steel pipe water main from the Aspinwall Water Treatment Plant to the Borough of Blawnox; and the cleaning

and rehabilitation of the Squirrel Hill above groundwater storage tank (3 million gallons capacity). The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 09-631. Filed for public inspection April 3, 2009, 9:00 a.m.]

Bid Opportunity

AMD 54(4124)202.1, Rauch Creek AMD treatment plant, roof repairs, Hegins Township, Schuylkill County. The principal items of work include supplying and installing EPDM roofing system on approximately 5,000 square feet of control building, performing maintenance including replacing membrane flashing around roof penetrations and damaged perimeter edge on the Carlisle conventional single-ply-loose laid ballast roof on the Belt Press Filter Building. This project issues on April 3, 2009, and bids will be opened on April 30, 2009, at 2 a.m. Bid documents cost \$10 per set. and bids will not be mailing until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-632. Filed for public inspection April 3, 2009, 9:00 a.m.]

Extension of Current Permits for the Beneficial Use of Sewage Sludge by Land Application; PAG-07, PAG-08 and PAG-09

Under the authority of The Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) is extending for an additional 3 months the availability of the General Permits for the Beneficial Use of Sewage Sludge by Land Application (PAG-07, PAG-08 and PAG-09). The current general permits are scheduled to expire at midnight April 2, 2009. The extension will be effective on April 3, 2009, and expires at midnight July 2, 2009, unless rescinded by the Department at an earlier date. The Department is extending the availability of this permit to adequately complete the preparation of the renewal of PAG-07, PAG-08 and PAG-09.

The existing permit documents will continue to be available from the Department's regional offices and local county conservation districts until they are replaced or updated. In addition, the permit documents are on file at the Department of Environmental Protection, Bureau of Watershed Management, 10th Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. This package is also available on the Department's web site at www.depweb.state.pa.us (DEP Keyword: Biosolids). The permit documents can also be obtained by contacting Dennis Wilson at (717) 772-5929 or dwilson@state.pa.us.

Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-633. Filed for public inspection April 3, 2009, 9:00 a.m.]

Proposed Revisions to General NPDES Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (PAG-13); Public Notice of Availability

The Department of Environmental Protection (Department) by this notice is proposing to revise the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s) (PAG-13, 2003 issuance) for renewal for another 5 years. This General NPDES Permit is issued under the authority of the Clean Water Act (33 U.S.C. § 1251 et seq.) (Act) and Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001). The current PAG-13 permit was extended by a notice at 38 Pa.B. 4679 (August 23, 2008) and is scheduled to expire at midnight March 9, 2010. The PAG-13 permit will continue to be in force until formal revision of PAG-13 2009 amendment is published as final in the *Pennsylvania Bulletin*.

Revisions have been made to the draft PAG-13 permit to provide clarity and to reflect programmatic changes which include: changing the title of the protocol to the stormwater management program, modifying the field inspection of outfalls and changing the inspection rate of outfalls for renewal permittees to once within the term of the permit. Other changes include provisions to facilitate the compliance of stormwater ordinance requirements included in the 2003 MS4 permit and an additional requirement of a stormwater TMDL plan for impaired waters with an approved TMDL. The Department is also proposing to increase the PAG-13 permit filing fee from \$100 to \$250, payable to the Commonwealth of Pennsylvania Clean Water Fund.

The Department invites public comments on the proposed revisions to PAG-13. Comments must be submitted by May 4, 2009. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received during the specified comment period will be considered in the final amendment. If more significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Barry Newman, Chief of the Stormwater Planning and Management Section at the address as follows. Comments will be accepted by e-mail to ep-pag13comments@state.pa.us. Comments sent by facsimile or voice mail will not be accepted.

The proposed PAG-13 draft permit is available by contacting the Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8775, 10th Floor, Harrisburg, PA 17105-8775, (717) 772-6827, ep-pag13comments@state.pa.us. The proposed PAG-13 draft permit is also available on the Department's web site at www.depweb.state.pa.us

(choose "Public Participation"; then scroll down to "Proposals Currently Open for Comment").

Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review all submitted comments and prepare a comment and response document and the final documents package for this General Permit.

Availability of the final permit documents will be announced in the *Pennsylvania Bulletin*.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-634. Filed for public inspection April 3, 2009, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers; 2009 Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled dates for the 2009 Sewage Enforcement Officers (SEO) Precertification Academy and examinations. To qualify to sit for the certification examination, all SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examinations will be administered the Friday following completion of the Precertification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The 2009 Precertification Academy and examination schedules are as follows:

May 5—7 and May 12—14, 2009 Enola	Examination Date: May 15, 2009 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: April 15, 2009
July 7—9 and July 14—16, 2009 State College	Examination Date: July 17, 2009 (8:30 a.m. to 12:30 p.m.) Examination Application Deadline: June 17, 2009

To qualify to sit for the certification exam, all SEO candidates must complete the SEO precertification academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930.

The SEO written examination contains multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book

exam, however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

Persons who may anticipate the need for a testing accommodation due to a disability should contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss their request. This request must be submitted with your application form.

JOHN HANGER, Acting Secretary

[Pa.B. Doc. No. 09-635. Filed for public inspection April 3, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Request for Exception

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

Forbes Road Nursing and Rehabilitation Center
6655 Frankstown Avenue
Pittsburgh, PA 15206

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a), 205.27 and 205.38(b) (relating to dining room; lounge and recreation rooms; and toilet facilities).

Progressive Care Center
500 West Berkeley Street
Uniontown, PA 15401

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.24(a), 205.27 and 205.31 (relating to dining room; lounge and recreation rooms; and storage).

John Heinz Senior Rehab Care
150 Mundy Street
Wilkes-Barre, PA 18702
FAC ID 01370201

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

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

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES, Secretary

[Pa.B. Doc. No. 09-636. Filed for public inspection April 3, 2009, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2009, through June 30, 2009, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Table with 2 columns: Description and Maximum Allowable Price. Lists various food items like Milk, Evaporated Milk, Dry Milk, Lactose Reduced Milk, etc. with their respective prices.

<i>Description</i>	<i>Maximum Allowable Price</i>
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.86
13 oz. Enfamil LIPIL Concentrate Formula	\$4.38
32 oz. Enfamil LIPIL Ready-to-Feed Formula	\$6.57
12.9 oz. Enfamil LIPIL Powder Formula	\$13.35
32 oz. Isomil DF Ready-to-Feed Formula	\$6.21
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula	\$4.13
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.23
24 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Yellow Formula	\$20.56
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$13.46
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$4.37
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.43
24 oz. Nestle Good Start 2 Soy DHA-ARA/Good Start Soy PLUS 2 Powder-Teal Formula	\$20.63
12 oz. Nestle Good Start Natural Cultures DHA-ARA/Good Start Protect PLUS Powder-Green Formula	\$14.02
24 oz. Nestle Good Start 2 Natural Cultures DHA-ARA/Good Start Protect PLUS 2 Powder-White Formula	\$24.91
12 oz. Nestle Good Start/Good Start Nourish PLUS Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula	\$7.01
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.98
16 oz. Nutramigen Lipil Powder Formula	\$25.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.80
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.84
13 oz. Similac Advance Concentrate Formula	\$4.32
32 oz. Similac Advance Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Advance Powder Formula	\$13.20
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.03
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.40
13 oz. Store Brand Concentrate Formula	\$2.84
32 oz. Store Brand Ready-to-Feed Formula	\$3.79
25.75 oz. Store Brand Powder Formula	\$15.86

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2009, through June 30, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.01
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.10
12 oz. Evaporated Milk	\$1.14
16 oz. Dry Milk	\$5.89
1 doz. Grade A Eggs	\$1.51
1 lb. Fresh Carrots	\$1.06
14 to 16 oz. Canned Carrots	\$1.06
1 lb. Cheese	\$5.61
1 lb. Kosher Cheese	\$5.61
1 lb. Dry Beans or Peas	\$1.71
1 oz. Adult WIC Cereal	\$0.32
8 oz. Gerber Infant Cereal	\$1.90
15 to 18 oz. Peanut Butter	\$2.83
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.84
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.10
4 oz. Gerber Infant Juice	\$0.65
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula	\$4.13
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.23
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$13.46
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$4.37
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.43

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2009, through June 30, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.15
12 oz. Evaporated Milk	\$1.34
16 oz. Dry Milk	\$6.45
1 qt. Lactose Reduced Milk	\$2.34
1/2 gal. Kosher Milk	\$2.22
4 oz. Kosher Infant Juice	\$0.68
8 oz. Kosher Infant Cereal	\$1.98
1 doz. Grade A Eggs	\$1.59
1 lb. Fresh Carrots	\$1.19
14 to 16 oz. Canned Carrots	\$1.19
1 lb. Cheese	\$6.17
1 lb. Kosher Cheese	\$6.17
1 lb. Dry Beans or Peas	\$2.03
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.98
15 to 18 oz. Peanut Butter	\$3.13

<i>Description</i>	<i>Maximum Allowable Price</i>
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.37
6 oz. Cans Juice	\$1.70
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.20
4 oz. Gerber Infant Juice	\$0.68
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.43
16 oz. Alimentum Advance Powder Formula ...	\$26.86
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.44
13 oz. Enfamil LIPIL Concentrate Formula ...	\$4.55
32 oz. Enfamil LIPIL Ready-to-Feed Formula .	\$6.70
12.9 oz. Enfamil LIPIL Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$6.34
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula .	\$4.64
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.44
24 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Yellow Formula	\$22.19
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$13.60
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula .	\$4.80
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.78
24 oz. Nestle Good Start 2 Soy DHA-ARA/Good Start Soy PLUS 2 Powder-Teal Formula	\$22.19
12 oz. Nestle Good Start Natural Cultures DHA-ARA/Good Start Protect PLUS Powder-Green Formula	\$14.76
24 oz. Nestle Good Start 2 Natural Cultures DHA-ARA/Good Start Protect PLUS 2 Powder-White Formula	\$25.99
12 oz. Nestle Good Start/Good Start Nourish PLUS Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula .	\$7.30
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$26.93
8 oz. PediaSure Ready-to-Feed Formula	\$2.13
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.09
13 oz. Similac Advance Concentrate Formula ...	\$4.49
32 oz. Similac Advance Ready-to-Feed Formula	\$6.38
12.9 oz. Similac Advance Powder Formula	\$13.72
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.89
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.65
13 oz. Store Brand Concentrate Formula	\$2.89
32 oz. Store Brand Ready-to-Feed Formula	\$3.86
25.75 oz. Store Brand Powder Formula	\$16.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2009, through June 30, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.01
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.10
12 oz. Evaporated Milk	\$1.26
16 oz. Dry Milk	\$6.44
1 doz. Grade A Eggs	\$1.51
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$5.61
1 lb. Kosher Cheese	\$5.61
1 lb. Dry Beans or Peas	\$1.80
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.98
15 to 18 oz. Peanut Butter	\$2.83
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.06
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.13
4 oz. Gerber Infant Juice	\$0.68
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula .	\$4.64
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.44
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$13.60
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula .	\$4.80
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.78

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective April 1, 2009, through June 30, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.15
12 oz. Evaporated Milk	\$1.40
16 oz. Dry Milk	\$7.44
1 qt. Lactose Reduced Milk	\$2.34
1/2 gal. Kosher Milk	\$2.95
4 oz. Kosher Infant Juice	\$0.74
8 oz. Kosher Infant Cereal	\$2.26
1 doz. Grade A Eggs	\$1.82
1 lb. Fresh Carrots	\$1.19

<i>Description</i>	<i>Maximum Allowable Price</i>
14 to 16 oz. Canned Carrots	\$1.19
1 lb. Cheese	\$6.17
1 lb. Kosher Cheese	\$7.02
1 lb. Dry Beans or Peas	\$2.03
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.26
15 to 18 oz. Peanut Butter	\$3.13
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.37
6 oz. Cans Juice	\$1.70
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.20
4 oz. Gerber Infant Juice	\$0.74
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.48
16 oz. Alimentum Advance Powder Formula	\$26.99
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.19
13 oz. Enfamil LIPIL Concentrate Formula	\$5.24
32 oz. Enfamil LIPIL Ready-to-Feed Formula	\$7.54
12.9 oz. Enfamil LIPIL Powder Formula	\$15.19
32 oz. Isomil DF Ready-to-Feed Formula	\$8.19
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula	\$4.76
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.80
24 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Yellow Formula	\$22.76
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$14.21
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$5.02
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$7.14
24 oz. Nestle Good Start 2 Soy DHA-ARA/Good Start Soy PLUS 2 Powder-Teal Formula	\$22.19
12 oz. Nestle Good Start Natural Cultures DHA-ARA/Good Start Protect PLUS Powder-Green Formula	\$14.77
24 oz. Nestle Good Start 2 Natural Cultures DHA-ARA/Good Start Protect PLUS 2 Powder-White Formula	\$25.99
12 oz. Nestle Good Start/Good Start Nourish PLUS Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula	\$7.82
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.38
16 oz. Nutramigen Lipil Powder Formula	\$28.36
8 oz. PediaSure Ready-to-Feed Formula	\$2.58
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula	\$5.17
32 oz. Similac Advance Ready-to-Feed Formula	\$7.18
12.9 oz. Similac Advance Powder Formula	\$15.02
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.89
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$9.23
13 oz. Store Brand Concentrate Formula	\$3.10
32 oz. Store Brand Ready-to-Feed Formula	\$4.32
25.75 oz. Store Brand Powder Formula	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2009, through June 30, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.01
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.95
12 oz. Evaporated Milk	\$1.33
16 oz. Dry Milk	\$7.44
1 doz. Grade A Eggs	\$1.76
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$5.61
1 lb. Kosher Cheese	\$6.87
1 lb. Dry Beans or Peas	\$1.80
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.26
15 to 18 oz. Peanut Butter	\$2.83
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.12
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.13
4 oz. Gerber Infant Juice	\$0.74
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula	\$4.76
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.80
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$14.21
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$5.02
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$7.14

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2009, through June 30, 2009, the Maximum Allowable Prices the Department will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	2.32
12 oz. Evaporated Milk	\$1.31
16 oz. Dry Milk	\$6.03
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.22
4 oz. Kosher Infant Juice	\$0.67
8 oz. Kosher Infant Cereal	\$1.96
1 doz. Grade A Eggs	\$1.74
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.23
1 lb. Kosher Cheese	\$6.23
1 lb. Dry Beans or Peas	\$2.13
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$3.35
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.36
6 oz. Cans Juice	\$1.70
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.28
4 oz. Gerber Infant Juice	\$0.67
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.18
16 oz. Alimentum Advance Powder Formula ..	\$26.21
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.39
13 oz. Enfamil LIPIL Concentrate Formula ..	\$4.49
32 oz. Enfamil LIPIL Ready-to-Feed Formula .	\$6.66
12.9 oz. Enfamil LIPIL Powder Formula	\$13.76
32 oz. Isomil DF Ready-to-Feed Formula	\$6.32
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula .	\$4.39
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.36
24 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Yellow Formula	\$21.44
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$13.62
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula .	\$4.55
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.51
24 oz. Nestle Good Start 2 Soy DHA-ARA/Good Start Soy PLUS 2 Powder-Teal Formula	\$21.65
12 oz. Nestle Good Start Natural Cultures DHA-ARA/Good Start Protect PLUS Powder-Green Formula	\$14.21
24 oz. Nestle Good Start 2 Natural Cultures DHA-ARA/Good Start Protect PLUS 2 Powder-White Formula	\$25.11
12 oz. Nestle Good Start/Good Start Nourish PLUS Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula .	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.02
16 oz. Nutramigen Lipil Powder Formula	\$26.02
8 oz. Pediasure Ready-to-Feed Formula	\$1.85
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.92
13 oz. Similac Advance Concentrate Formula ..	\$4.43

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Similac Advance Ready-to-Feed Formula	\$6.34
12.9 oz. Similac Advance Powder Formula	\$13.60
12.8 oz. Similac Neosure with Iron Powder Formula	\$15.60
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.62
13 oz. Store Brand Concentrate Formula	\$2.87
32 oz. Store Brand Ready-to-Feed Formula	\$3.85
25.75 oz. Store Brand Powder Formula	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2009, through June 30, 2009, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.16
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.10
12 oz. Evaporated Milk	\$1.21
16 oz. Dry Milk	\$5.89
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$5.68
1 lb. Kosher Cheese	\$5.68
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$1.96
15 to 18 oz. Peanut Butter	\$3.00
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.00
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.18
4 oz. Gerber Infant Juice	\$0.67
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula .	\$4.39
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.36
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$13.62
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula .	\$4.55
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.51

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Effective April 1, 2009, through June 30, 2009, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.32
12 oz. Evaporated Milk	\$1.40
16 oz. Dry Milk	\$6.45
1 qt. Lactose Reduced Milk	\$2.34
1/2 gal. Kosher Milk	\$2.22
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$2.12
1 doz. Grade A Eggs	\$1.75
1 lb. Fresh Carrots	\$1.19
14 to 16 oz. Canned Carrots	\$1.19
1 lb. Cheese	\$6.23
1 lb. Kosher Cheese	\$6.23
1 lb. Dry Beans or Peas	\$2.13
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$2.12
15 to 18 oz. Peanut Butter	\$3.35
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.41
6 oz. Cans Juice	\$1.78
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.28
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.74
16 oz. Alimentum Advance Powder Formula	\$27.51
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.30
13 oz. Enfamil LIPIL Concentrate Formula	\$4.76
32 oz. Enfamil LIPIL Ready-to-Feed Formula	\$7.05
12.9 oz. Enfamil LIPIL Powder Formula	\$14.61
32 oz. Isomil DF Ready-to-Feed Formula	\$6.34
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula	\$4.69
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.73
24 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Yellow Formula	\$22.19
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$14.19
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$4.85
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.78
24 oz. Nestle Good Start 2 Soy DHA-ARA/Good Start Soy PLUS 2 Powder-Teal Formula	\$22.34
12 oz. Nestle Good Start Natural Cultures DHA-ARA/Good Start Protect PLUS Powder-Green Formula	\$14.85
24 oz. Nestle Good Start 2 Natural Cultures DHA-ARA/Good Start Protect PLUS 2 Powder-White Formula	\$26.05
12 oz. Nestle Good Start/Good Start Nourish PLUS Powder-Purple Formula	\$10.79
13 oz. Nutramigen Lipil Concentrate Formula	\$7.51
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$27.39

<i>Description</i>	<i>Maximum Allowable Price</i>
8 oz. Pediasure Ready-to-Feed Formula	\$2.29
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.22
13 oz. Similac Advance Concentrate Formula	\$4.70
32 oz. Similac Advance Ready-to-Feed Formula	\$6.71
12.9 oz. Similac Advance Powder Formula	\$14.44
12.8 oz. Similac Neosure with Iron Powder Formula	\$16.68
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$7.93
13 oz. Store Brand Concentrate Formula	\$2.95
32 oz. Store Brand Ready-to-Feed Formula	\$4.05
25.75 oz. Store Brand Powder Formula	\$16.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2009, through June 30, 2009, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.16
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.10
12 oz. Evaporated Milk	\$1.30
16 oz. Dry Milk	\$6.44
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$5.68
1 lb. Kosher Cheese	\$5.68
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$2.12
15 to 18 oz. Peanut Butter	\$3.00
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.18
4 oz. Gerber Infant Juice	\$0.71
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$12.91
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula	\$4.69
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$6.73
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$14.19
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$4.85
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$6.78

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective April 1, 2009, through June 30, 2009, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.54
12 oz. Evaporated Milk	\$1.40
16 oz. Dry Milk	\$7.44
1 qt. Lactose Reduced Milk	\$2.34
1/2 gal. Kosher Milk	\$2.95
4 oz. Kosher Infant Juice	\$0.81
8 oz. Kosher Infant Cereal	\$2.44
1 doz. Grade A Eggs	\$2.02
1 lb. Fresh Carrots	\$1.19
14 to 16 oz. Canned Carrots	\$1.19
1 lb. Cheese	\$6.23
1 lb. Kosher Cheese	\$7.09
1 lb. Dry Beans or Peas	\$2.13
1 oz. Adult WIC Cereal	\$0.37
8 oz. Gerber Infant Cereal	\$2.44
15 to 18 oz. Peanut Butter	\$3.35
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.41
6 oz. Cans Juice	\$1.78
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.28
4 oz. Gerber Infant Juice	\$0.81
32 oz. Alimentum Advance Ready-to-Feed Formula	\$10.33
16 oz. Alimentum Advance Powder Formula ...	\$30.11
8 oz. Boost Ready-to-Feed Formula	\$2.00
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$17.26
13 oz. Enfamil LIPIL Concentrate Formula ...	\$5.66
32 oz. Enfamil LIPIL Ready-to-Feed Formula .	\$8.45
12.9 oz. Enfamil LIPIL Powder Formula	\$16.70
32 oz. Isomil DF Ready-to-Feed Formula	\$8.22
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$14.98
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula .	\$5.63
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$7.98
24 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Yellow Formula	\$22.76
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$16.04
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula .	\$5.43
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$7.32
24 oz. Nestle Good Start 2 Soy DHA-ARA/Good Start Soy PLUS 2 Powder-Teal Formula	\$22.34
12 oz. Nestle Good Start Natural Cultures DHA-ARA/Good Start Protect PLUS Powder-Green Formula	\$15.89

Maximum Allowable Price

<i>Description</i>	<i>Maximum Allowable Price</i>
24 oz. Nestle Good Start 2 Natural Cultures DHA-ARA/Good Start Protect PLUS 2 Powder-White Formula	\$26.05
12 oz. Nestle Good Start/Good Start Nourish PLUS Powder-Purple Formula	\$12.83
13 oz. Nutramigen Lipil Concentrate Formula .	\$8.63
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$10.94
16 oz. Nutramigen Lipil Powder Formula	\$30.29
8 oz. Pediasure Ready-to-Feed Formula	\$2.64
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula ..	\$5.59
32 oz. Similac Advance Ready-to-Feed Formula	\$8.04
12.9 oz. Similac Advance Powder Formula	\$16.51
12.8 oz. Similac Neosure with Iron Powder Formula	\$19.19
32 oz. Similac Neosure with Iron Ready-to-Feed Formula	\$9.99
13 oz. Store Brand Concentrate Formula	\$3.24
32 oz. Store Brand Ready-to-Feed Formula	\$4.82
25.75 oz. Store Brand Powder Formula	\$17.99

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at or below, the Competitive Prices listed for the store's peer group. Effective April 1, 2009, through June 30, 2009, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 gal. of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.52
1/2 gal. of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.95
12 oz. Evaporated Milk	\$1.34
16 oz. Dry Milk	\$7.44
1 doz. Grade A Eggs	\$1.99
1 lb. Fresh Carrots	\$1.16
14 to 16 oz. Canned Carrots	\$1.16
1 lb. Cheese	\$6.11
1 lb. Kosher Cheese	\$6.96
1 lb. Dry Beans or Peas	\$1.87
1 oz. Adult WIC Cereal	\$0.37
8 oz. Gerber Infant Cereal	\$2.44
15 to 18 oz. Peanut Butter	\$3.05
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.15
5 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.19
4 oz. Gerber Infant Juice	\$0.81
12 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Powder-Orange Formula	\$14.98
13 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS Concentrate-Orange Formula .	\$5.63

<i>Description</i>	<i>Competitive Prices</i>
32 oz. Nestle Good Start DHA-ARA/Good Start Gentle PLUS RTF-Orange Formula	\$7.98
12.9 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Powder-Blue Formula	\$16.04
13 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Concentrate-Blue Formula	\$5.43
32 oz. Nestle Good Start Soy DHA-ARA/Good Start Soy PLUS Ready-to-Feed-Blue Formula	\$7.32

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-637. Filed for public inspection April 3, 2009, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania 10X The Money '09 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 10X The Money '09.

2. *Price:* The price of a Pennsylvania 10X The Money '09 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania 10X The Money '09 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 10X (10TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$10,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania 10X The Money '09 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

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

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

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

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$40⁰⁰ (FORTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$400.

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

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

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

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

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$4⁰⁰ (FOR DOL)

appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the

"WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

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

When Any Of Your Numbers Match Either Winning Number; Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
\$1 × 2	\$2	640,000
\$2	\$2	560,000
\$1 × 4	\$4	240,000
\$2 × 2	\$4	240,000
\$4	\$4	240,000
\$1 × 5	\$5	160,000
\$5	\$5	160,000
\$1 × 10	\$10	32,000
\$1 w/10X	\$10	80,000
\$5 × 2	\$10	24,000
\$10	\$10	24,000
\$2 × 10	\$20	16,000
\$2 w/10X	\$20	32,000
\$10 × 2	\$20	16,000
\$20	\$20	32,000
\$4 × 10	\$40	5,000
\$4 w/10X	\$40	5,000
\$10 × 4	\$40	5,000
\$20 × 2	\$40	5,000
\$40	\$40	5,000
\$5 × 10	\$50	5,000
\$5 w/10X	\$50	5,000
\$10 × 5	\$50	5,000
\$50	\$50	5,000
\$10 × 10	\$100	2,500
\$10 w/10X	\$100	2,500
\$50 × 2	\$100	2,500
\$100	\$100	2,500
\$40 × 10	\$400	300
\$40 w/10X	\$400	400
\$400	\$400	300
\$100 w/10X	\$1,000	400
\$1,000	\$1,000	400
\$10,000	\$10,000	100

10X (10TIMES) = Win 10 times the prize shown under that symbol.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 10X The Money '09 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 10X The Money '09, prize money from winning Pennsylvania 10X The Money '09 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 10X The Money '09 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 10X The Money '09 or through normal communications methods.

STEPHEN H. STETLER,
Acting Secretary

[Pa.B. Doc. No. 09-638. Filed for public inspection April 3, 2009, 9:00 a.m.]

Pennsylvania \$50,000 Birthday Cash 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 \$50,000 Birthday Cash.

2. *Price:* The price of a Pennsylvania \$50,000 Birthday Cash instant lottery game ticket is \$5.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania \$50,000 Birthday Cash 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 \$50,000 Birthday Cash instant lottery game ticket will also contain a "Birthday Bonus" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Balloon symbol (BALLOON) and an X symbol (XXX).

(d) The play area for "Game 3" will contain a "YOUR SYMBOLS" area and a "LUCKY SYMBOLS" area. The play symbols and their captions located in the "YOUR SYMBOLS" area and the "LUCKY SYMBOLS" area are: Rocket symbol (RCKT), Ice Cream Cone symbol (ICEC), Noisemaker symbol (NOISE), Money Bag symbol (\$BAG), Bills symbol (BILLS), Stack Of Coins symbol (STACK), Bow symbol (BOW), Hat symbol (HAT), Candle symbol (CANDL), Party Favor symbol (FAVOR), Cake symbol (CAKE), Gift symbol (GIFT), Horn symbol (HORN), Cupcake symbol (CUPC), Music symbol (MUSIC), Dance symbol (DANCE) and a Confetti symbol (CNFTI).

(e) The prize play symbols and the play symbols and their captions located in the "Birthday Bonus" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (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 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

(b) The play area for "Game 3" will contain six "Prize" areas. The prize symbols and their captions located in the six "Prize" areas for "Game 3" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in "Game 1" are: \$5, \$10, \$20, \$40, \$50, \$100, \$500 and \$50,000. The prizes that can be won in "Game 2" and "Game 3" are: \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$50,000. The prizes that can be won in the "Birthday Bonus" area are: \$5, \$10, \$20, \$40, \$50, \$100 and \$500. The player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania \$50,000 Birthday Cash instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) 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.

(3) 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.

(4) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with three matching prize play symbols of \$40⁰⁰ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with three matching prize play symbols of \$20⁰⁰ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with three matching prize play symbols of \$10^{.00} (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching prize play symbols of \$5^{.00} (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$50,000 (FTY THO) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$1,000 (ONE THO) 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 Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$500 (FIV HUN) 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 Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$100 (ONE HUN) 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 Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$50^{.00} (FIFTY) 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 Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$40^{.00} (FORTY) 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 Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$20^{.00} (TWENTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$10^{.00} (TEN DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching Balloon (BALLOON) play symbols in the same row, column or diagonal, and a prize symbol of \$5^{.00} (FIV DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR SYMBOLS" 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 SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$50^{.00} (FIFTY) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$40^{.00} (FORTY) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$20^{.00} (TWENTY) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$10^{.00} (TEN DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets where any one of the "YOUR SYMBOLS" play symbols matches either of the "LUCKY SYMBOLS" play symbols and a prize symbol of \$5^{.00} (FIV DOL) appears in the "Prize" area under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Birthday Bonus" area are:

(1) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "Birthday 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 "Birthday 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^{.00} (FIFTY) in the "Birthday 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^{.00} (FORTY) in the "Birthday Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

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(5) Holders of tickets with a prize play symbol of \$20⁰⁰ (TWENTY) in the "Birthday Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with a prize play symbol of \$10⁰⁰ (TEN DOL) in the "Birthday Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with a prize play symbol of \$5⁰⁰ (FIV DOL) in the "Birthday Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

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

<i>Birthday Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$5				\$5	30	160,000
	\$5			\$5	30	160,000
		\$5		\$5	37.50	128,000
			\$5	\$5	37.50	128,000
\$10				\$10	85.71	56,000
	\$10			\$10	85.71	56,000
		\$10		\$10	85.71	56,000
			\$10	\$10	100	48,000
\$5			\$5	\$10	100	48,000
			\$5 × 2	\$10	85.71	56,000
\$20				\$20	200	24,000
	\$20			\$20	200	24,000
		\$20		\$20	200	24,000
			\$20	\$20	300	16,000
\$10	\$5	\$5		\$20	200	24,000
\$10			\$5 × 2	\$20	200	24,000
			\$5 × 4	\$20	200	24,000
\$40				\$40	600	8,000
	\$40			\$40	600	8,000
		\$40		\$40	600	8,000
			\$40	\$40	600	8,000
\$20		\$20		\$40	600	8,000
			\$10 × 4	\$40	600	8,000
\$50				\$50	1,200	4,000
	\$50			\$50	1,200	4,000
		\$50		\$50	1,200	4,000
			\$50	\$50	1,200	4,000
\$5	\$20	\$20	\$5	\$50	1,200	4,000
\$10	\$10	\$10	\$10 × 2	\$50	1,200	4,000
\$20			\$5 × 6	\$50	1,200	4,000
			\$10 × 5	\$50	1,200	4,000
\$100				\$100	2,182	2,200
	\$100			\$100	2,182	2,200
		\$100		\$100	2,182	2,200
			\$100	\$100	2,182	2,200
\$10	\$20	\$20	\$10 × 5	\$100	2,182	2,200
\$20	\$20	\$20	\$20 × 2	\$100	2,182	2,200
\$50	\$50			\$100	2,182	2,200
			\$20 × 5	\$100	2,400	2,000
\$500				\$500	12,000	400
	\$500			\$500	12,000	400
		\$500		\$500	12,000	400
			\$500	\$500	12,000	400
			\$100 × 5	\$500	12,000	400
		\$1,000		\$1,000	30,000	160
			\$1,000	\$1,000	40,000	120
			\$500 × 2	\$1,000	40,000	120
	\$50,000			\$50,000	1,200,000	4
		\$50,000		\$50,000	1,200,000	4
			\$50,000	\$50,000	2,400,000	2

Game 1—Get 3 like amounts, win that amount.

Game 2—Get three "BALLOON" (BALLOON) symbols in a row, column or diagonal, win prize shown.

Game 3—When any of YOUR SYMBOLS match either LUCKY SYMBOL, win prize shown below the matching symbol.

Birthday Bonus—Reveal prize amount from \$5 to \$500 and win that prize.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$50,000 Birthday Cash instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$50,000 Birthday Cash, prize money from winning Pennsylvania \$50,000 Birthday Cash 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 \$50,000 Birthday Cash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$50,000 Birthday Cash or through normal communications methods.

STEPHEN H. STETLER
Acting Secretary

[Pa.B. Doc. No. 09-639. Filed for public inspection April 3, 2009, 9:00 a.m.]

Pennsylvania Cash Fever 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 Cash Fever.

2. *Price:* The price of a Pennsylvania Cash Fever instant lottery game ticket is \$5.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania Cash Fever 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 Cash Fever instant lottery game ticket will also contain a “RED HOT BONUS” area.

(b) The play area for “Game 1” will contain a “YOUR NUMBERS” area and a “RED HOT NUMBERS” area. The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE) and \$\$ (DBLS). The play symbols and their captions located in the “RED HOT NUMBERS” area are: 1 (ONE),

2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN) and 12 (TWELVE).

(c) The play symbols and their captions located in the play area for “Game 2” are: Bill symbol (BILL), Chest symbol (CHEST), Coin symbol (COIN), Diamond symbol (DMND), Gold symbol (GOLD), Horse Shoe symbol (HSHOE), Moneybag symbol (MBAG) and a Roll symbol (ROLL).

(d) The prize play symbols and their captions located in the play area for “Game 3” are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO), \$100,000 (ONEHUNTHO) and a \$\$ symbol (DBLS).

(e) The prize play symbols and the play symbols and their captions located in the “RED HOT BONUS” area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR 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: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

(b) The prize symbols and their captions located in the “Prize” area of each “ROW” for “Game 2” are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in “Game 1” are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The prizes that can be won in “Game 2” are: \$5, \$10, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The prizes that can be won in “Game 3” are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The prizes that can be won in the “RED HOT BONUS” area are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400 and \$500. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Cash Fever 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 “RED HOT NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets where any one of the “YOUR NUMBERS” play symbols matches either of the “RED HOT NUMBERS” play symbols and a prize symbol of \$50,000 (FTY THO) appears in the “Prize” area under the

matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$10,000 (TEN 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.

(4) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT 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.

(5) Holders of tickets where any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$1,000.

(6) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT 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.

(7) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(8) Holders of tickets where any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$200.

(9) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT 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.

(10) Holders of tickets where any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$100.

(11) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (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.

(12) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (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.

(13) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (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.

(14) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (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.

(15) Holders of tickets where any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$20.

(16) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (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.

(17) Holders of tickets where any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBL\$), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area under the \$\$ symbol (DBL\$), on a single ticket, shall be entitled to a prize of \$10.

(18) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "RED HOT NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (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.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$500 (FIV HUN) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$400 (FOR HUN) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$400.

(7) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$10.

(12) Holders of tickets with three matching play symbols in the same "ROW," and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area to the right of that "ROW," on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets with three matching prize play symbols of \$100,000 (ONEHUNTHO) in the play area, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets with three matching prize play symbols of \$10,000 (TEN THO) in the play area, on a single ticket, shall be entitled to a prize of \$10,000.

(4) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets with two matching prize play symbols of \$500⁰⁰ (FIV HUN) and a \$\$ (DBL\$) symbol in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(6) 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.

(7) Holders of tickets with three matching prize play symbols of \$400 (FOR HUN) in the play area, on a single ticket, shall be entitled to a prize of \$400.

(8) Holders of tickets with two matching prize play symbols of \$100 (ONE HUN) and a \$\$ (DBL\$) symbol in the play area, on a single ticket, shall be entitled to a prize of \$200.

(9) 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.

(10) Holders of tickets with two matching prize play symbols of \$50⁰⁰ (FIFTY) and a \$\$ (DBL\$) symbol in the play area, on a single ticket, shall be entitled to a prize of \$100.

(11) Holders of tickets with three matching prize play symbols of \$50⁰⁰ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(12) Holders of tickets with three matching prize play symbols of \$40⁰⁰ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(13) Holders of tickets with three matching prize play symbols of \$25⁰⁰ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(14) Holders of tickets with three matching prize play symbols of \$20⁰⁰ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(15) Holders of tickets with two matching prize play symbols of \$10⁰⁰ (TEN DOL) and a \$\$ (DBL\$) symbol in the play area, on a single ticket, shall be entitled to a prize of \$20.

(16) Holders of tickets with three matching prize play symbols of \$10⁰⁰ (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(17) Holders of tickets with two matching prize play symbols of \$5⁰⁰ (FIV DOL) and a \$\$ (DBL\$) symbol in the play area, on a single ticket, shall be entitled to a prize of \$10.

(18) Holders of tickets with three matching prize play symbols of \$5⁰⁰ (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "RED HOT BONUS" are:

(1) Holders of tickets with a prize play symbol of \$500 (FIV HUN) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$500.

(2) Holders of tickets with a prize play symbol of \$400 (FOR HUN) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$400.

(3) Holders of tickets with a prize play symbol of \$100 (ONE HUN) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with a prize play symbol of \$50⁰⁰ (FIFTY) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with a prize play symbol of \$40⁰⁰ (FORTY) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with a prize play symbol of \$25⁰⁰ (TWY FIV) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$25.

(7) Holders of tickets with a prize play symbol of \$20⁰⁰ (TWENTY) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with a prize play symbol of \$10⁰⁰ (TEN DOL) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with a prize play symbol of \$5⁰⁰ (FIV DOL) in the "RED HOT BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

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

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<i>Red Hot 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 7,200,000 Tickets</i>
\$5				\$5	30	240,000
	\$5			\$5	30	240,000
		\$5		\$5	37.5	192,000
			\$5	\$5	37.5	192,000
\$10				\$10	120	60,000
	\$5 w/\$\$			\$10	120	60,000
	\$10			\$10	120	60,000
		\$10		\$10	120	60,000
			\$10	\$10	120	60,000
			\$5 w/\$\$	\$10	60	120,000
\$20				\$20	300	24,000
	\$5 w/\$\$		\$5 w/\$\$	\$20	300	24,000
	\$10 w/\$\$			\$20	300	24,000
	\$20			\$20	300	24,000
			\$20	\$20	300	24,000
			\$10 w/\$\$	\$20	300	24,000
\$25				\$25	300	24,000
	\$25			\$25	300	24,000
		\$25		\$25	300	24,000
			\$25	\$25	300	24,000
\$40				\$40	600	12,000
	\$40			\$40	600	12,000
		\$40		\$40	600	12,000
			\$40	\$40	600	12,000
	\$10 w/\$\$		\$10 w/\$\$	\$40	600	12,000
\$50				\$50	600	12,000
	\$50			\$50	600	12,000
		\$50		\$50	600	12,000
			\$50	\$50	600	12,000
\$5	\$5 × 6	\$5 × 3		\$50	600	12,000
\$100				\$100	2,609	2,760
\$50	\$50			\$100	2,609	2,760
	\$50 w/\$\$			\$100	2,609	2,760
		\$50 × 2		\$100	2,667	2,700
		\$100		\$100	2,609	2,760
			\$50 w/\$\$	\$100	2,609	2,760
			\$100	\$100	2,609	2,760
\$10	\$10 × 5	\$10 × 3		\$100	2,609	2,760
\$400			\$10	\$100	2,609	2,760
	\$400			\$400	12,000	600
		\$400		\$400	12,000	600
			\$400	\$400	12,000	600
	\$100 w/\$\$		\$100 w/\$\$	\$400	12,000	600
\$500				\$500	24,000	300
	\$500			\$500	24,000	300
		\$500		\$500	24,000	300
			\$500	\$500	24,000	300
\$100	\$100	\$100	\$100 w/\$\$	\$500	24,000	300
	\$1,000			\$1,000	40,000	180
		\$1,000		\$1,000	40,000	180
			\$1,000	\$1,000	40,000	180
	\$500 w/\$\$			\$1,000	40,000	180
			\$500 w/\$\$	\$1,000	40,000	180
	\$10,000			\$10,000	720,000	10
		\$10,000		\$10,000	1,440,000	5
			\$10,000	\$10,000	1,440,000	5
	\$50,000			\$50,000	7,200,000	1
		\$50,000		\$50,000	3,600,000	2
			\$50,000	\$50,000	3,600,000	2
	\$100,000			\$100,000	7,200,000	1
		\$100,000		\$100,000	3,600,000	2
			\$100,000	\$100,000	3,600,000	2

<i>Red Hot 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 7,200,000 Tickets</i>
Game 1—When any of Your Numbers match either Red Hot Number, win prize shown below the matching number. Get a "\$\$" (DBLS) symbol, win double the prize shown under it automatically.						
Game 2—Get three like symbols in any row, win prize shown to the right of that row.						
Red Hot Bonus—Reveal prize amount from \$5 to \$500, win that prize.						
Game 3—Get three like amounts, win that prize. Get two like amounts and a "\$\$" (DLBS) symbol, win double that prize.						

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cash Fever instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Cash Fever, prize money from winning Pennsylvania Cash Fever 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 Cash Fever instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Cash Fever or through normal communications methods.

STEPHEN H. STETLER,
Acting Secretary

[Pa.B. Doc. No. 09-640. Filed for public inspection April 3, 2009, 9:00 a.m.]

Pennsylvania Triple Platinum 777 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 Triple Platinum 777.

2. *Price:* The price of a Pennsylvania Triple Platinum 777 instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Triple Platinum 777 instant lottery game ticket will contain one play area. The play symbols and their captions printed in black ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN),

14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX), 7 (BLK7) and 777 (BLK777). The play symbols and their captions printed in red ink, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 28 (TWENTYEIGHT), 29 (TWENTYNINE), 30 (THIRTY), 31 (THIRTYONE), 32 (THIRTYTWO), 33 (THIRTYTHREE), 34 (THIRTYFOUR), 35 (THIRTYFIVE), 36 (THIRTYSIX) and 777 (RED777).

4. *Prize Symbols:* The prize symbols and their captions are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$20,000 (TWY THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000, \$20,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Triple Platinum 777 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$250,000 (TWHNFYTH) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$20,000 (TWY THO) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(c) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets with a play symbol of 777 (RED777), with the symbol and caption printed in red ink, and a prize symbol of \$1,000 (ONE THO) appearing in the "prize" area to the right of that 777 (RED777) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a

prize symbol of \$1,000 (ONE THO) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a play symbol of 777 (RED777), with the symbol and caption printed in red ink, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 777 (RED777) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$500 (FIV HUN) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a play symbol of 777 (RED777), with the symbol and caption printed in red ink, and a prize symbol of \$50⁰⁰ (FIFTY) appearing in the "prize" area to the right of that 777 (RED777) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$400 (FOR HUN) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets with a play symbol of 777 (RED777), with the symbol and caption printed in red ink, and a prize symbol of \$40⁰⁰ (FORTY) appearing in the "prize" area to the right of that 777 (RED777) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets with a play symbol of 777 (BLK777), with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 777 (BLK777) play symbol, on a single ticket, shall be entitled to a prize of \$300.

(l) Holders of tickets with a play symbol of 777 (BLK777), with the symbol and caption printed in black ink, and a prize symbol of \$50⁰⁰ (FIFTY) appearing in the "prize" area to the right of that 777 (BLK777) play symbol, on a single ticket, shall be entitled to a prize of \$150.

(m) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets with a play symbol of 777 (RED777), with the symbol and caption printed in red

ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that 777 (RED777) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets with a play symbol of 777 (BLK777), with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appearing in the "prize" area to the right of that 777 (BLK777) play symbol, on a single ticket, shall be entitled to a prize of \$60.

(p) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$50⁰⁰ (FIFTY) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets with a play symbol of 777 (RED777), with the symbol and caption printed in red ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that 777 (RED777) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$40⁰⁰ (FORTY) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets with a play symbol of 777 (BLK777), with the symbol and caption printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that 777 (BLK777) play symbol, on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$20⁰⁰ (TWENTY) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets with a play symbol of 7 (BLK7), with the symbol and caption printed in black ink, and a prize symbol of \$5⁰⁰ (FIV DOL) appearing in the "prize" area to the right of that 7 (BLK7) play symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>Reveal A Black 7 Symbol Win Prize Shown To The Right Of It. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets:</i>
\$5 × 2	\$10	13.33	540,000
\$10	\$10	13.33	540,000
\$5 × 4	\$20	60	120,000
\$10 × 2	\$20	40	180,000
\$20	\$20	30	240,000
\$10 × 4	\$40	300	24,000
\$10 w/BLACK 777 + \$10	\$40	200	36,000

Reveal A Black 7 Symbol Win
Prize Shown To The Right Of It.
Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 7,200,000 Tickets:
\$20 × 2	\$40	300	24,000
\$40	\$40	200	36,000
\$10 × 5	\$50	600	12,000
\$5 w/RED 777	\$50	600	12,000
\$10 w/BLACK 777 + (\$10 × 2)	\$50	600	12,000
\$50	\$50	600	12,000
(\$5 × 10) + (\$10 × 5)	\$100	600	12,000
\$10 × 10	\$100	600	12,000
\$10 w/RED 777	\$100	300	24,000
\$20 w/BLACK 777 + (\$20 × 2)	\$100	300	24,000
\$100	\$100	300	24,000
\$40 × 10	\$400	2,400	3,000
\$40 w/RED 777	\$400	2,400	3,000
\$50 w/BLACK 777 + (\$50 × 5)	\$400	2,400	3,000
\$100 × 4	\$400	2,400	3,000
\$400	\$400	3,000	2,400
\$50 × 10	\$500	24,000	300
\$50 w/RED 777	\$500	12,000	600
\$10 w/RED 777 + (\$100 × 4)	\$500	24,000	300
\$500	\$500	24,000	300
(\$50 × 10) + (\$100 × 5)	\$1,000	24,000	300
\$100 × 10	\$1,000	24,000	300
\$100 w/BLACK 777 + (\$100 × 7)	\$1,000	24,000	300
\$100 w/RED 777	\$1,000	24,000	300
\$500 × 2	\$1,000	24,000	300
\$1,000	\$1,000	12,000	600
\$1,000 w/RED 777	\$10,000	480,000	15
\$10,000	\$10,000	480,000	15
\$20,000	\$20,000	240,000	30
\$250,000	\$250,000	720,000	10

"BLACK 777" (BLK777) = Win 3 times the prize shown to the right of it.

"RED 777" (RED777) = Win 10 times the prize shown to the right of it.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple Platinum 777 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Platinum 777, prize money from winning Pennsylvania Triple Platinum 777 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 Triple Platinum 777 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Triple Platinum 777 or through normal communications methods.

STEPHEN H. STETLER,
Acting Secretary

[Pa.B. Doc. No. 09-641. Filed for public inspection April 3, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P.S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by the Blair County Commissioners, 423 Allegheny Street, Hollidaysburg, PA 16648, seeking to lease right-of-way located in Logan Township, Blair County, PA, adjacent to the intersection of Park Avenue and Frankstown Road containing 2.17 acres and is to be used for a ballpark.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to

Thomas A. Prestash, P. E., District Executive, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080.

Questions regarding this application or the proposed use may be directed to Sherry Peck, District Property Manager, 1620 North Juniata Street, Hollidaysburg, PA 16648-1080, (814) 696-7215.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-642. Filed for public inspection April 3, 2009, 9:00 a.m.]

Finding Lycoming County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 2002(b)), the Director of the Bureau of Design as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration (FHWA) and the Department of Transportation (Department) are planning to replace the existing structure carrying SR 2064, Arch Street Bridge over the West Branch of the Susquehanna River between the Borough of Duboistown and the City of Williamsport in Lycoming County. The project will require the use of land from the Susquehanna State Park, which is a public park, and, therefore, qualifies as a section 4(f)/section 2002 resource.

In accordance with section 2002 of Pennsylvania Act 120 establishing the Department of Transportation, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a "Determination of Section 4(f) De minimis Use Section 2002 No Adverse Use" checklist to evaluate the potential environmental impacts caused by the subject project. The checklist also serves as the section 2002 Evaluation. The referenced documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE, the "Determination of Section 4(f) De minimis Use Section 2002 No Adverse Use" and the associated Memorandum of Agreement.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 09-643. Filed for public inspection April 3, 2009, 9:00 a.m.]

Watercraft Trailer Forfeiture; Maximum Amount

Chapter 73, Subchapter B of 75 Pa.C.S. (relating to watercraft trailer forfeiture) applies only to a watercraft trailer with a resale value based upon established indus-

try standards equal to less than the amount set forth in 75 Pa.C.S. § 7321(c) (relating to scope of subchapter and legislative intent). Subsection (c) provides that for the year 2006, the maximum amount will be \$1,000 and for each year thereafter, the maximum amount will be fixed annually by the Department of Transportation (Department) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. Subsection (c) further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Department will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*.

Under 75 Pa.C.S. § 7321(c), the Department has fixed the maximum amount for 2009 as \$1,100.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-644. Filed for public inspection April 3, 2009, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Environmental Integrity Project and Citizens Coal Council v. DEP and Allegheny Energy Supply Company, Permittee; EHB Doc. No. 2009-039-R

The Environmental Integrity Project and Citizens Coal Council have appealed the issuance by the Department of Environmental Protection of an NPDES permit to Allegheny Energy Supply Company for a facility in Monongahela Township, Greene 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 Pennsylvania AT&T Relay Service 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. 09-645. Filed for public inspection April 3, 2009, 9:00 a.m.]

Reliant Energy Northeast Management Company v. DEP; EHB Doc. No. 2008-089-R

The Department of Environmental Protection (Department) and Reliant Energy Northeast Management Company (Reliant) have agreed to a settlement of the this matter.

The parties have agreed to a settlement, the major provisions of which provide for the publication of a draft of Amendment No. 1 to National Pollutant Discharge Elimination System Permit PA 0002062 (NPDES Permit). As set forth in the settlement, Reliant has agreed not to appeal from the final issuance of Amendment No. 1 to the NPDES Permit.

Reliant operates a coal-fired steam electric generating plant located in Plumcreek Township, Armstrong County, commonly known as the "Keystone Power Station." On February 28, 2008, the Department issued an NPDES Permit to Reliant authorizing the company to discharge storm water and waste water from several outfalls into the Allegheny River, Crooked and Plum Creeks.

The draft of Amendment No. 1 to the NPDES Permit authorizes a discharge from a flue gas desulphurization plant by means of a 16-mile pipeline to the Allegheny River at river mile 38.2 through Outfall 101. Outfall 101 in the draft of Amendment No. 1 to the NPDES Permit was formerly designated as Outfall 001 in the NPDES Permit. Effluent limitations for certain parameters at Outfall 101 have been modified. Additional monitoring requirements will be imposed for the discharge from the flue gas desulphurization plant. Also, the sample types for mercury and 1, 2 dichloroethene were changed at Outfall 003. In addition, the draft of Amendment No. 1 to the NPDES Permit regulates discharge of pigging wastewater from a newly designated Outfall 201. Finally, the draft of Amendment No. 1 to the NPDES Permit incorporates several minor modifications to the NPDES Permit such as pagination, descriptions of effluent limitations and wastewater sources.

Copies of the full agreement are in the hands of:

Bruce M. Herschlag
Assistant Regional Counsel
Commonwealth of Pennsylvania
Department of Environmental Protection
Office of Chief Counsel
400 Waterfront Drive
Pittsburgh, PA 15222-4745
(412) 442-42621

and

Donald C. Bluedorn, II, Esquire
Babst Calland Clements and Zomnir, PC
Two Gateway Center
603 Stanwix Street, Suite 8W
Pittsburgh, PA 15222
(412) 394-5400

and at the offices of the Environmental Hearing Board (Board), and may be reviewed by any interested person on request during normal business hours.

Any person interested in providing comment to the Board on the proposed Consent Order and Adjudication must do so within 30 days of the date this notice is published in the *Pennsylvania Bulletin*. Copies of all comments shall also be submitted to the attorney for each party listed previously.

Any person believing himself aggrieved by the previous settlement has a right to appeal to the Environmental

Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457. Appeals must be filed within 30 days of this publication.

If information concerning this notice is required in an alternative form contact the Secretary to the Board at (717) 783-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Board is empowered to approve this settlement if no objection is timely filed with the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 09-646. Filed for public inspection April 3, 2009, 9:00 a.m.]

FISH AND BOAT COMMISSION

Boat and Marine Forfeiture; Maximum Amount

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2008 at \$5,325.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2009 as \$5,340.

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

[Pa.B. Doc. No. 09-647. Filed for public inspection April 3, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, March 19, 2009, and announced the following:

Action Taken—Regulations Approved:

Environmental Quality Board #7-430: Marcellus Shale Well Permit Fees (amends 25 Pa. Code Chapter 78)

Environmental Quality Board #7-407: Safe Drinking Water; Public Notification Revisions (amends 25 Pa. Code §§ 109.407—109.413, 109.415, 109.701, 109.702 and 109.707)

State Board of Nursing #16A-5123: Nursing Education Programs Examination Pass Rates (amends 49 Pa. Code Chapter 21)

State Board of Veterinary Medicine #16A-5721: Professional Conduct (amends 49 Pa. Code §§ 31.1 and 31.21)

Action Taken—Regulations Disapproved:

Pennsylvania Gaming Control Board #125-92: Smoking in Licensed Facilities (amends 58 Pa. Code Chapters 441a and 467a)

Pennsylvania Gaming Control Board #125-86: Slot Machine Licensing (amends 58 Pa. Code § 441a.7)

Pennsylvania Gaming Control Board #125-93: Rules of Practice and Procedures (amends 58 Pa. Code Chapters 401a, 403a, 405a, 491a, 493a, 494a, 495a, 497a, 499a and 511a)

Approval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq., by Phone, Abstained; Karen A. Miller; John F. Mizner, Esq., by Phone

*Environmental Quality Board—
Marcellus Shale Gas Well Fees Amendments;
Regulation No. 7-430 (#2741)*

On February 4, 2009, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 78. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation adds permit fees relative to the development of Marcellus Shale gas wells in Pennsylvania. The fees will include a base permit fee of \$900 with an additional \$100 fee per 500 feet of well bore drilled past 1,500 feet.

We have determined this regulation is consistent with the statutory authority of the Board (58 P. S. §§ 601.201(d) and 601.604) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq., by Phone

*Environmental Quality Board—
Safe Drinking Water; Public Notification
Revisions; Regulation No. 7-407 (#2637)*

On September 11, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code §§ 109.407—109.413, 109.415, 109.701, 109.702 and 109.707. The proposed regulation was published in the September 22, 2007 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on February 10, 2009.

This regulation updates and enhances public notification procedures for public water systems for emergency situations that may adversely affect public health.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 721.4) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq., by Phone; Karen A. Miller; John F. Mizner, Esq., by Phone

*State Board of Nursing—Nursing
Education Programs Examination Pass
Rates; Regulation No. 16A-5123 (#2664)*

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Nursing (Board). This rulemaking amends 49 Pa. Code Chapter 21. The proposed regulation was published in the January 19, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2009.

This regulation increases the required examination pass rate for nursing education programs (programs) for both registered nurses and practical nurses. It requires programs to raise this minimum pass rate to 70 percent in the first full academic year after publication of this regulation, and to 80 percent in the next academic year.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 212.1(k), 216.1, 659 and 667.6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson;
George D. Bedwick; Nancy Sabol Frantz, Esq., by
Phone; Karen A. Miller; John F. Mizner, Esq., by Phone

*State Board of Veterinary Medicine—
Professional Conduct;
Regulation No. 16A-5721 (#2594)*

On February 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Veterinary Medicine. This rulemaking amends 49 Pa. Code §§ 31.1 and 31.21. The proposed regulation was published in the March 3, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2009.

This regulation revises and updates standards of conduct including the reporting of unprofessional conduct and medical incompetence, and adds prohibitions for “unprofessional conduct” such as verbal abuse and harassment of clients and employees. Even though this regulation is an improvement over the existing regulations, there is one remaining concern. The Board continues to use the term “should” because it asserts that rules of conduct can be both “aspirational goals and mandates.” However, the implementation and enforceability of “aspirational goals” remains both unclear and problematic. A regulation is an agency’s exercise of delegated authority to create a mandatory standard of conduct or behavior. Rules must establish binding legal requirements. See *Chimenti v. Dept. of Corrections*, 720 A.2d 205 (Pa. Cmwlth. 1998), *aff’d* 740 A.2d 1139 (Pa. 1998). In contrast, the word “should” implies that compliance with a rule or standard may be optional. We urge the Board to revisit this issue in future rulemakings, eliminate the word “should” and promulgate binding and enforceable standards in its regulations.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 485.5(1) and (2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Disapproval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson;
George Bedwick; Nancy Sabol Frantz, Esq.; Karen A.
Miller

*Pennsylvania Gaming Control Board—
Smoking in Licensed Facilities;
Regulation No. 125-92 (#2731)*

On October 28, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 441a and 467a. The proposed regulation was published in the November 8, 2008 *Pennsylvania Bulletin* with a

30-day public comment period. The final-form regulation was submitted to the Commission on February 11, 2009.

This final-form regulation is the Board’s attempt to implement the Clean Indoor Air Act of 2008, 35 P. S. § 637.1 *et seq.* (Act) as it relates to smoking in licensed facilities. The Board has cited Sections 3, 4 and 6 of the Act (35 P. S. §§ 637.3, 637.4 and 637.6) and § 1202(b)(30) of the Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. § 1202(b)(30)) (Gaming Act) as its statutory authority for the regulation.

Section 5.2 of the Regulatory Review Act requires the following of this Commission:

“In determining whether a proposed, final-form, final-omitted or existing regulation is in the public interest, the commission shall, first and foremost, determine whether the agency has the statutory authority to promulgate the regulation and whether the regulation conforms to the intention of the General Assembly in the enactment of the statute upon which the regulation is based.” (71 P. S. § 745.5(b)(a))

We find that the Board does not have the statutory authority to promulgate this regulation and that the regulation is not consistent with the intention of the General Assembly for the following reasons.

First, Section 2 of the Act (35 P. S. § 637.2) defines “Department” as the “The Department of Health of the Commonwealth” and Section 10 (a) of the Act (35 P. S. § 637.10(a)) states the following: “The department shall promulgate regulations to implement this act.” We believe that this language is clear and the intent of the General Assembly was for the Department of Health (Department) to write the rules to implement the Act. We note that where the legislature intends to authorize the promulgation of regulations, it has done so explicitly. *Main Line Health, Inc. v. CAT Fund*, 738 A.2d 66 (Pa. Cmwlth. 1999), *affirmed* 77 A.2d 1048 (Pa. 2001).

In the Preamble to the final-form regulation, the Board contends that if the General Assembly had intended to make the Department the only agency that could promulgate regulations to implement the Act, it would have written Section 10(a) differently. The Board notes that nowhere in Section 10(a) does it state that the Department has “sole” or “exclusive” authority to promulgate regulations to implement the Act. We find this rational to be flawed. Under Section 1921(b) of Pennsylvania’s Statutory Construction Act (SCA), “[w]hen the words of a statute are clear and free from ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” (1 Pa.C.S.A. § 1921(b)) We believe a plain reading of Section 10(a) is perfectly clear. The intent of the General Assembly was for the Department to promulgate regulations to implement the Act. The fact that the Department has not promulgated regulations does not transfer that authority to another agency.

If a piece of legislation is not explicit, the SCA provides guidance on how the intent of the General Assembly could be ascertained. Section 1921(c) of the SCA states that the intention of the General Assembly could be ascertained by examining, among other things, contemporaneous legislative histories. As noted above, we do not believe Section 10(a) of the Act is ambiguous. However, a review of the legislative history surrounding the passage of the Act sheds light on what the intent of the General Assembly was, as it pertains to promulgating regulations, when the Act was debated. The following legislative journals from the 2007 Regular Session of the Pennsylvania General Assembly indicate that the members recognized that

licensed facilities, taverns and various other facilities would be affected, but that the Department of Health would be charged with promulgating regulations to implement the Act:

- Senate Journal—June 26, 2007 (page 790)
- House Journal—July 13, 2007 (pages 1910 and 1918)
- House Journal—July 15, 2007 (page 1989)
- House Journal—July 16, 2007 (pages 2060, 2075 and 2077).

When the Commission was considering this regulation at its public meeting on March 19th, staff from the Board indicated that a letter submitted by the Department of Health supporting the rulemaking was further indication that the Board has the authority to promulgate the regulation. In that letter, the Department cited *Prudential Property and Casualty Insurance Company v. Muir*, 513 A.2d 1129 (Pa. Cmwlth. 1986), *appeal denied*, 522 A.2d 1106 (1987) as evidence that the Board has implied power to adopt regulations with respect to matters within its province. We note that this case was overturned by the Pennsylvania Supreme Court in *Insurance Federation of Pennsylvania, Inc. v. Commonwealth, Department of Insurance*, 585 Pa. 630, 889 A.2d 550 (Pa. 2005).

Second, as noted above, the Board has cited Sections 3, 4 and 6 of the Act as part of its statutory authority to promulgate this regulation. Section 3(b)(11) provides an exception to the smoking ban for licensed facilities. It requires the Board to verify data provided by the Department of Revenue to licensed facilities. Section 4 pertains to signage requirements related to the smoking ban. Section 6 pertains to violations of the Act. While we acknowledge that Sections 3 and 6 would require the Board to take certain actions, they do not provide the authority to promulgate regulations pertaining to the Act. Indeed, various state licensing agencies are required to perform certain duties under the Act. Allowing each of those agencies to promulgate regulations to implement the Act would create a confusing regulatory environment for the regulated community. In regard to Section 4, we find that the Board has failed to explain why this section provides the authority to promulgate regulations.

We are also concerned with §§ 441a.25(d) and (e) of the regulation. These subsections attempt to implement Section (b)(11) of the Act and require licensed entities to obtain approval of the Board's executive director before an expansion of the smoking area of a gaming floor can occur. Section (b)(11) only gives the Board the authority to verify certain data provided by the Department of Revenue to a licensed entity. It does not provide the Board the authority to require licensed entities to obtain any approval before an expansion of the smoking area can occur.

Finally, the Board has cited its general rulemaking authority in the Gaming Act as part of its statutory authority for this regulation. Again, we disagree. Section 1202(b)(30) of the Gaming Act provides the Board with the authority to "promulgate rules and regulations necessary for the administration of this part." The "part" being referred to is Part II, pertaining to "Gaming" of Title 4 of Pennsylvania Consolidated Statutes, which refers to "Amusements." The authority to promulgate regulations to administer gaming does not extend to the authority to promulgate regulations to implement the Act.

We have determined this regulation is not consistent with the statutory authority of the Pennsylvania Gaming

Control Board and the intention of the General Assembly. Therefore, based upon the information presented to us and after considering the criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

This regulation is disapproved.

Disapproval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson;
George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller

*Pennsylvania Gaming Control Board—
Slot Machine Licensing;
Regulation No. 125-86 (#2695)*

On May 1, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code § 441a.7. The proposed regulation was published in the May 17, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 11, 2009.

This final-form regulation expands the provisions related to licensing hearings for potential slot machine licensees. The Board may request, on the record at the licensing hearing, that a license applicant respond to questions that relate to confidential information. The applicant will have the option of waiving the right to confidentiality and answering the questions at the public hearing or requesting that the matter be heard in executive session.

In order to determine whether a regulation is in the public interest, the Regulatory Review Act requires this Commission to consider, among other things, the "reasonableness of requirements, implementation procedures . . ." 71 P. S. § 745.5b (b)(3)(iv). This regulation does not preserve a license applicant's right under the Pennsylvania Racehorse Development and Gaming Act (Act) to protect certain information as confidential. By allowing questions to be raised at the public hearing relating to confidential information, the information itself may be inadvertently disclosed. In addition, by allowing an applicant to simply "request" that confidential information be heard in executive session, the Board can potentially deny the request, therefore further running the risk that protected information is revealed. Finally, without understanding the content of the questions before the licensing hearing, an applicant may not have the ability to make an informed decision regarding the waiver of his/her right to confidentiality imposed by the Act.

For these reasons, we question the reasonableness of the rulemaking, as well as the clarity of implementation procedures relating to both the applicant's waiver of his/her right to confidentiality, as well as the process for requesting an executive session. Therefore, based upon the information presented to us and after considering the criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

This regulation is disapproved.

Disapproval Order

Public Meeting held
March 19, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson;
George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller

*Pennsylvania Gaming Control Board—
Rules of Practice and Procedures;
Regulation No. 125-93 (#2723)*

On September 24, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 401a, 403a, 405a, 491a, 493a, 494a, 495a, 497a, 499a and 511a. The proposed regulation was published in the October 4, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 11, 2009.

This final-form regulation amends existing regulations relating to practice and procedure before the Board. In the Regulatory Analysis Form accompanying the regulation, the Board explained it intended this rulemaking to improve clarity, conform to current practice and simplify some existing requirements. A primary change to existing regulations is the Board's proposal to shift the trigger date for responsive filings from the date of service to the date of filing.

The Regulatory Review Act requires this Commission to determine whether a final-form regulation is in the public interest. 71 P. S. § 745.5b(a). To make that determination, we must weigh, among other factors, "[t]he clarity, feasibility and reasonableness of the regulation . . . by considering the following: (i) Possible conflict with or duplication of statutes or existing regulations. (ii) Clarity and lack of ambiguity. (iii) Need for the regulation." 71 P. S. § 745.5b(b)(3). We question the reasonableness of and need for this regulation for two reasons.

First, the regulation appears to serve the interests of the Board at the expense of the regulated community. Under existing Board regulations, timelines are calculated from the time of service. 58 Pa. Code §§ 493a.5 (Answers to complaints, petitions, motions and other filings requiring a response); 493a.10 (Motions for summary judgment and judgment on the pleadings); 493a.12 (Intervention); and 494a.6 (Reopening of record). When service is accomplished by post, service occurs at the time of mailing. 1 Pa. Code 33.34. According to the Board, calculating timelines from the time of filing will protect the most frequent responding party, the Board's own Office of Enforcement Counsel, from diminished response periods due to postal delays. However, the Board agrees that the regulation fails to protect responding parties other than the Office of Enforcement Counsel from the consequences of the similar delays. Therefore, we conclude this regulation unreasonably disadvantages the regulated community.

Second, we believe the regulation is likely to create confusion amongst the regulated community. Section 491a.1(c) states, "[p]leadings or other documents that require a filing fee will not be deemed filed until the Board receives the required fee." A scheme that calculates timelines from the time of filing, which is not deemed to have occurred until the Board is paid, strips responding parties (other than the Board's Office of Enforcement Counsel) of the consistency and predictability of process

necessary for fair and transparent administrative proceedings. Additionally, by the Board's own admission, no other court or administrative forum in this Commonwealth calculates timelines from the time of filing, rather than the time of service. Therefore, we conclude that portions of this regulation are both unnecessary and unduly confusing.

Therefore, based upon the information presented to us and after considering the criteria of the Regulatory Review Act discussed above, we find that promulgation of this regulation is not in the public interest.

By Order of the Commission:

This regulation is disapproved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-648. Filed for public inspection April 3, 2009, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-96	Pennsylvania Gaming Control Board Revised Procedures	2/23/09	3/25/09
	39 Pa.B. 418 (January 24, 2009)		

**Pennsylvania Gaming Control Board
Regulation #125-96 (IRRC #2739)**

Revised Procedures

March 25, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the January 24, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. General.—Statutory Authority.

Paragraph 11 of the Regulatory Analysis Form requires promulgating agencies to state the statutory authority for the regulation. In this case, the Board has cited seven sections of the Pennsylvania Race Horse Development

and Gaming Act (Act), only one of which specifically addresses the regulatory authority of the Board. In the final-form regulation, the Board must explicitly explain how these provisions relate to its exercise of rulemaking authority.

2. Section 403a.6.—Delegation of powers.—Need.

The proposed rulemaking adds “orders” to subsections (b), (c) and (d) as one of the Board’s methods to delegate its authority. The Preamble indicates that the Board has used orders “in a few cases.” However, the regulation does not explain why this addition is necessary, when the regulation already includes “regulations” and “resolutions” as existing forms of delegation. The final-form regulation should clarify what circumstances would prompt this use.

3. Section 465a.2.—Internal control systems and audit protocols.—Statutory authority; Need; Implementation procedures; Clarity.

This section explains various procedures for internal control systems and audit protocols. We have three concerns related to proposed revisions to subsection (f).

First, does the Act provide the Executive Director with the authority to approve and disapprove changes to internal control systems and audit protocols? The final-form regulation should explain the Board’s statutory authority for requiring such duties be imposed on this position. The same concern applies to the proposed changes to subsection (i), which would grant the Executive Director the authority to approve tolled changes or amendments to systems and protocols.

Second, the proposed subsection deletes the requirement that requests for changes or amendments also be submitted to the Department of Revenue (Revenue). Why is the Board removing Revenue from this process?

Finally, what is the difference between an Amendment and Waiver Request Form, as the existing regulation states, versus the change in the proposed regulation to what is now called the Internal Controls Amendment Request Form? The Preamble to the final-form regulation should explain this revision.

4. Section 465a.6.—Retention, storage and destruction of books, records and documents.—Economic impact; Implementation procedures; Clarity.

Subsections (b)(2) and (d)(1)—(2) have been revised to require that the location of documents must be secured and that the location must contain a fire suppression system. A commentator is concerned about the economic impact of these provisions since the commentator has both a temporary facility and a permanent facility currently under construction. Would the proposed regulation require installation of such systems in both facilities? Has the Board considered the economic impact such installations will have on compliance costs? Would the Board permit the waiver of such requirements in any circumstances?

5. Section 465a.12.—Access badges.—Economic impact; Reasonableness; Need; Implementation procedures; Clarity.

This section discusses the use of access badges by the employees of a licensed facility. We raise three issues.

First, two public commentators expressed concern about Subsections (b), (c) and (d). These subsections grant certain duties and responsibilities specifically to the licensee’s human resources and security departments. These commentators suggest that the licensee should be

permitted to decide what department within their organizations should assume these responsibilities. What is the Board’s intent behind making these particular departments solely responsible? Also, why does subsection (b) grant authority to the human resources *department*, while subsections (c) and (d) grant authority to the *director* of security or a *designee*? (Emphasis added.) Why is authority granted to a department in one case and an individual person in another? To maximize flexibility to licensees, the final-form regulation could be revised to grant the appropriate authority to the director or other individual designated in the slot machine licensee’s internal controls.

Second, in subsection (c), what would be the “functional equivalent” for an “electronic database system”?

Finally, subsection (e) requires licensees to have “read-only access” on their electronic database systems. A commentator is concerned about costs, since this requirement will necessitate installing such a tool in their temporary facility’s system. Has the Board considered these types of compliance costs?

6. Section 465a.28.—Merchandise jackpots.—Statutory authority.

In subsection (a)(2), are there provisions in the Act that provide the Executive Director with the authority to approve the specific offer of the merchandise jackpot? The final-form regulation should explain the Board’s statutory authority for requiring such duties be imposed on this position.

7. Section 465a.30.—Waiver of requirements.—Fiscal impact; Reasonableness; Need.

The proposed regulation revises this section and Section 465a.2 to eliminate the Amendment and Waiver Request Form. Under the proposed regulation, all regulatory waivers require a formal petition be filed with the Board. According to a commentator, this formal petition would: “[c]ause an unjustified negative fiscal impact by increasing (i) the licensees’ costs associated with filing internal control revisions and (ii) the Board’s internal costs associated with administering and reviewing various regulatory waiver petitions.” What is the Board’s reason for eliminating the Amendment and Waiver Request Form, and in so doing, has the Board considered these types of concerns? Has the Board considered providing a list of examples where the Board would agree to a waiver?

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-649. Filed for public inspection April 3, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Joseph S. Schwalm; Doc. No. 08-576-00119

Notice is hereby given of the Order to Show Cause issued on March 23, 2009, by the Deputy Insurance Commissioner in the previously referenced matter. Violation of the following is alleged: sections 611-A(8) and (20) of The Insurance Department Act of 1921 (40 P. S. § 310.11).

The respondent was ordered to file a written answer to the Order to Show Cause within 20 days. If the respon-

dent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508, (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previous-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing contact Donna Fleischauer, Disability Services Coordinator at (717) 787-4298.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-650. Filed for public inspection April 3, 2009, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The following Liquor Control Board Lease will expire:

Bucks County, Wine & Spirits Store #0926 (Relocation), Doylestown, PA

Lease expiration date: October 31, 2010

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 12,000 net useable square feet of new or existing retail commercial space in a 2 mile radius of the Doylestown Shopping Center, Doylestown, PA.

Proposals due: April 17, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

The Liquor Control Board seeks the following new site:

Bucks County, Wine & Spirits Store #0934 (New Store), Washington Crossing, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 to 4,000 net useable square feet of new or existing retail commercial space in a 3 mile radius of the intersection of Washington Crossing and Stoopville Road, Washington Crossing, PA.

Proposals due: April 17, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

Philadelphia County, Wine & Spirits Store #5150, (New Store), Philadelphia, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 to 15,000 net useable square

feet of new or existing retail commercial space in a 1/4 mile radius of 4th and Race Streets, Philadelphia, PA.

Proposals due: April 17, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Henry Blocker, (215) 482-9670

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 09-651. Filed for public inspection April 3, 2009, 9:00 a.m.]

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY

Guidelines and Technology Standards for the Collection and Transmission of Booking Center Captured Offenders' Identification Information

Introduction

The Pennsylvania Commission on Crime and Delinquency (PCCD) and its partners have developed this set of guidelines and technology standards to facilitate achieving the goals of Act 81 of 2008 and the Federal Walsh Act requirements. It has always been the desire of PCCD and its partners that, over time, ultimately, every Pennsylvania criminal arrest is digitally recorded with fingerprints, hand impressions, photographs, images of scars, marks, and tattoos, arrest demographics, and offenses charged; and then successfully submitted to the computerized central repositories at the Pennsylvania State Police. It is also desired that any other submissions (applicant, Megan's Law registrations, etc.) to those repositories also meet standards for data quality. Further implementation of these guidelines and technology standards will help the Commonwealth to move towards achieving these goals and desires.

DEFINITIONS

Booking Center: A facility utilized for the processing and identification of individuals arrested, charged or accused of a crime (part of the Booking process).

Booking Center Operating Agency: A criminal justice agency operating or with management control authority over the Booking Center System.

Booking Center System: The collection of devices (Live Scan Finger and Palm Print Capture Device, CPIN Digital Photo Image Capture Device and CLEAN Response Device) and shared components organized to accomplish the criminal booking process for an individual arrested, charged or accused of a crime.

CCHRI: Computerized Criminal History Record Information, Computerized information collected by criminal justice agencies concerning individuals, and arising from the initiation of a criminal proceeding, consisting of identifiable descriptions, dates and notations of arrests, indictments, information or other formal criminal charges and any dispositions arising there from.

CLEAN: Commonwealth Law Enforcement Assistance Network, is provided and administered by the Pennsylvania

nia State Police, is used by the Commonwealth's criminal justice agencies to access driver license and motor vehicle information, state criminal history record information maintained in the Pennsylvania State Police Central Repository, the Commonwealth's central registry for Protection from Abuse orders, "hot" (stolen and wanted) files, law enforcement messaging capabilities, and a host of other services.

CPIN: Commonwealth Photo Imaging Network, a digital photo technology network throughout the state that captures photographs and allows the images to be searched and viewed for investigative and other purposes.

Criminal Justice Agency: As defined by FBI CJIS and by the PSP, the CSA in Pennsylvania.

CSA: CJIS Systems Agency, a criminal justice agency that has overall responsibility for the administration and usage of the FBI CJIS Division programs within a state, district, territory, or foreign country

FBI: Federal Bureau of Investigation.

FBI CJIS: Criminal Justice Information Services Division (CJIS), serves as the focal point and central repository for criminal justice information services in the FBI.

Live Scan: Both the technique and the technology used by law enforcement agencies and private facilities to capture fingerprints and palm prints electronically, without the need for the more traditional method of ink and paper.

Local Booking Center System Administrator: A person designated by the Booking Center Operating Agency to be the primary contact between the Booking Center Operating Agency and the Vendor.

LTW: Local Technology Workgroup, a PCCD sanctioned workgroup that has provided oversight and guidance to previous PCCD funded offender identification and central booking projects. This workgroup includes membership from all Booking Center stakeholders.

NIST: National Institute of Standards and Technology.

ORI: Originating Agency Identifier is a code assigned to designate the administration or organization originating a transaction was developed by the FBI CJIS National Crime Information Center (NCIC).

PSP: Pennsylvania State Police.

State Law Enforcement Agency: The state law enforcement agency to whom the Booking Center Operating Agency will be transmitting finger and palm print records, the PSP in Pennsylvania.

Vendor: The private company that installs and/or supports the Booking Center System which has been properly vetted through the personnel requirements of PSP CLEAN Administrative Regulations.

Live Scan Finger and Palm Print Capture Device Standard Specification

PURPOSE

The purpose of this technology standard specification is to effect implementation, within all Booking Centers, a standard Live Scan fingerprint and palm print capture and transmission device (Live Scan Device) that will improve the efficiency and speed for finger and palm printing arrestees and lower rejection rates by the AFIS authority, the Pennsylvania State Police (PSP). This specification is for all Live Scan equipment capable of scanning, capturing and electronically transmitting fingerprints and palms in the current NIST/FBI standard

format to the state Automated Fingerprint Identification System (AFIS) located at the PSP.

1.0 LIVE SCAN DEVICE PERFORMANCE SPECIFICATION

1. The Live Scan Devices must submit records to the State Law Enforcement Agency that adhere to both PSP technical and procedural specifications (see item #4 below) along with meeting current NIST/FBI standard format.

2. All Live Scan Device captured data must be formatted for transmission to the specifications of PSP's AFIS and CCHRI Systems (40+ card printout formats) specifications (see item #4 below)

3. The fingerprint/palm scanner must be certified under NIST Image Quality Standards (IQS) Appendix F, available at: <http://www.fbi.gov/hq/cjisd/iafis/efts70/appendixf.htm>

4. Relevant PSP Live Scan Device specifications includes, but is not limited to:

a. Electronic Fingerprint Submissions for Criminal Processing Technical Specifications Version 1.0—available here:

Director, Bureau of Information Technology
Pennsylvania State Police
1st Floor, Department Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110

b. Guidelines for Mandatory Fingerprinting and Preparation of Pennsylvania State Police Fingerprint Cards, available here:

Director, Criminal Records and Identification Division
Pennsylvania State Police
Central Repository—2nd Floor
Department Headquarters
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9758

5. The Live Scan Device must be tested and approved by the State Law Enforcement Agency and be reviewed and approved by the Pennsylvania Commission on Crime and Delinquency Local Technology Workgroup (LTW).

6. The Live Scan Device must offer an eXtensible Markup Language (XML) interface to the Booking Center Operating Agency's existing demographic software.

7. The Live Scan Device must have an open standard data exchange inbound interface for offender identification information from the booking center located CPIN device.

8. The Live Scan Device must have quality control software capable of alerting the operator through the use of displayed warnings of image problems; i.e. finger out of sequence, images too dark or too light, etc. All prints captured must pass a minimum pass/fail rejection level established by the State Law Enforcement Agency and the LTW.

9. In order to eliminate lost records, the Live Scan Device must provide guaranteed delivery of the completed record to any and all destinations and provide two-way communications with records management systems and AFIS.

10. The Live Scan Device must support a local printer for output of hard copy cards in the various existing card formats without the requirement of a separate print server. The operator must have the option of selecting the appropriate card type for local printing.

11. The Live Scan Device's palm capture must occur in a continuous roll from the carpal tunnel to the tips of the fingers, without the stitching/patching of images segments along with capture of the writers' edge of both hands must also be accomplished.

12. The Live Scan Device must be able to store all Pennsylvania Statutes, criminal offenses and an ORI table.

13. The Live Scan Device must provide images free from residue left from a previous capture of impressions.

2.0 TECHNICAL SPECIFICATION

The Live Scan Device will include the fingerprint and palm capture equipment components along with the necessary fingerprint and palm acquisition software. The control computer, display, keyboard/mouse, printer and cabinet components (found in Booking Center System Shared Components section) may be shared with the Booking Center System or be dedicated to the Live Scan Device.

Equipment

a. Fingerprint Capture Scanner Component

1. The scanner must capture prints with a minimum of 500 dots per inch with capability to capture up to 1000 dots per inch.

2. The fingerprint capture component and software must be self-calibrating.

b. Palmprint Capture Scanner Component

1. The scanner must capture prints with a minimum of 500 dots per inch with capability to capture up to 1000 dots per inch.

2. The palmprint capture component and software must be self-calibrating.

Software

a. The user interface must be a graphical style interface.

b. The user interface must have live image preview during the capture of roll and slap impressions, displaying the finger/palm as it is being rolled.

c. A slap to roll fingerprint/palm comparison, or sequence check, of images must be done, ensuring that the proper sequence of the rolled impressions has been accomplished

d. The software must have the capability to search for existing records in local storage using demographic fields that are configured by the Local Booking Center System Administrator.

e. The software must alert the operator through the use of displayed warnings of image problems, i.e. finger/palm out of sequence, finger/palm quality control, etc.

f. The software must be capable of providing individual print cards.

g. The software must have built-in security procedures for user logon assuring that only certain users have specified capabilities.

h. The software must maintain a transaction queue of, at a minimum, the last 1000 fingerprint transactions and the last 500 palmprint transactions.

i. The software must analyze fingerprint/palm image quality so that poorly scanned fingers/palms can be rescanned immediately.

j. The software must be capable of receiving updates electronically as defined by the PSP.

CPIN Photo Image Capture Device Standard Specification

PURPOSE

The purpose of this specification is to effect implementation of a standard CPIN photo image capture and transmission device (CPIN Device) that will improve the efficiency and speed for photographing arrestees. This specification is for all CPIN Photo Image Capture devices capable of capturing and electronically transmitting mugshots and other digital media, in the current NIST/FBI standard format, to the CPIN central repository located at the PSP.

1.0 CPIN DEVICE PERFORMANCE SPECIFICATION

1. The CPIN Device must have an open standard data exchange inbound and outbound interface from a RMS and other services for offender identification information.

2. The CPIN Device must have an open standard data exchange outbound interface for offender identification information to a central or regional booking center located Live Scan Device.

3. The CPIN Device must be able to store all Pennsylvania Statutes, criminal offenses and an ORI table.

4. The CPIN Device must be compliant with ANSI/NIST BEST Practices for Mugshots, (http://www.itl.nist.gov/iaui/894.03/face/bpr_mug3.html)

5. The CPIN Device must capture all data in a format that meets the specifications of the PSP AFIS, CCHRI and Megan's Law Systems along with the JNET Facial Recognition System (JFRS) Contact the JNET Office for more information on JFRS.

6. The CPIN Device must be tested and approved by the State Law Enforcement Agency and be reviewed and approved by the Pennsylvania Commission on Crime and Delinquency Local Technology Workgroup (LTW).

2.0 TECHNICAL SPECIFICATION

The CPIN Device will include the Digital Image Capture equipment component along with the necessary mugshot acquisition software, and the Lighting, Background and Signature Pad equipment components. The control computer, display, keyboard/mouse, printer and cabinet components (found in Booking Center System Shared Components section) may be shared with the Booking Center System or be dedicated to the CPIN Device

Equipment

1. Digital Image Capture Component

a. Digital Camera + AC Adapter—minimum NIST resolution

b. Power Panner (Keyboard Control) + AC Adapter

c. Lighting Component

a. RF Switch Controller for Light System

c. Background Component

a. 18% Gray Backdrop per ANSI/NIST BEST Practices for Mugshots

d. Signature Pad Component

a. Sensor Type—Touchpad

b. Pen Type—Passive stylus

- c. Dimensions—6" × 3.8" × 0.70"
- d. Signing Area—4.4" × 1.3"
- e. Data conversion rate—377 points per second
- f. Resolution—410 true points per inch
- g. Authentication capability Forensic—quality .SIG data capable of examination and authentication

Software

1. The user interface must be a graphical interface.
2. Photo mugshot Retrieval Software.
3. Photo mugshot Capture Software.
4. JNET JFRS "facial plate" capture and interface
 - a. An application that uses face finding and centering technology for framing of the subject's head within the image capture process and provides image quality control to include a feature of acceptance or rejection of image based on pre-determined values for image quality and notifies the operator of the parameters that do not meet the minimum acceptable standard (e.g. Brightness/Darkness, head size, head tilt, etc). The program should reject a poor image three times before allowing an override of the process.
5. Local Arrest DB with CPIN Server Consolidation
6. Camera Keyboard Control Software
7. Keyboard Panner Control Software
8. Quality Assurance Software
9. Watch List and Watch List Notification Software (JNET)
10. Signature Capture Software
11. Live Scan Interface
12. Megan's Law Interface (PSP)
13. Clone Process for Updates and Expungements
14. Megan's Law Registry Module Software
15. CPIN Export Templates

CLEAN Response Device Standard Specification PURPOSE

A Central Booking System is required to have a CLEAN Response Device designated in a secure location that is capable of receiving criminal history record and Hotfiles (RAP Sheet, etc.) responses associated with the individual being arrested.

The Booking Center System CLEAN Response Device must comply with PSP CLEAN Regulations, available here:

Contact:
CJIS System Officer
CLEAN Administrative Section
PSP
1st Floor, DHQ
1800 Elmerton Ave.
Harrisburg, PA 17110
(717) 783-5575

Booking Center System Shared Components

1. The Booking Center System will include at least one Control Computer component that may be shareable between the Live Scan and CPIN Devices.

- a. Windows XP "style" or later operating system
- b. Mouse/keyboard

2. The Booking Center System will include at least one Uninterruptible Power Supply (UPS) component that may be shareable between the Live Scan and CPIN Devices.

- a. Must be able to back up all devices for a minimum of one hour.

3. The Booking Center System will include at least one display component that may be shareable between the Live Scan and CPIN Devices.

- a. Must have a 17" (or larger) color display.

4. The Booking Center System will include at least one printer component that may be shareable between the Live Scan and CPIN Devices.

- a. The booking center system must include a local printer with duplexer for output of hard copy cards in the existing double-sided criminal ten-print card format without the requirement of a print server.

- b. The printer must have at least dual paper trays (one for criminal ten-print cards and one for applicant cards).

- c. This printer may also be network connected if the configuration is first approved by the PSP.

Booking Center System Security

1. All Booking Center System device network communications, outside of the Booking Center System, must be logically separated from the Booking Center System and the configuration must be first approved by the PSP.

2. All Booking Center System software must comply with commonwealth enterprise network protection requirements as defined in the appropriate OA/OIT ITBs located here—<http://www.portal.state.pa.us/portal/server.pt?open=512&objID=416&&PageID=210791&level=3&css=L3&mode=2>

3. The Booking Center System devices and components must be housed in a "ruggedized" (i.e. all steel or equivalent construction enclosure with a scanner deck that is encased in a hardened metallic protective housing and cover) cabinet that is appropriate for the hostile environment of the various types of Booking Center facilities.

MICHAEL J. KANE, Esq.,
Executive Director

[Pa.B. Doc. No. 09-652. Filed for public inspection April 3, 2009, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Clean Water and Drinking Water State Revolving Fund Programs; Solicitation for Applications for Funding Under the Green Project Reserve of Federal Pub. L. No. 111-5, the "American Recovery and Reinvestment Act of 2009"

The "American Recovery and Reinvestment Act of 2009" (ARRA) provides funding for a wide variety of potential applicants to accomplish work in support of water quality and drinking water quality efforts. The objective of this solicitation is to encourage the submittal of applications for projects that "address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities." Applications must be submitted by May 18, 2009.

Detailed information will be available at www.recovery.pa.gov to assist potential applicants, including a link to the electronic application process.

Some organizations currently have applications pending at the Department of Environmental Protection (DEP) and/or at the Pennsylvania Infrastructure Investment Authority (PennVest) for water quality and drinking water financial support. The applicants who believe their project may qualify for additional funding should revise their application as necessary and submit the information following the instructions in www.recovery.pa.gov.

Applicants are advised that because a major purpose of the ARRA is to promote rapid economic recovery, the work must be ready to proceed upon award of the funding.

A. Eligible Projects (see Attachment A for additional detail):

As defined by United States Environmental Protection Agency (EPA) Guidance and in ARRA, the following categories of water quality work may be funded under *Clean Water and Drinking Water State Revolving Fund* authority:

1. Water Efficiency
2. Energy Efficiency
3. Green Infrastructure
4. Environmentally Innovative Projects

B. Eligible Applicants

Applicants for *Clean Water State Revolving Fund* projects must meet one of the following criteria or obtain a sponsor that meets one of the criteria:

- Watershed organizations recognized by DEP who promote local watershed conservation efforts (organization must be incorporated). For more information on incorporating, contact the Department of State, Corporation Bureau at (888) 659-9962.
- Counties and Municipalities (boroughs, townships, and the like);

- County Conservation Districts;
- Council of Governments; or
- Other authorized organizations involved in research, restoration, rehabilitation, planning, acquisition, development, education or other activities which further the protection, enhancement, conservation, preservation or enjoyment of the Commonwealth's environmental, conservation, recreation or similar resources.

The organization must be:

- A tax exempt corporation under section 501(c)(3) of the Internal Revenue Code and registered with the Pennsylvania Bureau of Charitable Organizations. For information on becoming 501(C)(3) and tax/other requirements associated with it, contact the Internal Revenue Service at (800) 829-3676 or go to their web site at <http://www.irs.gov/charities/nonprofits/index.html>. For information on registering with the Bureau of Charitable Organizations contact the Department of State, Bureau of Charitable Organizations, 124 Pine Street, 3rd Floor, Harrisburg, PA 17101, (800) 732-0999.

- An educational institution involved in these authorized activities; or

- A municipal authority.

- Applicants must own or operate the facility to be constructed. Operations may be contracted to others.

Applicants for *Drinking Water State Revolving Fund* projects must be publicly or privately-owned Public Water Systems.

- Applicants must own or operate the facility to be constructed. Operations may be contracted to others.

Questions on the above can be directed to Lee Murphy at (717) 772-4055 or c-lemurphy@state.pa.us.

A meeting will be held to assist potential applicants on April 14, 2009 at 1 p.m. in the Second Floor Auditorium of the Rachael Carson State Office Building, 400 Market Street, Harrisburg, PA. Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lee Murphy as noted previously, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Vice Chair

Attachment A

As defined by U. S. Environmental Protection Agency (EPA) Guidance and in ARRA, the following categories of water quality work may be funded under *Clean Water State Revolving Fund* authority:

1. *Water Efficiency*: Water efficiency is defined as the use of improved technologies and practices to deliver equal or better services with less water.

Examples of projects include, but are not limited to:

- a. Installation of water meters.
- b. Retrofit or replacement of water using fixtures, fittings, equipment or appliances.
- c. Efficient landscape or irrigation equipment.
- d. Systems to recycle gray water.
- e. Reclamation, recycling, and reuse of existing rainwater, condensate, degraded water, stormwater and/or wastewater streams.
- f. Collection system leak detection equipment.

2. *Energy Efficiency*: Energy efficiency is defined as the use of improved technologies and practices to reduce the energy consumption of water quality projects, including projects to reduce energy consumption or produce clean energy used by a treatment works defined in section 212 of the Clean Water Act.

Examples of projects include, but are not limited to:

- a. Energy efficient retrofits and upgrades to pumps and treatment processes.
- b. Leak detection equipment for treatment works.
- c. Production of clean power for use onsite (wind, solar, hydroelectric, geothermal, biogas powered combined heat and power).

3. *Green Infrastructure*: Green infrastructure is defined as a wide array of practices at multiple scales that manage and treat stormwater and that maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. On a regional scale, green infrastructure is the preservation and restoration of natural landscape features, such as forests, floodplains and wetlands, coupled with policies such as infill and redevelopment that reduce overall perviousness in a watershed. On the local scale green infrastructure consists of site -and neighborhood-specific practices, such as bioretention, trees, green roofs, porous pavements and cisterns.

Examples of projects include, but are not limited to:

- a. Implementation of green street designs (combinations of green infrastructure practices in transportation rights-of-ways) for either new development, redevelopment or retrofits.
- b. Implementation of water harvesting and reuse programs or projects.
- c. Comprehensive retrofit programs designed to keep wet weather out of all types of sewer systems using green infrastructure technologies and approaches such as implementation of wet weather management systems for parking areas which include but are not limited to: porous pavement, bioretention, sustainable landscape, green roofs and other practices that mimic natural hydrology and reduce effective imperviousness at one or more scales, including constructed wetlands.
- d. Hydromodification to establish or restore riparian buffers, floodplains, wetlands and other natural features.
- e. Downspout disconnection to remove stormwater from combined sewers and storm sewers.
- f. Implementation of comprehensive urban canopy or urban forestry programs, including expansion of vegetation box sizes to manage additional stormwater and enhance vegetation health.

4. *Environmentally Innovative Projects*: Environmentally innovative projects are projects that demonstrate new and/or innovative approaches to managing water resources in a more sustainable way, including projects that achieve pollution prevention or pollutant removal with reduced costs and projects that foster adaptation of water protection programs and practices to mitigate climate change.

Examples of projects include, but are not limited to:

- a. Implementation of green infrastructure and/or Low Impact Development projects.
- b. Wetland restoration and constructed wetlands.

c. Decentralized wastewater treatment solutions to existing deficient or failing on site systems.

d. Water reuse projects that reduce energy consumption, recharge aquifers or reduce water withdrawals and treatment costs.

e. The water quality portion of projects that employ development and redevelopment practices that preserve or restore site hydrologic processes through sustainable landscaping and site design.

f. Projects that use water balance approaches (water budgets) at the project, local or State level that preserve site, local or regional hydrology. Such an effort could showcase the ability to plan and manage in a concerted manner, surface and groundwater withdrawals, stream flow (aquatic species protection), wetland and floodplain storage, groundwater recharge and regional or local reuse and harvesting strategies using a quantified methodology.

g. Projects that facilitate adaptation of clean water programs and practices that address climate change.

h. The water quality portion of projects that demonstrate the energy savings and greenhouse gas reduction benefits of sustainable site design practices and the use of green infrastructure to control stormwater runoff.

i. Projects that incorporate differential uses of water based on the level of treatment to reduce the costs of treating all water to potable water standards.

j. Projects that identify and quantify the benefits of using integrated water resources management approaches at the project, local or State level that preserve site, local or regional hydrology.

As defined by EPA Guidance and in ARRA, the following categories of work may be funded under *Drinking Water State Revolving Fund* (DWSRF) authority:

EPA anticipates that "water or energy efficiency" projects will likely be the principal focus of the Green Project Reserve under the DWSRF. However, there may also be projects, or components of projects, that qualify for consideration under the Green Project Reserve in the DWSRF on the basis of application of green infrastructure or being environmentally innovative.

1. *Water Efficiency*: Water efficiency is the use of improved technologies and practices to deliver equal or better services with less water.

Examples of projects include, but are not limited to:

- a. Installation of water meters or automated meter reading systems.
- b. Retrofit or replacement of water using fixtures, fittings, equipment or appliances (can include rebate programs).
- c. Distribution system leak detection equipment.
- d. Replacement or rehabilitation of distribution lines (note that eligibility will require documentation of exceptional technologies and practices to qualify).

2. *Energy Efficiency*: Energy efficiency includes capital projects that reduce the energy consumption of eligible drinking water infrastructure projects.

Examples of projects include, but are not limited to:

- a. Energy efficient retrofits and upgrades to pumps and treatment processes (note that eligibility will require documentation of exceptional technologies and practices to qualify).
- b. Leak detection equipment.

c. Production of clean power for use onsite (wind, solar, hydroelectric, geothermal, biogas powered combined heat and power).

d. Replacement or rehabilitation of distribution lines (note that eligibility will require documentation of exceptional technologies and practices to qualify).

3. *Green Infrastructure*: Green Infrastructure includes a wide array of practices that manage wet weather to maintain and restore natural hydrology by infiltrating, evapotranspiring and capturing and using stormwater. In the context of the DWSRF, green infrastructure consists of site-specific practices, such as green roofs and porous pavement at drinking water utility facilities. In addition to managing rainfall, these green infrastructure technologies can simultaneously provide other benefits such as reducing energy demands.

Examples of projects include, but are not limited to:

a. Implementation of wet weather management systems for utility buildings and parking areas which include: the incremental cost of porous pavement, bioretention, trees, green roofs and other practices that mimic natural hydrology and reduce effective imperviousness.

4. *Environmentally Innovative Projects*: Within the context of the DWSRF program, "environmentally innovative projects" would include those that are:

- (1) consistent with the underlying project eligibilities of the DWSRF program;
- (2) consistent with the timelines and objectives of the ARRA; and
- (3) demonstrate new and/or innovative approaches to delivering service and/or managing water resources in a more sustainable way, including projects that achieve public health protection and environmental protection objectives at the least life-cycle costs.

Examples of projects include, but are not limited to:

- a. Projects, or components of projects, that enable the utility to adapt to the impacts of global climate change.
- b. Projects, or components of projects, consistent with a "Total Water Management" planning framework; or other planning framework within which project life cycle costs (including infrastructure, energy consumption and other operational costs) are minimized.

[Pa.B. Doc. No. 09-653. Filed for public inspection April 3, 2009, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearings Scheduled

The hearings have been scheduled, as authorized by 53 Pa.C.S. §§ 881.101—888.413 (relating to Pennsylvania Municipal Retirement Board), in connection with the Pennsylvania Municipal Retirement Board's (Board) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Pennsylvania Municipal Retirement Board, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102.

May 18, 2009	Washington Township Municipal Authority (Pension Benefit)	10 a.m.
	Judith A. Arrow (Pension Benefit)	1 p.m.
	Laura L. Snyder (Pension Benefit)	1 p.m.
June 19, 2009	Michael T. Gressems (Pension Benefit)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Tina Eisenhart at (717) 787-2065 to discuss how the Board may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JAMES B. ALLEN,
Secretary

[Pa.B. Doc. No. 09-654. Filed for public inspection April 3, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Default Orders

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Able Co., Inc. (2006 Annual Rpt); Doc. No. C-2008-2036244; A-120025

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Able Co., Inc. (the Respondent), a gas utility certificated at A-120025. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on June 12, 2008. To date, more

than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Able Co., Inc. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Airnex Communications, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036566; A-310794

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Airnex Communications, Inc. (the Respondent), a reseller of interexchange toll services carrier certificated at A-310794. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal return receipt, the March 26, 2008 Complaint was served on the company and signed indicating receipt but did not indicate a date. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Airnex Communications Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Airnex Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Airnex Communications, Inc. at A-310794 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. All Seasons Water Co. (2006 Annual Rpt); Doc. No. C-2008-2036688; A-210059

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against All Seasons Water Co. (the Respondent), a water utility certificated at A-210059. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that

the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 21, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. All Seasons Water Co. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Barkeyville Gas Co. (2006 Annual Rpt); Doc. No. C-2008-2036245; A-120010

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Barkeyville Gas Co. (the Respondent), a gas utility certificated at A-120010. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 12, 2008. To date, more

than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Barkeyville Gas Co. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Bradford Heights Woodland Prop. (2006 Annual Rpt); Doc. No. C-2008-2036696; A-230099

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Bradford Heights Woodland Prop. (the Respondent), a wastewater utility certificated at A-230099. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 8, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other

remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Bradford Heights Woodland Prop. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Buehner-Fry, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036567; A-310504

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Buehner-Fry, Inc. (the Respondent), a reseller of interexchange toll services carrier certificated at A-310504. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on April 28, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Buehner-Fry, Inc.'s certificate of public convenience is in

the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Buehner-Fry, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Buehner-Fry, Inc. at A-310504 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Comtech 21 (2006 TRS & Annual Rpts); Doc. No. C-2008-2036557; A-310971F0002

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Comtech 21 (the Respondent), a competitive local exchange carrier certificated at A-310971F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report, Telecommunications Relay Service ("TRS") Annual Access Line Summary Report and Telecommunications Relay Service Annual Tracking Report (hereinafter collectively referred to as "Annual Report" and "TRS Reports") were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report and TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report and TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on May 2, 2008. To date, more

than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report and TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report and TRS Reports, we conclude that revocation of Comtech 21's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Comtech 21 immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Comtech 21 at A-310971F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section and the TRS Reports Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Conneaut Lake Park, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036689; A-210096

Default Order

By The Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Conneaut Lake Park, Inc. (the Respondent), a water utility certificated at A-210096. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written

notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was unclaimed. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Conneaut Lake Park, Inc. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Corecomm Pennsylvania, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036551; A-310801F0002

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Corecomm Pennsylvania, Inc. (the Respondent), a competitive local exchange carrier certificated at A-310801F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 2, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Corecomm Pennsylvania Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Corecomm Pennsylvania, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Corecomm Pennsylvania Inc. at A-310801F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Corecomm Pennsylvania (2006
Annual Rpt); Doc. No. C-2008-2036572; A-310801*

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Corecomm Pennsylvania (the Respondent), a interexchange intrastate carrier certificated at A-310801. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 5, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Corecomm Pennsylvania's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Corecomm Pennsylvania immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Corecomm Pennsylvania at A-310801 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Dynalink Communications, Inc. (2006 TRS Rpts); Doc. No. C-2008-2037622; A-311424F0002

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Dynalink Communications, Inc. (the Respondent), a competitive local exchange carrier certificated at A-311424F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Telecommunications Relay Service (TRS) Annual Access Line Summary Report and Annual Tracking Report (TRS Reports) were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on May 7, 2008. To date, more than 30 days later, no answer has been filed to the Complaint and the 2006 TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 TRS Reports, we conclude that revocation of Dynalink Communications Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Dynalink Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Dynalink Communications Inc. at A-311424F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the TRS Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Esodus Communications, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036573; A-311333

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Esodus Communications, Inc. (the Respondent), a reseller of interexchange toll services carrier certificated at A-311333. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 27, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Esodus Communications Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Esodus Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Esodus Communications Inc. at A-311333 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

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Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Fleeher George H (2006 Annual Rpt);
Doc. No. C-2008-2036697; A-230114*

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Fleeher George H (the Respondent), a wastewater utility certificated at A-230114. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 8, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Fleeher George H is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

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Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Hopkins & Reedy Water Co. (2006
Annual Rpt); Doc. No. C-2008-2036691; A-211425*

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Hopkins & Reedy Water Co. (the Respondent), a water utility certificated at A-211425. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 14, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Hopkins & Reedy Water Co. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

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Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. Mountain Communications, LLC,
d/b/a Procom (2006 TRS Rpts); Doc. No.
C-2008-2037630; A-311221F0002*

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Mountain Communications, LLC, d/b/a Procom (the Respondent), a competitive local exchange carrier certificated at A-311221F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Telecommunications Relay Service (TRS) Annual Access Line Summary Report and Annual Tracking Report (TRS Reports) were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on May 15, 2008. To date, more than 30 days later, no answer has been filed to the Complaint and the 2006 TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 TRS Reports, we conclude that revocation of Mountain Communications, LLC, d/b/a Procom's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the

Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Mountain Communications, LLC, d/b/a Procom immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Mountain Communications, LLC, d/b/a Procom at A-311221F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the TRS Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

—————
Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

*Pennsylvania Public Utility Commission, v. Law Bureau
Prosecutory Staff v. Nationsline North, Inc. (2006 TRS &
Annual Rpts); Doc. No. C-2008-2036559; A-311362*

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Nationsline North, Inc. (the Respondent), a competitive local exchange carrier certificated at A-311362. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report, Telecommunications Relay Service ("TRS") Annual Access Line Summary Report and Telecommunications Relay Service Annual Tracking Report (hereinafter collectively referred to as "Annual Report" and "TRS Reports") were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report and TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report and TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on May 5, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report and TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa. C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report and TRS Reports, we conclude that revo-

cation of Nationsline North Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Nationsline North, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Nationsline North Inc. at A-311362 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section and the TRS Reports Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. One Voice Communications, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036552; A-311051F0004

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against One Voice Communications, Inc. (the Respondent), a competitive local exchange carrier certificated at A-311051F0004. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 2, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has

any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of One Voice Communications Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. One Voice Communications, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by One Voice Communications, Inc. at A-311051F0004 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Pine-Roe Natural Gas, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036247; A-122430

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Pine-Roe Natural Gas, Inc. (the Respondent), a gas utility certificated at A-122430. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by

failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 21, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Pine-Roe Natural Gas, Inc. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Riemer, Herman Gas Co. (2006 Annual Rpt); Doc. No. C-2008-2036248; A-122670

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Riemer, Herman Gas Co. (the Respondent), a gas utility certificated at A-122670. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order imposing a civil penalty in the amount of \$1,000 for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 2, 2008. To date, more

than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that a civil penalty in the amount of \$1,000 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under section 3301, if Respondent seeks relief from this Default Order; *Therefore*,

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. Riemer, Herman Gas Co. is hereby directed to file its 2006 Annual Report and pay a civil penalty in the amount of \$1,000 within 30 days of the entry date of this order.

3. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Telemanagement Services, Inc. (2006 Annual Rpt); Doc. No. C-2008-2036681; A-310878

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Telemanagement Services, Inc. (the Respondent), a reseller of interexchange toll services carrier certificated at A-310878. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 8, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Telemangement Services Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Telemangement Services, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Telemangement Services, Inc. at A-310878 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzigrilli; Wayne E. Gardner

*Pennsylvania Public Utility Commission, Law Bureau
Prosecutory Staff v. United Systems Access Telecom, Inc.
(2006 TRS Rpts); Doc. No. C-2008-2037635;
A-311133F0002*

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against United Systems Access Telecom, Inc. (the Respondent), a competitive local exchange carrier certificated at A-311133F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Telecommunications Relay Service (TRS) Annual Access Line Summary Report and Annual Tracking Report (TRS

Reports) were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on May 7, 2008. To date, more than 30 days later, no answer has been filed to the Complaint and the 2006 TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 TRS Reports, we conclude that revocation of United Systems Access Telecom Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. United Systems Access Telecom, Inc. immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by United Systems Access Telecom, Inc. at A-311133F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the TRS Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Xchange Telecom Corporation (2006 Annual Rpt); Doc. No. C-2008-2036685; A-311386

Default Order

By the Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Xchange Telecom Corporation (the Respondent), a reseller of interexchange toll services carrier certificated at A-311386. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Annual Report was due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 Annual Report. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 Annual Report.

According to the U.S. Postal Service return receipt, the Complaint was served on May 15, 2008. To date, more than 20 days later, no answer has been filed to the Complaint and the 2006 Annual Report has not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 Annual Report, we conclude that revocation of Xchange Telecom Corporation's certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Xchange Telecom Corporation immediately cease providing service to any new customers and, within 10 days of the entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Xchange Telecom Corporation at A-311386 shall be cancelled, and the company's name stricken from all active-

utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

Default Order

Public Meeting held
March 12, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Ygnition Networks, Inc. (2006 TRS Rpts); Doc. No. C-2008-2037638; A-311426F0002

Default Order

By The Commission:

On March 26, 2008, the Law Bureau Prosecutory Staff filed a Formal Complaint against Ygnition Networks, Inc. (the Respondent), a competitive local exchange carrier certificated at A-311426F0002. In the Complaint, Prosecutory Staff alleged that the Commission sent by certified mail prior written notices to the Respondent that pursuant to 66 Pa.C.S. § 504 its 2006 Telecommunications Relay Service (TRS) Annual Access Line Summary Report and Annual Tracking Report (TRS Reports) were due. The Complaint alleged that the Respondent violated 66 Pa.C.S. § 504 by failing to file its 2006 TRS Reports. The Complaint requested that the Commission issue an order cancelling the Respondent's certificate of public convenience for failure to file its 2006 TRS Reports.

According to the U.S. Postal Service return receipt, the Complaint was served on April 30, 2008. To date, more than 30 days later, no answer has been filed to the Complaint and the 2006 TRS Reports have not been filed. In addition, we are not aware that Respondent has any current customers in Pennsylvania, and Respondent was never assigned any NXX codes.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its 2006 TRS Reports, we conclude that revocation of Ygnition Networks, Inc.'s certificate of public convenience is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under Section 3301, in lieu of cancellation, if Respondent seeks relief from this Default Order; *Therefore,*

It Is Ordered That:

1. The allegations in the Law Bureau Prosecutory Staff's Complaint are deemed admitted and the Complaint is thereby sustained.

2. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin*.

3. Ygnition Networks, Inc. immediately cease providing service to any new customers and, within 10 days of the

entry date of this order, provide written notice to any existing customers directing each to select an alternative service provider within 30 days of the date of the notice. Such notice must include a statement of the Commission's intent to cancel the company's certificate of public convenience.

4. Thirty (30) days after publication in the *Pennsylvania Bulletin* and without further action by the Commission, the certificate(s) of public convenience held by Ygnition Network, Inc. at A-311426F0002 shall be cancelled, and the company's name stricken from all active-utility lists maintained by the TRS Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

By the Commission,

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-655. Filed for public inspection April 3, 2009, 9:00 a.m.]

Opinion and Order

Public Meeting held
February 26, 2009

Commissioners Present: James H. Cawley, Chairperson; Tyrone J. Christy, Vice Chairperson; Robert F. Powelson; Kim Pizzingrilli; Wayne E. Gardner

*Implementation of the Alternative Energy
Portfolio Standards Act of 2004: Standard
Interconnection Application Forms;
Doc. No. M-00051865*

Opinion and Order

By the Commission:

On June 25, 2008, this Commission issued a Tentative Order at this docket proposing to establish standardized interconnection application and agreement forms in accordance with the Alternative Energy Portfolio Standards Act of 2004 (AEPS Act), 73 P. S. §§ 1648.1—1648.8, and our Regulations at 52 Pa. Code §§ 75.1—75.51. The proposed standard application and agreement forms are intended to be used for all levels of review for proposed interconnection projects. Different levels of review are required depending on the nameplate capacity of the generation equipment to be installed and the complexity of the project. See 52 Pa. Code § 75.34.

The task of developing standard application forms and interconnection agreements for each level of interconnection request was assigned to the Interconnection Standards Working Group. On November 17, 2006, a sub-group was formed to concentrate on development of the interconnection application and agreement forms. The sub-group consisted of representatives from consumer interests, alternative energy system vendors, EDCs and the Energy Association of Pennsylvania.

In December of 2007, the Interconnection Standards sub-group finished its work on the proposed forms. On December 19, 2007, Commission Staff forwarded the draft standard application and agreement forms to the full Interconnection Standards Working Group for comment. Very few comments were received. The Interconnection Standards sub-group reviewed and incorporated those comments into a draft of the standard application forms.

On February 13, 2008, Commission Staff forwarded the draft of the standard application and agreement forms to the full Interconnection Standards Working Group for comment. Only one comment was received which recommended increasing certain nameplate capacity limits to be consistent with amendments to the AEPS Act. The sub-group revised the draft standard application and agreement forms to address that single comment.

The work product of the sub-group was adopted and issued in the form of a Tentative Order entered June 25, 2008. The proposed forms were also posted to the Commission's web site. Very few comments were received. However, the Department of Environmental Protection (DEP) advised that the forms posted on the Commission's web site contained several drop down menu boxes that failed to operate properly. The forms were corrected and reposted to the Commission's web site. On October 21, 2008, Commission staff advised the full Interconnection Standards Working Group of the corrected forms and extended the comment period to November 5, 2008. Only two comments were filed in response to the corrected forms.

The comments received do not seek to alter the basic structure of the application forms and interconnection agreements. The applications and interconnection agreements are split into two discrete formats. First, Level 1 inverter-based systems with nameplate capacities of 10 kW or less, which have been certified per the Commission's Regulations at 52 Pa. Code § 75.34(1)(ii), will be processed with a basic application form and agreement. The application form is designed to provide the EDC with sufficient information at the beginning of the process to permit prompt action on the request and reduce the amount of time the EDC will need to evaluate and approve the interconnection.

The Interconnection Agreements for Levels 1 and 2-4 contain specific limitations on liability and indemnification provisions. These provisions are consistent with the MADRI¹ forms. It should be noted that there is no requirement for insurance. *Final Rulemaking Re Interconnection Standards for Customer-generators pursuant to Section 5 of the Alternative Energy Portfolio Standards Act, 73 P. S. § 1648.5, L-00050175* (Order entered August 22, 2006) at 19.

By their nature, Levels 2 through 4 interconnection requests are more complicated endeavors and cover a far broader range of equipment installations than a Level 1 interconnection request. For that reason, the Level 2 through 4 standard forms advise prospective interconnection customers of the types of information that may be required by an EDC, but direct the customer to work directly with the EDC to determine the kinds of information needed to process the application. As noted in the standard form, a Level 2, 3 or 4 interconnection may require several meetings with EDC personnel as well as engineering studies as required by the Commission's Regulations.

The DEP filed comments to the forms proposed in our Tentative Order. The DEP's first comment involves the Interconnection Agreement form for Level 1 systems. At page L-5 of the Application/Agreement, Terms and Conditions for Level 1 systems, there is a requirement for periodic testing of equipment. The specific provision provides:

¹ "MADRI" is the acronym for Mid-Atlantic Demand Resource Initiative, a regional group which has been addressing interconnection standards and logistics. As noted in our Tentative Order, it was determined that the starting point for Pennsylvania's forms and standards would be the MADRI work product. Tentative Order at 2.

3. Periodic Testing. All interconnection-related protective functions and associated batteries shall be periodically tested at intervals specified by the manufacturer, system integrator, or authority that has jurisdiction over the Customer-Generator Facility interconnection. Periodic test reports or a log for inspection shall be maintained.

The DEP expressed concern with the testing requirement as proposed. The DEP states: "We recognize that this language was adopted from the MADRI forms and that its origin is the IEEE 1547 Standard however, we are concerned that testing may not be practicable for all systems and believe the wording is ambiguous." DEP Comments at 1. The DEP suggests that this Commission should be the entity that sets the appropriate testing intervals and the manner of such testing. *Id.* at 2.

We will not adopt the DEP's suggestion on this issue. As the DEP notes, this specific testing provision was adopted from the MADRI process and also finds support in the applicable IEEE 1547 Standards. We do not find that the proposed language is as ambiguous as the DEP suggests. It is fairly straightforward. In those instances where testing intervals and methods are not specified by the manufacturer or other independent body, those details can be agreed upon by the EDC and the Customer-Generator. In the event that a Customer-Generator believes the EDC is unreasonable as to the testing method and appropriate intervals, the Customer-Generator can avail itself of the Commission's arbitration process set forth in our Regulations at 52 Pa. Code § 75.51.

The next issue raised by the DEP is the concern that there is a standard form of Agreement Terms and Conditions for certified inverter-based Level 1 facilities, but no standard terms and conditions for Level 2 through 4 facilities. The Department recommends that standard Agreement Terms and Conditions should attach to other facilities as well. DEP Comments at 2.

Initially, we note that there is an Application Form which applies to Level 2 through 4 requests. However, we agree with the DEP that a form Agreement should also attach to Levels 2 through 4. Accordingly, we have used the existing Level 1 Agreement form and adapted it for use in Levels 2 through 4. The form Agreement closely tracks the Commission's Regulations at 52 Pa. Code §§ 75.21 through 75.51 by providing the various steps the parties will move through before a Customer-Generator's generating facility may become fully operational on an interconnected basis. We note that the same periodic testing provision is contained in the Level 2 through 4 Agreement that the DEP commented on in the Level 1 Agreement. Our determination that the testing provision should remain as stated also applies here.

The DEP also commented that, in the Level 2-4 Interconnection Application Form at Page L2-1, there is an inquiry as to whether the Customer-Generator intends to export power. The DEP expresses the concern that the final choice listed in the drop down menu box may not be appropriate due to recent changes in the net metering rules. DEP Comments at 4. The final choice provides for the possibility that the interconnection request contemplates "[s]ignificant annual export/No net-metering/IPP." This choice is to provide information to the EDC that the applicant intends to operate as an independent power producer without any net metering involved.

The DEP expresses its concern that this choice may be confusing to some applicants because certain changes to the net metering rules eliminated the requirement that

net metering customers use their generating facilities to primarily offset some, or all, of their generating needs. But it should be noted that this application applies to Levels 2 through 4 installations. These review levels generally apply to more complex systems. Accordingly, there will be greater interaction between EDCs and these applicants than a Level 1 installation. In addition, it can be expected that Level 2 through 4 applicants, or their vendors, will be more knowledgeable about the process. On that basis, we do not find that the choice presents as much possibility for confusion as suggested by the DEP. If, over the course of time, we find this issue is a problem, we can readily address it by amending the Application form.

The sub-group has brought a concern to our attention regarding language in the heading of the Level 2 through 4 Application. Currently, that heading provides that it is applicable to Applications involving "Generation up to 5,000 kW." The Sub-group advises that while the Act provides that interconnection may be requested up to 5,000 kW (5 MW), several issues arise as nameplate capacity of generation facilities reach 2,000 kW and above. In many instances, generation facilities with nameplate capacities in excess of 2,000 kW would require interconnection at the transmission level. Accordingly, it has been suggested that the heading be modified to read: "*Applicants proposing to install generation approaching 2,000 kW or larger should contact the EDC for guidance in determining the appropriate application process.*"

We agree with this suggestion and will modify the heading for the Level 2 through 4 Application form. Preliminary discussions between EDCs and Customer-Generators who propose larger capacity installations will save time and expense over the course of the review process. As always, in the event that a Customer-Generator believes that an EDC is requiring an inappropriate level of review, or requires interconnection at an inappropriate voltage level, recourse may be had through the mediation provisions at 52 Pa. Code § 75.51. In our view, the capacity levels at issue here will involve parties with substantial technical and operational expertise. It is unlikely that installations of this nature will require substantial Commission involvement.

Conclusion

Under section 1648.5 of the AEPS Act (73 P. S. § 1648.5), and § 75.33 of the Commission's Regulations, 52 Pa. Code § 75.33, we will adopt the standard Interconnection Application and Agreement Forms attached to this Opinion and Order as Appendix A; *Therefore,*

It Is Ordered That:

1. The standard Interconnection Application and Agreement Forms attached hereto as Appendix A are adopted for use by jurisdictional electric distribution companies for processing interconnection requests brought under the Commission's Regulations at 52 Pa. Code §§ 75.1—75.51.

2. A copy of this Opinion and Order and Annex A be served upon the Commission's Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, all jurisdictional electric utility companies, licensed electric generation suppliers, the Pennsylvania Department of Environmental Protection and the Interconnection Standards Working Group.

3. The Secretary shall cause a copy of this Opinion and Order to be published in the *Pennsylvania Bulletin*.

4. Copies of the Application and Agreement Forms attached as Appendix A shall be published on this Commission's internet web site.

5. Jurisdictional electric distribution companies shall use the Application and Agreement Forms contained in Appendix A for interconnection requests processed under this Commission's rules and Regulations. Each jurisdictional electric distribution company shall have copies of the Application and Agreement Forms readily available and shall post copies of the Application and Agreement Forms on their respective Internet web sites.

By the Commission

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-656. Filed for public inspection April 3, 2009, 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 April 20, 2009. 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-2009-2095408. Metro Transportation of Pennsylvania, LLC, t/a Metro Taxi (111 Vanderbilt Drive, Pittsburgh, Allegheny County, PA 15243), a corporation of the Commonwealth—persons, upon call or demand, in Crawford County.

A-2009-2096816. Vauxco Limousines, LLC (3731 Bakerstown Road, Gibsonia, Allegheny County, PA 15044)—a limited liability corporation of the Commonwealth—in limousine service, from points in the Counties of Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Mercer, Washington and Westmoreland, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David M. O'Boyle, 1450 Two Chatham Center, Pittsburgh, PA 15219.

A-2009-2096861. Richard Devere Fye, t/a Richard Fye Transportation (15039 Route 36, Punxsutawney, Jefferson County, PA 15767)—in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Jefferson County, to points in Pennsylvania, and return.

A-2009-2096891. DNA Ambulance, Inc. (8351 Hegerman Street, Philadelphia, PA 19136)—a corporation of the Commonwealth—in paratransit service, from points in the City and County of Philadelphia, to points in Pennsyl-

vania, and return. *Attorney:* David Temple, 1760 Market, Suite 1100, Philadelphia, PA 19103.

Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under the application.*

A-2009-2096869. CUSA ES, LLC, t/a Coach America Crew Transport (5430 LBJ Freeway, 3 Lincoln Centre No. 1075, Dallas, TX 75240)—begin to transport, as a contract carrier, persons in paratransit service for Canadian Pacific Railroad from 800 River Road, Allentown, Lehigh County; Shikellamy Avenue, Sunbury, Northumberland County; 1600 Langley Avenue, Philadelphia, Philadelphia County; 218 Enola Road, Harrisburg, Dauphin County; and 3 Depot Street, Taylor, Lackawanna County; to points in Pennsylvania and return. *Attorney:* David H. Coburn, Esquire, Steptoe & Johnson, LLP, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036.

Application of the following for the approval of the *transfer of stock as described under the application.*

A-2009-2096844. Rosemont Taxicab Co., Inc. (800 Chestnut Street, Suite 103, Philadelphia, Philadelphia County, PA 19107)—a corporation of the Commonwealth—approval of the transfer of 500 shares of the issued stock, from Avihay Karsenty to Jacob Gabbay.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Pierce Hauling, LLC;
Doc. No. C-2009-2044323

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Pierce Hauling, LLC (respondent) is under suspension effective October 6, 2008 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P. O. Box 27, Schenley, PA 15682.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 27, 2007, at A-00124217.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate

of Public Convenience held by respondent at A-00124217 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission; Bureau of
Transportation and Safety v. Jose Francisco Jose;
Doc. No. C-2009-2050012*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Jose Francisco Jose (respondent) is under suspension effective January 27, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 515 Winters Avenue, West Hazelton, PA 18202.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 13, 2008, at A-00124154.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00124154 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____
Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regula-

tion, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations ***and by paying the \$250 fine*** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer ***and receipt of your fine payment***, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. James Michael Nugent;
Doc. No. C-2008-2043362

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to James Michael Nugent (respondent) is under suspension effective January 3, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 751, Bushkill, PA 18324.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 01, 2007, at A-00121978.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00121978 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter, I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S.

§ 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. In Disguise, LLC;*
Doc. No. C-2008-2043351

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to In Disguise, LLC (respondent) is under suspension effective January 6, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 233 West 3rd Street, Williamsport, PA 17701.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 27, 2001, at Application Docket No. A-001 17432.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-001 17432 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 1 7105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Dunfar, Inc.;*
Doc. No. C-2009-2086489

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsi-

bilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Dunfar, Inc. (respondent) is under suspension effective January 14, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 460, Northern Cambria, PA 15714.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 19, 2003, at A-00119500.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00119500 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the

Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the \$250 fine proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.

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James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer and receipt of your fine payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law

Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-657. Filed for public inspection April 3, 2009, 9:00 a.m.]

must comply with all applicable EEO laws. Mandatory prebid job site meeting will be held April 9, 2009, 10 a.m. at PRPA's office (previous address), Philadelphia, PA. Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-659. Filed for public inspection April 3, 2009, 9:00 a.m.]

Telecommunications

A-2009-2096240. Verizon North, Inc. and Cooperative Communications, Inc. Joint petition of Verizon North, Inc. and Cooperative Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Cooperative Communications, Inc., by its counsel, filed on March 19, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Cooperative Communications, 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. 09-658. Filed for public inspection April 3, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 09-029.4, On-Call Elec. Invest. and Repairs at PRPA Piers until 2 p.m. on Thursday, April 23, 2009. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and are available March 31, 2009. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax) and is nonrefundable. PRPA is an Equal Opportunity Employer. Contractor

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

June 3, 2009	John F. Yocklovich (Effective Date of Retirement)	1 p.m.
July 22, 2009	Sara B. Christianson (Class T-D)	1 p.m.

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Fluire, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 09-660. Filed for public inspection April 3, 2009, 9:00 a.m.]

STATE BOARD OF NURSING

In the Matter of the Automatic Suspension of the License to Practice of Practical Nursing of Lori Ann Boggs, RN; Doc. No. 0247-51-09

On March 6, 2009, Lori Ann Boggs, license no. RN-532097, of Uniontown, Fayette County, was issued an automatic suspension based on her felony conviction, in violation of The Control Substance, Drug and Cosmetic Act (35 P. S. §§ 780-101—780-144).

Individuals may obtain a copy of the automatic suspension by writing to C. William Fritz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This automatic suspension represents the final State Board of Nursing (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 the petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

[Pa.B. Doc. No. 09-661. Filed for public inspection April 3, 2009, 9:00 a.m.]