

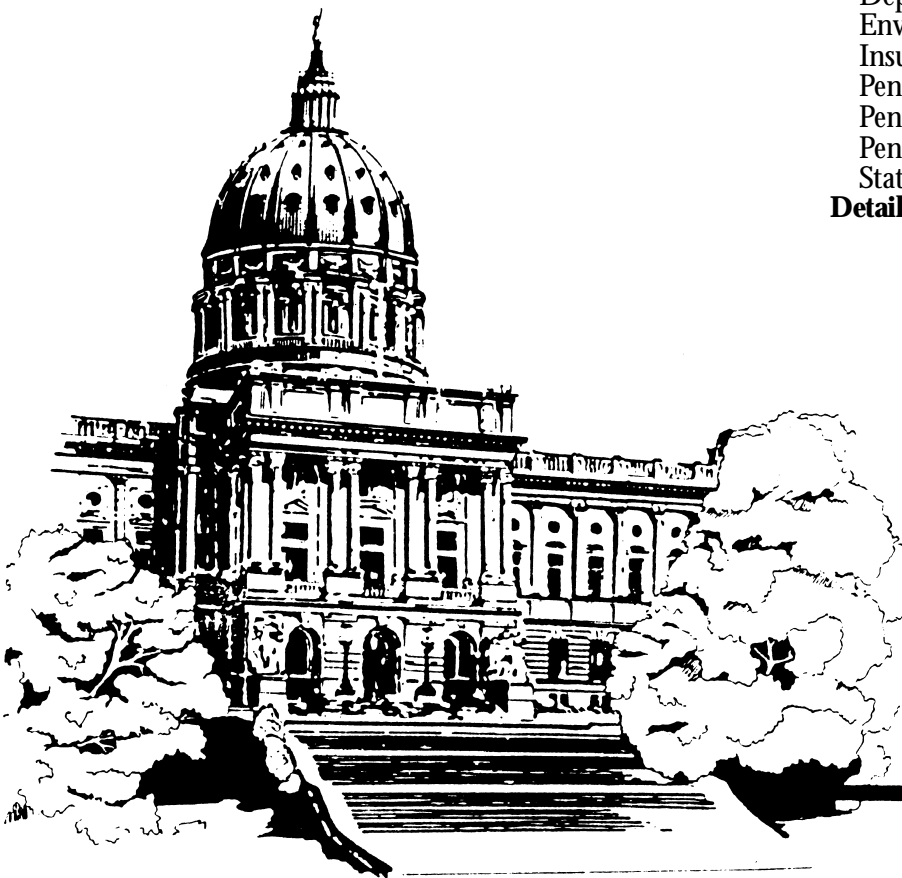
PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts
Department of Agriculture
Department of Banking
Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of Health
Department of Transportation
Environmental Quality Board
Insurance Department
Pennsylvania Gaming Control Board
Pennsylvania House of Representatives
Pennsylvania Public Utility Commission
State Board of Cosmetology

Detailed list of contents appears inside.



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No. 410, January 2009

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CONTENTS

THE COURTS

PHILADELPHIA RULES

Electronic filing fee—trial division, civil; president judge administrative order no. 2008-01.....	189
Increase in prothonotary fees under 42 Pa.C.S. § 1725(c)(4); president judge administrative order no. 2008-01.....	189
Increase in prothonotary fees under 42 Pa.C.S. § 1725(c)(4); president judge administrative order no. 2008-02.....	192

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Temporary order designating dangerous transmissible diseases.....	239
---	-----

DEPARTMENT OF BANKING

Notices

Actions on applications.....	240
------------------------------	-----

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Radioactive material license termination request....	241
Snowmobile and ATV Advisory Committee meeting ..	242

DEPARTMENT OF EDUCATION

Notices

Application of Hope College of Holland, MI to operate in Philadelphia	242
Application of Sharon Salov for reinstatement of teaching certificate; doc. no. Re-08-03	242

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices.....	243
Availability of technical guidance	287
Bid opportunity.....	288
Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits	288
Pennsylvania Small Business Energy Efficiency Grant Program	289
Proposal general permit and/or general operating permit for heatset web offset lithographic printing presses (BAQ-GPA/GP-25)	289
Proposed total maximum daily load (TMDL): Lehigh River Watershed, Carbon, Luzerne and Schuylkill Counties	285
Sewickley Creek Watershed, Westmoreland County	286
Stauffer Run Watershed, Westmoreland County....	286

DEPARTMENT OF HEALTH

Notices

Application for exception: Harrisburg Hospital	291
St. Luke's Hospital	291
Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; public meetings.....	291

DEPARTMENT OF TRANSPORTATION

Notices

Availability of Local Real Estate Tax Reimbursement Grants for taxes paid in 2008	291
---	-----

ENVIRONMENTAL QUALITY BOARD

Rules and Regulations

Hazardous waste management.....	201
---------------------------------	-----

INSURANCE DEPARTMENT

Notices

Application and request for a certificate of authority to provide a continuing care retirement community by Jeffco Health Services, Inc.....	292
Application and request for a certificate of authority to provide a continuing care retirement community by Richboro SNF, LLC.....	292
Application and request for a certificate of authority to provide a continuing care retirement community by Taylor Health and Rehabilitation Center, LLC	292
Capital Advantage Insurance Company; rate/rule filing; rate filing	293
Metropolitan Life Insurance Company; rate increase filing for LTC form 1LTC-97-PA and 2LTC-97-PA; rate filing	293
Metropolitan Life Insurance Company; rate increase filing for several LTC forms; rate filing.....	293

PENNSYLVANIA GAMING CONTROL BOARD

Rules and Regulations

Licensed facility	235
-------------------------	-----

PENNSYLVANIA HOUSE OF REPRESENTATIVES

Statements of Policy

Right-to-know law—statement of policy	238
---	-----

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Sanitary sewage treatment	293
Service of notice of motor carrier applications.....	294

STATE BOARD OF COSMETOLOGY

Rules and Regulations

General revisions	219
-------------------------	-----

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

22 Pa. Code (Education)

Adopted Rules	
14	17

25 Pa. Code (Environmental Protection)

Adopted Rules	
260a	201
261a	201
262a	201
263a	201
264a	201
265a	201
266a	201
266b	201
267a	201
269a	201
270a	201
806	19

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules	
7	219

55 Pa. Code (Public Welfare)

Statements of Policy	
2600	26

58 Pa. Code (Recreation)

Adopted Rules	
401a	235
443a	21

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules	
4	8

237 Pa. Code (Juvenile Rules)

Proposed Rules	
16	9

249 Pa. Code (Philadelphia Rules)

Unclassified	189, 192
--------------------	----------

255 Pa. Code (Local Court Rules)

Unclassified	10, 16
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THE COURTS

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Electronic Filing Fee—Trial Division, Civil; President Judge Administrative Order No. 2008-01

Order

And Now, this 22nd day of December, 2008, at the request of the Prothonotary of Philadelphia, as authorized by Act 81 of 2006 and Philadelphia Civil Rule *205.4(d)(3), *It Is Hereby Ordered, Adjudged and Decreed* that effective January 5, 2009, the Prothonotary shall collect an Electronic Filing Fee in the sum of Ten (\$10.00) Dollars for each legal paper filed with the Prothonotary of Philadelphia in connection with cases filed in the Trial Division—Civil, Court of Common Pleas for which a filing fee is now charged.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to *American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Library* and the Law Library for the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: courts.phila.gov.

HONORABLE PAMELA PRYOR DEMBE,
President Judge,
Court of Common Pleas

[Pa.B. Doc. No. 09-36. Filed for public inspection January 9, 2009, 9:00 a.m.]

PHILADELPHIA COUNTY

Increase in Prothonotary Fees Under 42 Pa.C.S. § 1725(c)(4); President Judge Administrative Order No. 2008-01

Order

And Now, this 16th day of December, 2008, pursuant to the Prothonotary Fee Bill, Act 81 of 2006, 42 Pa.C.S. § 1725(c)(4), which authorizes the Prothonotary to increase the fees or charges set forth in section 1725(c)(3) consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the increase, the Court takes Judicial notice that the total CPI increase for 2005, 2006 and 2007 is ten (10%) percent,

Now, Therefore, It Is Hereby Ordered, Adjudged and Decreed that the Prothonotary of Philadelphia is ordered to increase the fees set forth in Section 1725(c)(3) by ten (10%) percent effective January 5, 2009.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Philadelphia Municipal Court, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and the Legislative Reference Bureau. Copies of the Administrative Order shall be submitted to *American Lawyer Media, The Legal Intelligencer, Jenkins Memorial Library* and the Law Library for the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: courts.phila.gov.

HONORABLE LOUIS J. PRESENZA,
President Judge,
Philadelphia Municipal Court

First Judicial District of Pennsylvania 2009 Prothonotary Fee Schedule

The following Schedule itemizes the fees the Prothonotary of Philadelphia County is required to collect pursuant to the Prothonotary's Fee Bill, effective Monday, January 5, 2009.

As authorized by 42 Pa. C.S. §1725(c)(4), the filing fees reflect an increase of ten (10%) percent, which represents the CPI increase for 2005, 2006 and 2007.

MUNICIPAL COURT

A. COMMENCEMENT OF ACTION

1. CIVIL ACTIONS - (with at least one defendant who resides outside of Philadelphia)

(a) Requested relief - From \$0 to \$2000			<u>\$ 37.50*</u>
(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(i)	\$22.00	
(2) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*	
(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50	
(4) J.C.P./A.T.J. Fee	42.Pa. C.S. § 3733 (a.1)	10.00	
(5) Service Fee		(see below)+	

(b) Requested relief - From \$2001 to 10,000			<u>\$59.50*</u>
(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(ii)	\$44.00	
(2) J.C.P./A.T.J. Fee	42.Pa. C.S. § 3733 (a.1)	10.00	
(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50	
(4) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*	
(5) Service Fee		(see below)+	

2. CIVIL ACTIONS - (with one defendant a resident of Philadelphia)

(a) Requested relief - From \$0 to \$2000			<u>\$64.50*</u>
(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(i)	\$22.00	
(2) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*	
(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50	
(4) Service Fee (see below) +		27.00	
(5) J.C.P./A.T.J. Fee	42.Pa. C.S. § 3733 (a.1)	10.00	

(b) Requested relief - From \$2001 to \$10,000			<u>\$86.50*</u>
(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(ii)	\$44.00	
(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50	
(4) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*	
(2) J.C.P./A.T.J. Fee	42.Pa. C.S. § 3733 (a.1)	10.00	
(5) Service Fee (see below) +		27.00*	

(3) LANDLORD TENANT COMPLAINTS

(a) Requested relief - From \$0 to \$2,000			<u>\$64.50*</u>
(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(iii)	\$22.00	
(2) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*	

(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50
(4) J.C.P./A.T.J. Fee	42.Pa. C.S. § 3733 (a.1)	10.00
(5) Service Fee+		27.00

(b) Requested relief - From \$2,001 to \$10,000 **\$86.50***

(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(iv)	\$44.00
(2) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*
(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50
(4) J.C.P./A.T.J. Fee	42.Pa. C.S. § 3733 (a.1)	10.00
(5) Service Fee (see below)+		27.00*

(c) Requested relief - Over \$10,000 **\$108.50**

(1) Base Fee	42 Pa.C.S. § 1725(c)(3)(v)	\$66.00
(2) Indexing Fee	42 Pa.C.S. § 1725(c)(3)(vi)	(see below)*
(3) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	5.50
(4) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00
(5) Service Fee (see below) +		27.00

NOTE: the following additional fees will be assessed as applicable:

- *\$ 5.00 to index each additional party (other than husband and wife).
- +\$45.00 per defendant for Service within Pennsylvania, but outside Philadelphia.
- +\$27.00 per defendant for Service in Philadelphia

B. OTHER

(1) Indexing – per additional party	42 Pa.C.S. § 1725(c)(3)(vi)		<u>\$ 5.50</u>
(2) Writ of Possession	42 Pa.C.S. § 1725(c)(3)(vii)		<u>\$ 4.40+</u>
(3) Petitions			<u>\$14.30*</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(3)(viii)	\$11.00	
(b) Automation Fee	42 Pa.C.S. § 1725(c)(3)(xvi)	2.20	
(c) Record Retention	42 Pa.C.S. § 1725(c)(3)(xv)	1.10	
(4) Subpoena	42 Pa.C.S. § 1725(c)(3)(xiii)		<u>\$ 3.30</u>
(5) Writ of Revival	42 Pa.C.S. § 1725(c)(3)(xiv)		<u>\$ 6.60+</u>
(6) Certification Fee	42 Pa.C.S. § 1725(c)(2)(ii)		<u>\$29.70</u>
(7) Additional Defendant Filing, Counterclaim, Cross-claim, and Set offs			
Same as initial Filing Fee.			

NOTE: the following additional fees will be assessed as applicable:

- *\$ 5.00 to index each additional party (other than husband and wife).
- +\$45.00 per defendant for Service within Pennsylvania, but outside Philadelphia.
- +\$27.00 per defendant for Service in Philadelphia.

Date: December 22, 2008

Joseph H. Evers
Prothonotary of Philadelphia County

PHILADELPHIA COUNTY

**Increase in Prothonotary Fees Under 42 Pa.C.S.
§ 1725(c)(4); President Judge Administrative Order
No. 2008-02****Order**

And Now, this 22nd day of December, 2008, pursuant to the Prothonotary Fee Bill, Act 81 of 2006, 42 Pa.C.S. § 1725(c)(4), which authorizes the Prothonotary to increase the fees or charges set forth in section 1725(c)(2) consistent with the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the increase, the Court takes Judicial notice that the total CPI increase for 2005, 2006 and 2007 is ten (10%) percent,

Now, Therefore, It Is Hereby Ordered, Adjudged and Decreed that the Prothonotary of Philadelphia is ordered to increase the fees set forth in section 1725(c)(2) by ten (10%) percent effective January 5, 2009.

This Administrative Order shall be published in the *Pennsylvania Bulletin*. The original Administrative Order shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Civil Procedural Rules Committee. Copies of the Administrative Order shall be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District, and shall be posted on the web site of the First Judicial District of Pennsylvania: courts.phila.gov.

HONORABLE PAMELA PRYOR DEMBE,
President Judge,
Court of Common Pleas

First Judicial District of Pennsylvania

2009 Prothonotary Fee Schedule

The following Schedule itemizes the fees the Prothonotary of Philadelphia County is required to collect pursuant to the Prothonotary's Fee Bill, effective Monday, January 5, 2009.

As authorized by 42 Pa. C.S. §1725(c)(4), the filing fees reflect an increase of ten (10%) percent, which represents the CPI increase for 2005, 2006 and 2007.

COURT OF COMMON PLEAS

TRIAL DIVISION

A. COMMENCEMENT OF ACTION

1) <u>First Filing: Arbitration, Non-Jury & Petition Actions</u>			<u>\$302.98</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20	
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50	
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10	
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50	
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50	
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	37.84	
(g) Law Library	See 42 Pa. C.S. § 1725	37.84	
(h) Electronic Filing Fee	Administrative Order 2008-01	10.00	
(i) Judicial Computer Project/ Access to Justice ("J.C.P./A.T.J.") Fee	42 Pa.C.S. § 3733 (a.1)	10.00	
(j) State Tax	72 P.S. § 3172	.50	

Note: The Prothonotary must collect \$11.00 for each defendant named in a document filed to commence an action, as required by 71 P.S. § 2108(b.1).

2) <u>First Filing with Jury Demand</u>			<u>\$550.92</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20	
(b) Jury Demand Fee	42 Pa.C.S. § 1725(c)(2)(xvi)	177.10	
(c) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50	
(d) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10	
(e) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50	
(f) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50	
(g) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	73.26	
(h) Law Library	See 42 Pa. C.S. § 1725	73.26	
(i) Electronic Filing Fee	Administrative Order 2008-01	10.00	
(j) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00	
(k) State Tax	72 P.S. § 3172	.50	

Note: The Prothonotary must collect \$11.00 for each defendant named in a document filed to commence an action, as required by 71 P.S. § 2108(b.1).

3) <u>Filing of a Lien as a First Filing</u>		<u>\$ 70.44</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xii)	\$23.10
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	4.62
(g) Law Library	See 42 Pa. C.S. § 1725	4.62
(h) Electronic Filing Fee	Administrative Order 2008-01	10.00
(i) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00
(j) State Tax	72 P.S. § 3172	.50

Note: The Prothonotary must collect \$11.00 for each defendant named in a document filed to commence an action, as required by 71 P.S. § 2108(b.1).

4) <u>Appeals to Court of Common Pleas</u>		<u>\$170.04</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	\$94.60
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	18.92
(g) Law Library	See 42 Pa. C.S. § 1725	18.92
(h) Electronic Filing Fee	Administrative Order 2008-01	10.00
(i) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00

Note: The Prothonotary must collect \$11.00 for each defendant named in a document filed to commence an action, as required by 71 P.S. § 2108(b.1).

5) <u>Judgment by Confession/Judgment From Other Jurisdiction</u>		<u>\$121.26</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xi)	\$59.40
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	11.88
(g) Law Library	See 42 Pa. C.S. § 1725	11.88
(h) Electronic Filing Fee	Administrative Order 2008-01	10.00
(i) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00
(j) State Tax	72 P.S. § 3172	.50

Note: The Prothonotary must collect \$11.00 for each defendant named in a document filed to commence an action, as required by 71 P.S. § 2108(b.1).

6) <u>Name Change Petition – Adult</u>		<u>\$302.98</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10

(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	37.84
(g) Law Library	See 42 Pa. C.S. § 1725	37.84
(h) Electronic Filing Fee	Administrative Order 2008-01	10.00
(i) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00
(j) State Tax	72 P.S. § 3172	.50

Note: The Prothonotary must collect \$11.00 for each defendant named in a document filed to commence an action, as required by 71 P.S. § 2108(b.1).

B. SUBSEQUENT PLEADINGS

1) Defendant First Filing			<u>\$154.54</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(vi)	\$ 94.60	
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50	
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10	
(d) Special Court Adm. Fee	42 Pa. C.S. § 1725(c)(2)(xxii)	5.50	
(e) Family Court Facility Fund	42 Pa. C.S. § 1725(c)(6)	18.92	
(f) Law Library	See 42 Pa. C.S. § 1725	18.92	
(g) Electronic Filing Fee	Administrative Order 2008-01	10.00	
2) Jury Demand (If not paid previously)			<u>\$247.94</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xvi)	\$177.10	
(b) Family Court Facility Fund	42 Pa. C.S. § 1725(c)(6)	35.42	
(c) Law Library	See 42 Pa. C.S. § 1725	35.42	
3) Defendant First Filing, with Jury Demand			<u>\$402.48</u>
(a) Base Fee	42 Pa,C,S. § 1725(c)(2)(vi)	\$94.60	
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50	
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10	
(g) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50	
(d) Jury Demand Fee	42 Pa.C.S. § 1725(c)(2)(xvi)	177.10	
(f) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	54.34	
(e) Law Library	See 42 Pa. C.S. § 1725	54.34	
(h) Electronic Filing Fee	Administrative Order 2008-01	10.00	
4) Petitions / Motions (Excluding "Petition Actions")			<u>\$ 52.68</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xiii)	\$29.70	
(b) Record Retention Fee	42 Pa. C.S. § 1725(c)(2)(xvii)	1.10	
(c) Family Court Facility Fund	42 Pa. C.S. § 1725(c)(6)	5.94	
(d) Law Library	See 42 Pa. C.S. § 1725	5.94	
(e) Electronic Filing Fee	Administrative Order 2008-01	10.00	
5) Certification or Certificate			<u>\$ 41.58*</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	\$29.70	
(b) Family Court Facility Fund	42 Pa C.S. § 1725((c)(2)(6)(i)	5.94	
(c) Law Library	See 42 Pa. C.S. § 1725	5.94	

6) Exemplification		<u>\$83.16*</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	\$59.40
(b) Family Court Facility Fund	42 Pa. C.S. § 1725(c)(6)	11.88
(c) Law Library	See 42 Pa. C.S. § 1725	11.88
 *Please Note: Pursuant to 42 Pa. C.S. § 1725(c)(2)(ii) the Prothonotary must collect \$3.00 per each additional page together with the Law Library Fee of \$0.60 and Family Court Facility Fund Fee of \$0.60 for a total of \$4.20 per additional page.		
7) Issuance of Subpoena – as authorized by Pa.R.C.P. 234.2		<u>\$ 7.70</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xv)	\$5.50
(b) Family Court Facility Fund	42 Pa. C.S. § 1725(c)(6)	1.10
(c) Law Library	See 42 Pa. C.S. § 1725	1.10
8) Producing a Record in Response to a Subpoena		<u>\$66.22</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xv)	\$47.30
In Response to subpoena based on four hour service or fraction thereof.		
(b) Family Court Facility Fund	42 Pa. C.S. § 1725(c)(6)	9.46
(c) Law Library	See 42 Pa. C.S. § 1725	9.46
 Note: Pursuant to 42 Pa.C.S. § 1725(c)(2)(xv) the Prothonotary must collect \$11.00 per hour beyond four hour service or fraction thereof, and 00.365 for each mile traveled for service out of county.		
9) Name Search		<u>\$58.52</u>
(a) Base Fee	42 Pa.C.S. 1725(c)(2)(xiv)	\$ 41.80
(b) Family Court Facility Fund	42 Pa.C.S. 1725(c)(6)	8.36
(c) Law Library	See 42 Pa. C.S. § 1725	8.36
10) Non-Party Docket Report	42 Pa.C.S. § 1725(c)(2)(iv)	<u>\$5.50</u>
11) Appeal from Arbitration (without Jury Demand)		<u>\$367.44</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	\$94.60
(b) Arbitrator's Compensation	42 Pa.C.S. § 1725(c)(2)(i) and Pa.R.C.P. No. 1308 & Phila.Civ.R. *1308	225.00
(c) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	18.92
(d) Law Library	See 42 Pa. C.S. § 1725	18.92
(e) Electronic Filing Fee	Administrative Order 2008-01	10.00
12) Appeal from Arbitration (with Jury Demand) (if jury fee not previously paid)		<u>\$615.38</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	\$94.60
(b) Jury Demand	42 Pa.C.S. § 1725(c)(2)(xvi)	177.10
(c) Arbitrator's Compensation	42 Pa.C.S. § 1725(c)(2)(i) and Pa.R.C.P. No. 1308 & Phila.Civ.R. *1308	225.00
(d) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	54.34
(e) Law Library	See 42 Pa. C.S. § 1725	54.34
(f) Electronic Filing Fee	Administrative Order 2008-01	10.00

13) Appeal to Supreme, Superior or Commonwealth Court		<u>\$257.94</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(i)	\$177.10
(b) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	35.42
(c) Law Library	See 42 Pa. C.S. § 1725	35.42
(d) Electronic Filing Fee	Administrative Order 2008-01	10.00

FAMILY COURT

A. DIVORCE

1) Commencement of Action		<u>\$303.48</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	37.84
(g) Law Library	See 42 Pa.C.S. § 1725	37.84
(h) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (A.1)	10.00
(i) Children's Trust Fund	11 P.S. § 2238	10.00
(j) Vital Statistics Law	35 P.S. § 450.602	.50
(k) State Tax	72 P.S. § 3172	.50
2) Defendant First Filing		<u>\$144.54</u>
(a) Base Fee	42 Pa. C.S. § 1725(c)(2)(vi)	\$94.60
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.50
(e) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	18.92
(f) Law Library	See 42 Pa. C.S. § 1725	18.92
3) Praecepto to Transmit		<u>\$66.22</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(vi)	\$47.30
(b) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	9.46
(c) Law Library	See 42 Pa. C.S. § 1725	9.46
4) Motion for Appointment of Permanent Master		<u>\$496.98</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(vii)	\$354.20
(b) Record Retention	42 Pa.C.S. § 1725(c)(2)(xvii)	1.10
(c) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	70.84
(d) Law Library	See 42 Pa. C.S. § 1725	70.84
5) Name Change Petition -Petition to Amend Birth Certificate -Minor		<u>\$293.48</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(e) Special Court Adm. Fee	42 Pa.C.S. § 1725(c)(2)(xxii)	5.00
(f) Family Court Facility Fund	42 Pa.C.S. § 1725(c)(6)	37.84

(g) Law Library	See 42 Pa. C.S. § 1725	37.84
(h) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (A.1)	10.00
(i) Vital Statistics Law	35 P.S. § 450.602	.50
(j) State Tax	72 P.S. § 3172	.50

B. CUSTODY

1) First Filing: Custody, Partial Custody, or Visitation		<u>\$ 76.88</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(v)	\$35.20
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Special Court Adm. Fee	42 Pa C.S. § 1725(c)(2)(xxii)	5.50
(e) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(f) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	7.04
(g) Law Library	See 42 Pa. C.S. § 1725	7.04
(h) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	10.00
2) Respondent's First Responsive Filing		<u>\$ 36.74</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(v)	\$17.60
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Special Court Adm. Fee	42 Pa C.S. § 1725(c)(2)(xxii)	5.50
(e) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	3.52
(f) Law Library	See 42 Pa. C.S. § 1725	3.52
3) Subsequent Custody Petitions or Motions		<u>\$ 42.68</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(xiii)	\$29.70
(b) Record Retention Fee	42 Pa.C.S. § 1725(c)(2)(xvii)	1.10
(c) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	5.94
(d) Law Library	See 42 Pa. C.S. § 1725	5.94
4) Custody Certifications		<u>\$ 41.58</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	\$29.70
(b) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	5.94
(c) Law Library	See 42 Pa. C.S. § 1725	5.94
5) Home Investigation – Family Court Administrative Reg. #91-2		<u>\$200.00</u>
6) Psychological Evaluation-Family Court Administrative Reg. #91-2		<u>\$200.00</u>
C. SUPPORT		
1) Initiation of Support Proceedings (Complaint/Petition)		<u>\$ 10.00</u>
J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (a.1)	
2) Lien Certification or Report of Overdue Support Obligation		<u>\$ 20.00</u>
Domestic Relations Code	23 Pa.C.S. § 4352(d.1)(6)	

D. ADOPTION

1) First Filing: Adoption		<u>\$293.48</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(d) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.10
(e) Special Court Adm. Fee	42 Pa C.S. § 1725(c)(2)(xxii)	5.50
(f) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	37.84
(g) Law Library	See 42 Pa.C.S. § 1725	37.84
(h) J.C.P./A.T.J. Fee	42 Pa.C.S. § 3733 (A.1)	10.00
(i) Vital Statistics Law	35 P.S. § 450.602	.50
(j) State Tax	72 P.S. § 3172	.50
2) First Filing: Registration of Foreign Birth & Gestational Carrier Petition same as First Filing: Adoption		
3) First Filing: Report of Intent to Adopt (Adoption with Counseling)		<u>\$368.48</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(iii)	\$189.20
(b) Automation Maintenance Fee	42 Pa.C.S. § 1725(c)(2)(iv)	5.50
(c) J.C.P./A.T.J. Fee	42.Pa.C.S. § 3733 (a.1)	10.00
(d) Judicial Education	42 Pa.C.S. § 1725(c)(2)(x)	1.10
(e) Automation Development Fee	42 Pa.C.S. § 1725(c)(2)(xviii)	5.50
(f) Special Court Adm. Fee	42 Pa C.S. § 1725(c)(2)(xxii)	5.50
(g) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	37.84
(h) Law Library	See 42 Pa. C.S. § 1725	37.84
(i) Counseling Fee	23 Pa. C.S. § 2505(e)	75.00
(j) Vital Statistics Law	35. P.S. § 450.602	.50
(k) State Tax	72 P.S. § 3172	.50
4) Certificate of Adoption (upon finalization of Adoption)/ Certification of Termination Decrees		<u>\$ 41.58</u>
(a) Base Fee	42 Pa.C.S. § 1725(c)(2)(ii)	\$29.70
(b) Family Court Facility Fund	42 Pa C.S. § 1725(c)(6)	5.94
(c) Law Library	See 42 Pa. C.S. § 1725	5.94
5) Request for Limited (Non-Identifying) Information		<u>\$ 50.00</u>
See 23 Pa. C.S. § 2905 and Family Court Administrative Reg. #99-9		
6) Request for Identifying Information (which will only be disclosed upon consent of natural parents)		<u>\$150.00</u>
See 23 Pa. C.S. § 2905 and Family Court Administrative Reg. #99-9		

E. PROTECTION FROM ABUSE

Please Note: The Protection from Abuse Act prohibits the charging of any filing fees to a Plaintiff. The Act, however, authorizes the Court to assess fees and costs against a defendant when an order is granted. The fees listed below, therefore, are to be assessed against a defendant by the court which grants an abuse order against the defendant.

- 1) Filing Fees and Service Costs – Payable as set forth in 23 Pa. C.S. § 6106(c)**
- | | | |
|--------------------------------|--------------------------------|------------------------|
| (a) Filing Fee | | <u>\$292.98</u> |
| (1) Base Fee | 42 Pa.C.S. § 1725(c)(2)(iii) | \$189.20 |
| (2) Automation Maint. Fee | 42 Pa.C.S. § 1725(c)(2)(iv) | 5.50 |
| (3) Judicial Education | 42 Pa.C.S. § 1725(c)(2)(x) | 1.10 |
| (4) Automation Development Fee | 42 Pa.C.S. § 1725(c)(2)(xviii) | 5.50 |
| (5) Special Court Adm. Fee | 42 Pa. C.S. § 1725(c)(2)(xxii) | 5.50 |
| (6) Family Court Facility | 42 Pa. C.S. § 1725(c)(6) | 37.84 |
| (7) Law Library | See 42 Pa. C.S. § 1725 | 37.84 |
| (8) J.C.P./A.T.J. Fee | 42 Pa. C.S. § 3733 (a.1) | 10.00 |
| (9) State Tax | 72 P.S. § 3172 | .50 |
- (b) Service** - as per the Sheriff's fee bill if served by the Sheriff: actual cost (not to exceed the Sheriff's fee bill) if served as authorized by Pa.R.C.P. 1930.4(b)
- 2) Surcharge – Payable by Defendant upon Adjudication of Guilt** **\$ 100.00**
(after hearing or trial). See 23 Pa.C.S. § 6106 (d).
- 3) Contempt Fine (See 23 Pa. C.S. § 6114)** **\$300 to \$1,000**
May be imposed upon sentencing for Indirect Criminal Contempt

Date: December 22, 2008

Joseph H. Evers
Prothonotary of Philadelphia County

[Pa.B. Doc. No. 09-38. Filed for public inspection January 9, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 260a—266a, 266b, 267a, 269a AND 270a]

Hazardous Waste Management

The Environmental Quality Board (Board) by this order amends Chapters 260a—266a, 266b, 269a and 270a to update the hazardous waste management program. The Board proposes to add a new Chapter 267a (relating to standards for owners and operators of hazardous waste facilities operating under a standardized permit). These amendments and additions are set forth in Annex A.

This order was adopted by the Board at its meeting of September 16, 2008.

A. Effective Date

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

B. Contact Persons

For further information contact Dwayne Womer, Environmental Engineer Manager, Division of Hazardous Waste Management, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 787-6239; or Kurt Klappkowski, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site www.depweb.state.pa.us.

C. Statutory Authority

This final-form rulemaking is authorized under sections 105, 402 and 501 of the Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.303 and 6020.305(e)(2)); sections 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-20). Under sections 105, 402 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety, welfare and property, and the air, water and other natural resources of this Commonwealth. Sections 303 and 305(e)(2) of HSCA grant the Board the power and duty to promulgate regulations to carry out the provisions of that act. Sections 5, 402 and 501 of The Clean Streams Law grant the Board the authority to adopt regulations that are necessary to protect the waters of this Commonwealth from pollution. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

D. Background and Summary

These changes are being made to address the Secretary's directive to review and revise all Department regulations to implement the goals contained in the Administration's priorities of increased environmental protection and improved human quality of life.

This final-form rulemaking includes revisions to remove obsolete provisions and correct inaccurate references currently in the regulations; delete the outdated coproduct transition scheme; simplify the hazardous waste manifest system; update the financial assurance requirements for bonding; expand and clarify the universal waste requirements; correct an outdated reference to the Board in the hazardous waste facilities siting criteria and add provisions for standardized permits.

The specific Administration priorities addressed in this final-form rulemaking include the following:

- Improving the permitting process by incorporating the Federal standardized permits provision and including regulatory provisions to accomplish this.
- Changing the bonding requirements to improve the reliability of money available to properly close a hazardous waste facility.
- Making a minor correction to the regulation for corrective action for solid waste management units to eliminate an impediment for the Commonwealth to receive Federal authorization, which would provide increased flexibility and further encourage brownfields redevelopment opportunities.
- Simplifying the reporting requirements for hazardous waste manifests and universal wastes to eliminate unnecessary reports and reduce paperwork requirements.
- Adding two new universal wastes that encourage recycling and proper management of hazardous wastes that might otherwise be disposed improperly.

Chapter 260a. Hazardous Waste Management System: General

§ 260a.30. *Variances from classification as a solid waste.* This section deleted the coproduct transition language, which is obsolete. This language was previously necessary to transition materials that were classified as coproducts and therefore not regulated as waste under the regulations prior to incorporating the Federal definition of solid waste on May 1, 1999. The deadline for transitioning was May 1, 2001.

Chapter 261a. Identification and Listing of Hazardous Waste

§ 261a.8. *Requirements for universal waste.* This section revises language to include new materials that may be managed as universal waste (oil-based finishes and photographic solutions). This section deleted mercury-containing devices from the universal wastes. 40 CFR now has a parallel regulation which is incorporated by reference. This causes the Pennsylvania-specific universal waste for mercury-containing devices to be redundant and unnecessary.

§ 261a.39. *Conditional exclusion for used, broken cathode ray tubes (CRTs) and processed CRT glass undergoing recycling.* A new provision added on final-form rulemaking makes an exception to the blanket substitution of terms to the requirements for exports of used and broken CRTs and processed CRT glass that is being exported.

The Environmental Protection Agency (EPA) retains the authority to regulate exports of hazardous wastes to foreign countries even in Federally-authorized states. The blanket substitution of "Department" for "Environmental Protection Agency" or "EPA" in § 260a.3 (relating to terminology and citations related to Federal regulations) is not applicable to exports.

Chapter 262a. Standards Applicable to Generators of Hazardous Waste

§ 262a.10. *Incorporation by reference, purpose, scope and applicability.* This section excluded University Laboratories XL Project—Laboratory Environmental Management Standard from the incorporation of Federal regulations by reference. These unincorporated citations apply only to specific university laboratories in Massachusetts and Vermont.

§ 262a.12. *EPA identification numbers.* This section removes the exception to substitution of terms in § 260a.3 because the Department now issues EPA ID numbers and adds the requirement for a generator to submit a subsequent notification if the name of the facility changes. This section clarifies a subsequent notification when there is a change of "generator status" instead of "facility class."

Subchapter B. Manifest. §§ 262a.20—262a.23. Changes to the manifest system in the incorporated Federal regulations that were published as final rule on March 4, 2005, known as the Uniform Manifest rule, have made Pennsylvania-specific requirements obsolete. The Pennsylvania-specific requirements are being deleted.

§ 262a.21. *Manifest tracking numbers, manifest printing, and obtaining manifests.* A new provision added on final-form rulemaking makes an exception to the blanket substitution of terms to the requirements for manifest tracking numbers, manifest printing and obtaining manifests. The blanket substitution of "Department" for "Environmental Protection Agency," "EPA" or "EPA Director" in § 260a.3 (relating to terminology and citations related to Federal regulations) is not applicable to this portion of the uniform manifest requirements. These requirements are considered by the EPA to be "nondelegable" to authorized states.

§ 262a.41. *Biennial report.* This section is deleted entirely because it is no longer necessary to modify the EPA report form for use in this Commonwealth.

§ 262a.100. *Source reduction strategy.* This section corrects an incorrect cross reference to 40 CFR.

Appendix to Chapter 262a. Uniform hazardous waste manifest and instructions (EPA Forms 8700-22 and 8700-22a and their instructions). A new provision added on final-form rulemaking makes an exception to the blanket substitution of terms to the requirements for manifest tracking numbers, manifest printing and obtaining manifests. The blanket substitution of "Department" for "Environmental Protection Agency," "EPA" or "EPA Director" in § 260a.3 is not applicable to this portion of the uniform manifest requirements. These requirements are considered by the EPA to be "nondelegable" to authorized states.

Chapter 263a. Transporters of Hazardous Waste

§ 263a.12. *Transfer facility requirements.* This section removes Pennsylvania-specific manifest requirements for transfer facilities. These are no longer necessary because of the incorporated Federal uniform manifest requirements.

§ 263a.13. *Licensing.* This section removes an inaccurate cross-reference to § 263a.30 (in Subchapter C. Hazardous Waste Discharges, regarding immediate action).

§ 263a.20. *Manifest system, and § 263a.21. Compliance with the manifest.* Pennsylvania-specific manifest requirements are being deleted as redundant because of the Federal uniform manifest rule finalized on March 4, 2005.

§ 263a.25. *Civil penalties for failure to submit hazardous waste transporter fees, and § 263a.26. Assessment of penalties.* These sections were deleted to remove regulatory provision for civil penalties. The provisions have never been used. The Department still has the authority to assess penalties for failure to submit fees, submission of falsified information, failure to submit documentation that no fee was due or failure to meet the time schedule for submission of fees.

Chapter 264a. Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

§ 264a.1. *Incorporation by reference, purpose, scope and reference.* The amendment clarifies the reference to the Federal Appendix VI to 40 CFR Part 264 that is excluded from incorporation by reference.

§ 264a.71. *Use of the manifest system.* Pennsylvania-specific manifest requirements are being deleted as redundant because of the Federal uniform manifest rule finalized on March 4, 2005. A new provision added on final-form rulemaking makes an exception to the blanket substitution of terms to the requirements for use of the manifest system. The blanket substitution of "Department" for "Environmental Protection Agency," "EPA" or "EPA Director" in § 260a.3 is not applicable to this portion of the uniform manifest requirements. These requirements are considered by EPA to be "nondelegable" to authorized states.

§ 264a.80. *Civil penalties for failure to submit hazardous waste management fees, and § 264a.81. Assessment of penalties; minimum penalties.* These sections were deleted to remove regulatory provision for civil penalties. These provisions have never been used. The Department still has the authority to assess penalties for failure to submit fees, submission of falsified information, failure to submit documentation that no fee was due or failure to meet the time schedule for submission of fees.

§ 264a.83. *Administration fees during closure.* This section deletes closure requirements from this section; identical Federal provisions are incorporated by reference in § 264a.1 (relating to incorporation by reference, purpose, scope and reference.)

§ 264a.101. *Corrective action for solid waste management units.* This section deletes the provision that will prevent Pennsylvania from being approved by the EPA for authorization to implement the RCRA Corrective Action Program.

§ 264a.115. *Certification of closure.* Language was proposed to be moved from § 264a.83 to this section. However, identical Federal provisions are incorporated by reference. The final-form rulemaking makes no changes to this section.

Chapter 264. Subchapter H. Financial Requirements.

§ 264a.143. *Financial assurance for closure and § 264a.145. Financial assurance for postclosure care.* The financial test and corporate guarantee was proposed to be eliminated, however, due to numerous comments during the public comment period, the provisions of this section are retained in the final-form rulemaking. The term "financial test" is added in the final-form rulemaking.

§ 264a.153. *Requirement to file a bond.* This section clarifies that only forms prepared and provided by the Department are acceptable for filing a bond.

§ 264a.154. *Form, terms and conditions of bond.* The financial test and corporate guarantee was proposed to be eliminated, however, due to numerous comments during the public comment period, the provisions of this section are retained in the final-form rulemaking. The term “financial test” is added in the final-form rulemaking.

§ 264a.156. *Special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure.* The financial test and corporate guarantee was proposed to be eliminated, however, due to numerous comments during the public comment period, the provisions of this section are retained in the final-form rulemaking. The term “financial test” is added in the final-form rulemaking.

§ 264a.157. *Phased deposits of collateral.* This section clarifies that only new facilities that are applying for a new permit are eligible for phased deposit of collateral. An existing facility could enter forfeiture early in the phased deposit stage and not have adequate bond to cover closure costs.

§ 264a.168. *Bond Forfeiture.* This section revises bond forfeiture wording to specify that monies from forfeited bonds will first be used to properly close the facility for which the bond was forfeited (consistent with the Municipal and Residual Waste Regulations).

§ 264a.195. *Inspections.* This section, relating to hazardous waste tank inspection frequency, is rescinded. A request for interpretation from the PA Chamber of Business and Industry brought to the attention of Department staff that this section may conflict with Federal regulations otherwise incorporated by reference. This section originally supplemented the incorporated Federal regulations by adding a requirement that tanks be inspected every 72 hours when not operating, if waste remains in the tank. The incorporated Federal regulations require tanks to be inspected at least once each operating day. Since tanks are designed to contain an accumulation of hazardous waste, the Department has taken the position that, when waste is in the tank, it is operating and must be inspected once every 24 hours.

Chapter 265a. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

§ 265a.71. *Use of the manifest system.* Pennsylvania-specific manifest requirements are being deleted as redundant because of the Federal uniform manifest rule finalized on March 4, 2005. An exception to the blanket substitution of terms to the requirements for use of the manifest system has been made. The blanket substitution of “Department” for “Environmental Protection Agency,” “EPA” or “EPA Director” in § 260a.3 is not applicable to this portion of the uniform manifest requirements. These requirements are considered by EPA to be “nondelegable” to authorized states.

§ 265a.80. *Civil penalties for failure to submit hazardous waste management fees, and § 265a.81. Assessment of penalties; minimum penalties.* These sections are deleted to remove regulatory provisions for civil penalties. These provisions have never been used. The Department still has the authority to assess penalties for failure to submit fees.

§ 265a.83. *Administration fees during closure.* This section deletes closure requirements from this section; identical Federal provisions are incorporated by reference in § 265a.1 (relating to Incorporation by reference, purpose, scope and applicability).

§ 265a.115. *Certification of closure.* Language was proposed to be moved from § 265a.83 to this section. However, the identical Federal provisions are incorporated by reference. The final-form rulemaking makes no changes to this section.

Chapter 265. Subchapter H. Financial Requirements.

§ 265a.143. *Financial assurance for closure and § 265a.145. Financial assurance for postclosure care.* The financial test and corporate guarantee was proposed to be eliminated, however, due to numerous comments during the public comment period, the provisions of this section are retained in the final-form rulemaking. The term “financial test” is added in the final-form rulemaking.

§ 265a.153. *Requirement to file a bond.* The amendment clarifies that only forms prepared and provided by the Department are acceptable for filing a bond.

§ 265a.154. *Form, terms and conditions of bond.* The financial test and corporate guarantee was proposed to be eliminated, however, due to numerous comments during the public comment period, the provisions of this section are retained in the final-form rulemaking. The term “financial test” is added in the final-form rulemaking.

§ 265a.156. *Special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure.* The financial test and corporate guarantee was proposed to be eliminated, however, due to numerous comments during the public comment period, the provisions of this section are retained in the final-form rulemaking. The term “financial test” is added in the final-form rulemaking.

§ 264a.157. *Phased deposits of collateral.* This section is amended to clarify that only new facilities that are applying for a new permit are eligible for phased deposit of collateral. An existing interim status facility could enter forfeiture early in the phased deposit stage and not have adequate bond to cover closure costs.

§ 265a.163. *Failure to maintain adequate bond.* The amendment clarifies that requests by the Department for additional bond amounts will be in writing and eliminates a reference to failure to make timely payments for a phased deposit of collateral bond type which has been removed from the interim status standards of Chapter 265a (relating to interim status standards for owners and operators of hazardous waste treatment, storage and disposal facilities).

§ 265a.168. *Bond forfeiture.* The amendment revises bond forfeiture wording to specify that monies from forfeited bonds will first be used to properly close the facility for which the bond was forfeited (consistent with the Municipal and Residual Waste Regulations).

§ 265a.195. *Inspections.* This section, relating to hazardous waste tank inspection frequency, is rescinded. A request for interpretation from the PA Chamber of Business and Industry brought to the attention of Department staff that this section may conflict with Federal regulations otherwise incorporated by reference. This section originally supplemented the incorporated Federal regulations by adding a requirement that tanks be inspected every 72 hours when not operating, if waste remains in the tank. The incorporated Federal regulations require tanks to be inspected at least once each operating day. Since tanks are designed to contain an accumulation of hazardous waste, the Department has taken the position that, when waste is in the tank, it is operating and must be inspected once every 24 hours.

Chapter 266a. Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities

§ 266a.70. *Applicability and requirements.* The amendment corrects a typographical error that incorrectly refers to § 270a.60(b)(6) as the precious metal reclamation permit-by-rule provision. The correct citation is § 270a.60(b)(5).

Chapter 266b. Universal Waste Management

§ 266b.1. *Incorporation by reference and scope.* This section is modified by eliminating mercury-containing devices; the incorporated Federal regulations now include mercury-containing equipment with equivalent requirements and by listing two new Pennsylvania-specific materials to be eligible for management as universal wastes under this rulemaking, oil-based finishes and photographic processing solutions.

§ 266b.2 *Applicability—mercury containing devices.* This section is rescinded.

§ 266b.3. *Definitions.* The amendment deletes mercury-containing devices and relocates the definitions to the beginning of the subchapter. The section adds technical definitions for the two new materials that are being added as Pennsylvania-specific materials to be eligible for management as universal wastes under this rulemaking (oil-based finishes and photographic solutions).

§ 266b.4. *Applicability—oil-based finishes.* A new section was added to describe which oil-based finishes will be eligible for management as universal wastes.

§ 266b.5. *Applicability—photographic solutions.* A new section was added to describe which photographic solutions will be eligible for management as universal wastes.

Chapter 266b, Subchapter B. Small Quantity Handlers of Universal Waste, and Chapter 266b, Subchapter C. Large Quantity Handlers of Universal Waste. This section was modified by adding standards and labeling/marketing requirements applicable to the two new materials, which are being added as Pennsylvania-specific materials to be eligible for management as universal wastes under this rulemaking (oil-based finishes and photographic solutions) and removes the management standards for mercury-containing devices.

Chapter 267a. Standards for Owners and Operators of Hazardous Waste Facilities Operating Under a Standardized Permit

This is a new chapter that incorporates by reference 40 CFR Part 267, along with a new Chapter 270a, Subchapter I that provides standards for hazardous waste facilities operating under a standardized permit that was published on September 8, 2005, as a final Federal regulation. The rule streamlines the hazardous waste permitting process for tanks, containers and containment buildings. It applies to onsite facilities and facilities controlled by the same company as the offsite generator. The standardized permit provision provides a streamlined process for generators of hazardous waste to obtain a permit to store wastes for greater than 90 days. A standardized permit process is also available to companies that generate hazardous waste at various locations but want to establish a treatment facility at one location for hazardous wastes generated at all locations.

Chapter 269a. Siting.

§ 269a.50. *Environmental assessment considerations.* The section replaces the Board as the jurisdictional designee of natural areas or wild areas with a more generic designee as a State or Federal agency. The legislation that established the Department of Conservation and Natural Resources (DCNR) and the Department as two separate agencies from the Department of Environmental Resources (DER) effectively changed the designee of these areas from the Board to the DCNR. The details for making these determinations are dealt with in guidance documents that assist applicants for siting hazardous waste facilities.

Chapter 270a. Hazardous Waste Permit Program.

§ 270a.2. *Definitions.* The definition of “standardized permit is amended.”

§ 270a.6. *References.* The amendment corrects a typographical error in the 40 CFR 270.6 citation.

§ 270a.41. *Procedures for modification, termination or revocation and reissuance of permits.* Changes were made to 40 CFR Part 124, the general requirements for Federal permit issuance that affect hazardous waste permits. The Commonwealth regulations do not incorporate Part 124 by reference; these changes are in the 25 Pa. Code areas that are regulatory analogs to Part 124.

§ 270a.42. *Permit modification at the request of the permittee.* The amendment clarifies requirements and time frames for public notice for Class 3 modifications.

§ 270.51. *Continuation of existing permits.* Changes were made to 40 CFR Part 124, the general requirements for Federal permit issuance that affect hazardous waste permits. Pennsylvania regulations do not incorporate Part 124 by reference; these changes are in the 25 Pa. Code areas that are regulatory analogs to Part 124.

§ 270a.60. *Permits-by-rule.* The section was modified by deleting a defunct notification deadline and adding a clarifying provision establishing that thermal treatment activities are not eligible to operate under the generator treatment in accumulation containers, tanks and containment buildings permit-by-rule.

§ 270a.83. *Preapplication public meeting and notice.* The amendment eliminates Class 2 permit modification as a “significant change” (suggested by the EPA during authorization updated review).

Subchapter I. Procedures for RCRA standardized permit § 270a.201.

This is a new subchapter that incorporates an analog to 40 CFR 124, Subpart G (Procedures for RCRA standardized permit). These permits are for generators who store waste for more than 90 days or conduct treatment in containers, tanks or containment buildings that do not qualify for generator treatment permit-by-rule. This permit is also available for accepting offsite waste from another generator that has the same owner. The standardized permit utilizes standard permit procedures, simplifying the permit process. A standardized permit is not available for thermal treatment.

Note: The new 40 CFR Part 270 Subchapter J—RCRA Standardized Permits for Storage and Treatment Units is incorporated by reference.

E. Summary of Comments and Responses on the Proposed Rulemaking

During the public comment period, the Board received approximately 23 comments from 11 industry organiza-

tions, the standing committee of the House and Senate, and the Independent Regulatory Review Commission (IRRC). A major concern raised during the public comment period was on the proposal to eliminate the option to use the Federally-incorporated financial test and corporate guarantee as an option to satisfy the closure and postclosure bond requirement. The final-form regulations eliminate the change to prohibit the use of the financial test and corporate guarantee, effectively retaining them as an option to satisfy the bond requirement. A series of comments were submitted by USEPA Region 3 that will expedite the authorization amendment for these regulations. Although the EPA's comments were received after the close of the public comment period, they were considered and incorporated in the final-form rulemaking.

F. Benefits, Costs and Compliance

Benefits

The regulatory changes will clarify some ambiguous provisions and eliminate redundant provisions and typographical errors. The changes include new requirements that address the Secretary's directive to review and revise all Department regulations to implement the goals contained in the Administration's priorities of increased environmental protection and improved human quality of life. The regulations will also provide a basis to solicit formal comment from the EPA for any changes required for approval of the regulations in an update application for state authorization of the hazardous waste program.

Compliance Cost

Most of the changes include clarifications and corrections that impose no new compliance costs. Some new requirements are intended to reduce compliance costs, such as the two new universal waste listings and the standardized permit. The implementation of the uniform manifest should provide cost saving to the regulated community.

Compliance Assistance Plan

As with previous hazardous waste management regulations, the Department's compliance assistance efforts will take three forms. Following promulgation as final-form rulemaking, the Department will prepare a fact sheet specifically addressing certain changes made by this regulatory amendment. The Department will also continue to work with the regulated community to explain impacts from the amendments and any necessary operational changes to remain in compliance. Information concerning these amendments and any necessary technical guidance documents will also be available on the Department's web site.

Paperwork Requirements

These regulations will result in a net reduction of paperwork requirements by implementing the uniform manifest and reducing other manifest, the universal waste reporting requirements and the standardized permit. Other changes do not affect paperwork requirements.

G. Pollution Prevention

For this regulatory change, the Department will require no additional pollution prevention efforts. The Department already provides pollution prevention educational material as part of its hazardous waste program. There is an existing requirement for hazardous waste generators to develop a source reduction strategy. The new universal wastes will help assure proper recycling or disposal that will facilitate pollution prevention by encouraging appropriate disposal of these wastes, preventing the hazardous

constituents from polluting the air, land and water. The Department is actively involved with the EPA in the National Partnership for Environmental Priorities (NPEP) program. The NPEP program targets priority pollutants to reduce or eliminate them in products (which are frequently disposed at end of life) and wastes as the result of manufacturing products.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 22, 2007, the Department submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 3249, to the IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 19, 2008, these final-form regulations were deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 20, 2008, and approved the final-form regulations.

J. Findings of the Board

The Board finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposal published at 37 Pa.B. 6421 (July 14, 2007).

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code, Chapters 260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b, 269a and 270a are amended by amending §§ 261a.8, 262a.10, 262a.12, 262a.21, 262a.100, 263a.12, 263a.13, 263a.20, 264a.1, 264a.71, 264a.83, 264a.143, 264a.145, 264a.153, 264a.154, 264a.156, 264a.157, 264a.168, 265a.71, 265a.83, 265a.143, 265a.145, 265a.153, 265a.154, 265a.156, 265a.163, 265a.168, 266a.70, 266b.1, 266b.3, 266b.11, 266b.12, 266b.31, 266b.32, 269a.50, 270a.2, 270a.6, 270a.41, 270a.42, 270a.51, 270a.60, 270a.83; by adding §§ 261a.39, 262a Appendix A, 266b.4, 266b.5, 266b.29, 266b.39, 267a.1, 267a.71, 261a.75, 267a.143 and 270a.201—270a.214; and by deleting §§ 260a.30, 262a.20, 262a.22, 262a.23, 262a.41, 263a.21, 263a.25, 263a.26,

264a.80, 264a.81, 264a.101, 264a.195, 265a.80, 265a.81, 265a.157, 265a.195 and 266b.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(Editor's Note: The proposal to amend §§ 264a.115 and 265a.115 (relating to certification of closure) included in the proposal at 37 Pa.B. 3249 have been withdrawn by the Board.)

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

(c) The Chairperson shall submit this order and Annex A to IRRC and Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

JOHN HANGER,
Acting Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 6668 (December 6, 2008).)

Fiscal Note: Fiscal Note 7-409 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 260a. HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

Subchapter C. RULEMAKING PETITIONS

§ 260a.30. (Reserved).

CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 261a.8. Requirements for universal waste.

In addition to the requirements incorporated by reference, oil-based finishes and photographic solutions as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under Chapter 266b (relating to universal waste management).

§ 261a.39. Conditional exclusion for used, broken cathode ray tubes (CRTs) and processed CRT glass undergoing recycling.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 261.39(a)(5) (relating to conditional exclusion for used, broken cathode ray tubes (CRTs) and processed CRT glass undergoing recycling).

CHAPTER 262a. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 262a.10. Incorporation by reference, purpose, scope and applicability.

Except as expressly provided in this chapter, 40 CFR Part 262 and its appendices (relating to standards applicable to generators of hazardous waste) are incorporated by reference. In 40 CFR 262.10(g) (relating to purpose, scope and applicability), the term "section 3008 of the act" is replaced with "Article VI of the Solid Waste Management Act (35 P.S. §§ 6018.601—6018.617)." 40 CFR 262.10(j) and (k) (relating to purpose, scope, and applicability) and Part 262 Subpart J (relating to University Laboratories XL Project—Laboratory Environmental Management Standard) are not incorporated by reference.

§ 262a.12. EPA identification numbers.

In addition to the requirements incorporated by reference:

(1) A generator shall submit a subsequent notification to the Department if:

(i) The generator activity moves to another location.

(ii) The generator facility's designated contact person changes.

(iii) The ownership of the generator facility changes.

(iv) The type of regulated activity that takes place at the generator facility changes.

(v) The generator's generator status changes, except when the generator status change is temporary.

(vi) The name of the facility changes.

(2) A generator shall offer a shipment of hazardous waste only to a transporter with a valid license issued by the Department.

Subchapter B. MANIFEST

§ 262a.20. (Reserved).

§ 262a.21. Manifest tracking numbers, manifest printing and obtaining manifests.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 262.21 (relating to manifest tracking numbers, manifest printing and obtaining manifests).

§§ 262a.22 and 262a.23. (Reserved).

§ 262a.41. (Reserved).

Subchapter I. SOURCE REDUCTION STRATEGY

§ 262a.100. Source reduction strategy.

(a) By January 17, 1994, a person or municipality that generates hazardous waste shall prepare a source reduction strategy in accordance with this section. Except as otherwise provided in this article, the strategy shall be signed by the person or municipality that generated the waste, be maintained on the premises where the waste is generated, be available on the premises for inspection by any representative of the Department and be submitted to the Department upon request. The strategy may designate certain production processes as confidential. This confidential information may not be made public without the expressed written consent of the generator. Unauthorized disclosure is subject to appropriate penalties as provided by law.

(b) For each type of waste generated, the strategy must include:

(1) A description of the source reduction activities conducted by the person or municipality in the 5 years prior to the date that the strategy is required to be prepared. The description must quantify reductions in the weight or toxicity of waste generated on the premises.

(2) A statement of whether the person or municipality established a source reduction program. This program must identify the methods and procedures that the person or municipality will implement to achieve a reduction in the weight or toxicity of waste generated on the premises, quantify the projected reduction in weight or toxicity of waste to be achieved by each method or procedure and specify when each method or procedure will be implemented.

(3) If the person or municipality has not established a source reduction program as described in paragraph (2), it shall develop a strategy including the following:

(i) A waste stream characterization, including source, hazards, chemical analyses, properties, generation rate, management techniques and management costs.

(ii) A description of potential source reduction options.

(iii) A description of how the options were evaluated.

(iv) An explanation of why each option was not selected.

(c) The strategy required by this section shall be updated when either of the following occurs:

(1) There is a significant change in a type of waste generated on the premises or in the manufacturing process, other than a change described in the strategy as a source reduction method.

(2) Every 5 years, unless the Department establishes, in writing, a different period for the person or municipality that generated the waste.

(d) If hazardous waste generated by a person or municipality will be treated, stored or disposed of at a solid waste management facility which has applied to the Department for approval to treat, store or dispose of the waste, the person or municipality that generated the hazardous waste shall submit the source reduction strategy required by this section to the facility upon the request of the facility.

(e) This section does not apply to persons or municipalities that generate a total of less than 1,000 kilograms of hazardous waste in each month of the year.

(f) A person or municipality that generates hazardous waste may reference existing documents it has prepared to meet other waste minimization requirements to comply with this section, including those proposed to comply with 40 CFR 262.41(a)(5)—(7) (relating to biennial report).

Appendix A

**Uniform Hazardous Waste Manifest and Instructions
(EPA Forms 8700-22 and 8700-22A and their instructions)**

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR Appendix to Part 262—Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and their instructions).

CHAPTER 263a. TRANSPORTERS OF HAZARDOUS WASTE

Subchapter A. GENERAL

§ 263a.12. Transfer facility requirements.

In addition to the requirements incorporated by reference:

(1) A transporter storing hazardous waste at a transfer facility for periods of not more than 10 days but greater than 3 days shall prepare an in-transit storage preparedness, prevention and contingency plan in addition to the transporter contingency plan as required by § 263a.13(b)(4) (relating to licensing). This plan shall be submitted under section 403(b)(10) of the act (35 P. S. § 6018.403(b)(10)) and approved in writing by the Department prior to the initiation of the storage.

(2) A transporter transferring hazardous waste from one vehicle to another at a transfer facility shall prepare an in-transit storage preparedness, prevention and contingency plan in addition to the transporter contingency plan as required by § 263a.13(b)(4). This plan shall be submitted under section 403(b)(10) of the act and shall be approved in writing by the Department.

§ 263a.13. Licensing.

(a) Except as otherwise provided in subsection (b), § 261a.5(c), § 266a.70(1) or § 266b.50 (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators; applicability and requirements; and applicability), a person or municipality may not transport hazardous waste within this Commonwealth without first obtaining a license from the Department.

(b) A person or municipality desiring to obtain a license to transport hazardous waste within this Commonwealth shall:

(1) Comply with 40 CFR 263.11 (relating to EPA identification number).

(2) File a hazardous waste transporter license application with the Department. The application shall be on a form provided by the Department and completed as required by the instructions supplied with the form.

(3) Deposit with the Department a collateral bond conditional upon compliance by the licensee with the act, this article, the terms and conditions of the license and a Department order issued to the licensee. The amount, duration, form, conditions and terms of the bond must conform to § 263a.32 (relating to bonding).

(4) Submit a transporter contingency plan for effective action to minimize and abate discharges or spills of hazardous waste from an incident while transporting hazardous waste, in accordance with the Department's guidelines for contingency plans.

(5) Supply the Department with relevant additional information it may require.

(c) Upon receiving the application and the information required in subsection (b), the Department will evaluate the application for a license and other relevant information and issue or deny the license. If a license is denied, the Department will advise the applicant in writing of the reasons for denial.

(d) A license granted or renewed under this chapter is valid for 2 years unless the Department determines that circumstances justify issuing a license for less than 2 years. The expiration date will be set forth on the license.

(e) A license to transport hazardous wastes is non-transferable and nonassignable and usable only by the licensee and employees of the licensee.

(f) The Department may revoke or suspend a license in whole or in part for one or more of the following reasons:

(1) Violation of an applicable requirement of the act or a regulation promulgated under the act.

(2) Aiding or abetting the violation of the act or a regulation promulgated under the act.

(3) Misrepresentation of a fact either in the application for the license or renewal or in information required or requested by the Department.

(4) Failure to comply with the terms or conditions placed upon the license or renewal.

(5) Failure to comply with an order issued by the Department.

(6) Failure to maintain the required bond amount.

(g) The application for a license shall be accompanied by a check for \$500 payable to the "Commonwealth of Pennsylvania." The application for license renewal shall be accompanied by a check for \$250 payable to the "Commonwealth of Pennsylvania."

(h) In addition to the fees required by subsection (g), the transporter shall submit a fee of \$5 for each license card requested in excess of ten cards.

(i) The licensee shall notify the Department within 30 days of any change in the information contained in the license application.

(j) A copy of the transporter contingency plan approved at licensure or approved as amended shall be carried on the transport vehicle while transporting hazardous waste.

Subchapter B. COMPLIANCE WITH THE MANIFEST SYSTEM AND RECORDKEEPING

§ 263a.20. Manifest system.

Relative to the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply in 40 CFR 263.20 (relating to manifest system), as incorporated by reference into this chapter.

§ 263a.21. (Reserved).

§ 263a.25. (Reserved).

§ 263a.26. (Reserved).

CHAPTER 264a. OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Subchapter A. GENERAL

§ 264a.1. Incorporation by reference, purpose, scope and reference.

(a) Except as expressly provided in this chapter, the requirements of 40 CFR Part 264 and its appendices (relating to standards for owners and operators of hazardous waste treatment, storage, and disposal facilities) are incorporated by reference.

(b) Relative to the requirements incorporated by reference:

(1) 40 CFR 264.1(f) (relating to purpose, scope and applicability), regarding state program authorization under 40 CFR Part 271 (relating to requirements for authorization of state hazardous waste programs) and Appendix VI to Part 264—(relating to political jurisdic-

tions in which compliance with 40 CFR 264.18(a) must be demonstrated) are not incorporated by reference.

(2) Instead of 40 CFR 264.1(b), this chapter applies to an owner or operator of facilities which treat, store or dispose of hazardous waste in this Commonwealth, except as specifically provided in this chapter, Chapters 261a and 266a and § 270a.60 (relating to identification and listing of hazardous waste; standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities; and permits-by-rule).

(3) Instead of 40 CFR 264.1(g)(2), this chapter does not apply to the owner or operator of a facility managing recyclable materials described in 40 CFR 261.6(a)(2)—(4) (relating to requirements for recyclable materials) except to the extent the requirements are referred to in Chapter 266a, Subchapters C, E, F, G or § 270a.60.

(4) 40 CFR 264.1(g)(6) (relating to elementary neutralization unit and wastewater treatment unit) is not incorporated by reference. The owner or operator of an elementary neutralization unit or wastewater treatment unit may satisfy permitting requirements by complying with § 270a.60(b)(1).

(5) This chapter does not apply to handlers and transporters of universal wastes identified in 40 CFR Part 273 (relating to standards for universal waste management) or additional Pennsylvania-designated universal wastes identified in Chapter 266b (relating to universal wastes).

Subchapter E. MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

§ 264a.71. Use of the manifest system.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 264.71 (relating to use of manifest system).

§ 264a.80. (Reserved).

§ 264a.81. (Reserved).

§ 264a.83. Administration fees during closure.

A nonrefundable administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" shall be forwarded to the Department within 30 days after receiving the final volumes of waste, and on or before January 20th of each succeeding year until the requirements of § 264a.115 (relating to certification of closure) are met. The fee shall be:

(1) Land disposal facilities—\$100.

(2) Impoundments—\$100.

(3) All other facilities—\$50.

Subchapter F. RELEASES FROM SOLID WASTE MANAGEMENT UNITS

§ 264a.101. (Reserved).

Subchapter G. CLOSURE AND POSTCLOSURE

Subchapter H. FINANCIAL REQUIREMENTS

§ 264a.143. Financial assurance for closure.

40 CFR 264.143 (relating to financial assurance for closure) is not incorporated by reference except for 40 CFR 264.143(f) as referenced in § 264a.156 (relating to special terms and conditions for collateral bonds and bonds pledging financial test or corporate guarantee for closure).

§ 264a.145. Financial assurance for postclosure care.

40 CFR 264.145 (relating to financial assurance for post-closure care) is not incorporated by reference; except for 40 CFR 264.145(f) as referenced in § 264a.156 (relating to special terms and conditions for collateral bonds and bonds pledging financial test or corporate guarantee for closure).

§ 264a.153. Requirement to file a bond.

(a) Hazardous waste storage, treatment and disposal facilities permitted under the act, or being treated as having a permit under the act, shall file a bond in accordance with this subchapter and in the amount determined by § 264a.160 (relating to bond amount determination), payable to the Department.

(b) The Department will not issue a new, revised, amended, modified or renewed permit for the storage, treatment or disposal of hazardous waste unless the applicant files with the Department a bond under this subchapter, payable to the Department, on a form prepared and provided by the Department, and the bond is approved by the Department.

(c) An applicant for a new, revised, amended, modified or renewed permit may not disturb surface acreage, start construction of facilities for the storage, treatment or disposal of hazardous waste, or accept hazardous waste prior to receipt from the Department of approval of bond and issuance of a permit to conduct a hazardous waste storage, treatment or disposal operation.

(d) A hazardous waste storage, treatment or disposal facility permitted or treated as having a permit, shall cease accepting hazardous waste unless the owner or operator submits a bond under this subchapter. The Department will review and determine whether or not to approve the bond within 1 year of the submittal. If, on review, the Department determines the owner or operator submitted an insufficient bond amount, the Department will require the owner or operator to deposit additional bond amounts under § 264a.162 (relating to bond amount adjustments).

§ 264a.154. Form, terms and conditions of bond.

(a) The Department accepts the following types of bond:

- (1) A surety bond.
- (2) A collateral bond.
- (3) A bond pledging a financial test or corporate guarantee.
- (4) A phased deposit collateral bond as provided in § 264a.157 (relating to phased deposits of collateral).

(b) The Department will prescribe and furnish the forms which shall be used for bond instruments.

(c) Bonds are payable to the Department and conditioned upon the faithful performance of the requirements of the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.4c, 1396.4e and 1396.15c—1396.25), the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), the regulations adopted thereunder, the terms and conditions of any permit issued thereunder, orders of the Department and amendments, revisions and changes to the acts, the regulations and the

terms and conditions of the hazardous waste storage, treatment and disposal facility permit as may be lawfully made in the future.

(d) The bond must cover the hazardous waste storage, treatment or disposal operations from the initiation of the operations until the bond is released as provided in this chapter. The bond must cover all operations and activities conducted within the permitted area and all effects caused by the hazardous waste activities within or without the permit area. An owner or operator of a new facility shall submit the bond to the Department at least 60 days before the date that hazardous waste is first received for treatment, storage or disposal.

(e) Bonds will be reviewed for legality and form according to established Commonwealth procedures.

§ 264a.156. Special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure.

* * * * *

(e) Bonds pledging a financial test or corporate guarantee for closure shall be subject to the requirements of 40 CFR 264.143(f) (relating to financial test and corporate guarantee for closure) and 40 CFR 264.145(f) (relating to financial assurance for post-closure care). Instead of the provisions of 40 CFR 264.143(f)(10)(i) (relating to financial assurance for closure) and 40 CFR 264.145(f)(11)(i), the procedures of § 264a.168 (relating to bond forfeiture), apply to bond forfeiture.

§ 264a.157. Phased deposits of collateral.

(a) An owner or operator may post a collateral bond in phased deposits for a new hazardous waste storage, treatment or disposal facility that will be continuously operated or used for at least 10 years from the date of issuance of the permit or permit amendment, according to all of the following requirements:

(1) The owner or operator submits a collateral bond form to the Department.

(2) The owner or operator deposits \$10,000 or 25%, whichever is greater, of the total amount of bond determined in this chapter in approved collateral with the Department.

(3) The owner or operator submits a schedule agreeing to deposit 10% of the remaining amount of bond, in approved collateral in each of the next 10 years.

(b) The owner or operator deposits the full amount of bond required for the hazardous waste storage, treatment or disposal facility within 30 days of receipt of a written demand by the Department to accelerate deposit of the bond. The Department will make the demand when one of the following occurs:

(1) The owner or operator fails to make a deposit of bond amount when required by the schedule for the deposits.

(2) The owner or operator violates the requirements of the act, this article, the terms and conditions of the permit or orders of the Department and has failed to correct the violations within the time required for the correction.

(c) Interest earned by collateral on deposit accumulates and becomes part of the bond amount until the owner or operator completes deposit of the requisite bond amount in accordance with the schedule of deposit. Interest so accumulated may not offset or diminish the amount required to be deposited in each of the succeeding years

set forth in the schedule of deposit, except that in the last year in which a deposit is due, the amount to be deposited is adjusted by applying the total accumulated interest to the amount to be deposited as established by the schedule of deposit.

§ 264a.168. Bond forfeiture.

(a) The Department will forfeit the bond for a hazardous waste storage, treatment or disposal facility if the Department determines that any of the following occur:

(1) The owner or operator fails and continues to fail to conduct the hazardous waste storage, treatment or disposal activities in accordance with this article, the act, the statutes in section 505(a) of the act (35 P.S. § 6018.505(a)), the terms and conditions of the permit or orders of the Department.

(2) The owner or operator abandons the facility without providing closure or postclosure care, or otherwise fails to properly close the facility in accordance with the requirements of this article, the act, section 505(a) of the act, the terms and conditions of the permit or orders of the Department.

(3) The owner or operator fails, and continues to fail to take those measures determined necessary by the Department to prevent effects upon the environment before, during and after closure and postclosure care.

(4) The owner or operator or financial institution becomes insolvent, fails in business, is adjudicated bankrupt, a delinquency proceeding is initiated under Article V of The Insurance Department Act of 1921 (40 P.S. §§ 221.1—221.63), files a petition in bankruptcy, in liquidation, for dissolution or for a receiver, or has a receiver appointed by the court, or has action initiated to suspend, revoke or refuse to renew the license or certificate of authority of the financial institution, or a creditor of the owner or operator attaches or executes a judgment against the owner's or operator's equipment, materials or facilities at the permit area or on the collateral pledged to the Department; and the owner or operator or financial institution cannot demonstrate or prove the ability to continue to operate in compliance with this article, the act, the statutes in section 505(a) of the act, the terms and conditions of the permit and orders of the Department.

(b) If the Department determines that bond forfeiture is appropriate, the Department will do the following:

(1) Send written notification by mail to the owner or operator, the host municipality and the surety on the bond, if any, of the Department's determination to forfeit the bond and the reasons for the forfeiture.

(2) Advise the owner or operator and surety, if any, of their right to appeal to the EHB under section 1921-A of The Administrative Code of 1929 (71 P.S. § 510-21).

(3) Proceed to collect on the bond as provided by applicable statutes for the collection of defaulted bonds or other debts.

(4) Deposit all money collected from defaulted bonds into the Solid Waste Abatement Fund. Use moneys received from the forfeiture of bonds, and interest accrued, first to accomplish final closure of, and to take steps necessary and proper to remedy and prevent adverse environmental effects from, the facility upon which liability was charged on the bonds. Excess moneys may be used for other purposes consistent with the Solid Waste Abatement Fund and the act.

(5) Forfeit all bond deposited for the facility, including all additional amounts of bond posted for the facility.

Subchapter J. TANK SYSTEMS

§ 264a.195. (Reserved).

CHAPTER 265a. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Subchapter E. MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

§ 265a.71. Use of the manifest system.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 265.71 (relating to use of manifest system).

§ 265a.80. (Reserved).

§ 265a.81. (Reserved).

§ 265a.83. Administration fees during closure.

A nonrefundable administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" shall be forwarded to the Department within 30 days after receiving the final volumes of waste, and on or before January 20th of each succeeding year until the requirements of § 264a.115 (relating to certification of closure) are met. The fee shall be:

- (1) Land disposal facilities—\$100.
- (2) Impoundments—\$100.
- (3) Other facilities—\$50.

Subchapter H. FINANCIAL REQUIREMENTS

§ 265a.143. Financial assurance for closure.

40 CFR 265.143 (relating to financial assurance for closure) is not incorporated by reference except for 40 CFR 265.143(e) as referenced in § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure).

§ 265a.145. Financial assurance for postclosure care.

40 CFR 265.145 (relating to financial assurance for postclosure care) is not incorporated by reference except for 40 CFR 265.145(e) as referenced in § 265a.156 (relating to special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure).

§ 265a.153. Requirement to file a bond.

(a) Hazardous waste storage, treatment and disposal facilities permitted under the act, or being treated as having a permit under the act, shall file a bond in accordance with this subchapter and in the amount determined by § 265a.160 (relating to bond amount determination), payable to the Department.

(b) The Department will not issue a new, revised, amended, modified or renewed permit for the storage, treatment or disposal of hazardous waste unless the applicant files with the Department a bond under this subchapter, payable to the Department, on a form prepared and provided by the Department, and the bond is approved by the Department.

(c) An applicant for a new, revised, amended, modified or renewed permit may not disturb surface acreage, start

construction of facilities for the storage, treatment or disposal of hazardous waste, or accept hazardous waste prior to receipt from the Department of approval of bond and issuance of a permit to conduct a hazardous waste storage, treatment or disposal operation.

(d) A hazardous waste storage, treatment or disposal facility permitted or treated as issued a permit, shall cease accepting hazardous waste unless the owner or operator has submitted a bond under this subchapter. The Department will review and determine whether or not to approve the bond within 1 year of the submittal. If, on review, the Department determines the owner or operator has submitted an insufficient bond amount, the Department will require the owner or operator to deposit additional bond amounts under § 265a.162 (relating to bond amount adjustments).

§ 265a.154. Form, terms and conditions of bond.

(a) The Department accepts the following types of bond:

- (1) A surety bond.
- (2) A collateral bond.
- (3) A bond pledging a financial test or corporate guarantee.

(b) The Department prescribes and furnishes the forms, which shall be used for bond instruments.

(c) Bonds are payable to the Department and conditioned upon the faithful performance of the requirements of the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), the regulations adopted thereunder, the terms and conditions of any permit issued thereunder, orders of the Department and amendments, revisions and changes to the acts, the regulations and the terms and conditions of the hazardous waste storage, treatment and disposal facility permit as may be lawfully made in the future.

(d) The bond must cover the hazardous waste storage, treatment or disposal operations from the initiation of the operations until the bond is released as provided in this chapter. The bond must cover all operations and activities conducted within the permitted area and all effects caused by the hazardous waste activities within or without the permit area. An owner or operator of a new facility shall submit the bond to the Department at least 60 days before the date that hazardous waste is first received for treatment, storage or disposal.

(e) Bonds will be reviewed for legality and form according to established Commonwealth procedures.

§ 265a.156. Special terms and conditions for collateral bonds and bonds pledging a financial test or corporate guarantee for closure.

* * * * *

(e) Bonds pledging a financial test or corporate guarantee for closure shall be subject to the requirements of 40 CFR 265.143(e) (relating to financial test and corporate guarantee for closure) and 40 CFR 265.145(e) (relating to financial assurance for post-closure care) except for the provision of 40 CFR 265.143(e)(10)(i) (relating to financial assurance for closure) as specified in § 264a.143(a) (relating to financial assurance for closure). This is replaced by the procedures of § 265a.168 (relating to bond forfeiture).

§ 265a.157. (Reserved).

§ 265a.163. Failure to maintain adequate bond.

If an owner or operator fails to post additional bond within 60 days after receipt of a written request by the Department for additional bond amounts under § 265a.162 (relating to bond amount adjustments), the Department will issue a notice of violation to the owner or operator, and if the owner or operator fails to deposit the required bond amount within 15 days of the notice, the Department will issue a cessation order for all of the hazardous waste storage, treatment and disposal facilities operated by the owner or operator and take additional actions that may be appropriate, including suspending or revoking permits.

§ 265a.168. Bond forfeiture.

(a) The Department will forfeit the bond for a hazardous waste storage, treatment or disposal facility when it determines that any of the following occur:

(1) The owner or operator fails and continues to fail to conduct the hazardous waste storage, treatment or disposal activities in accordance with this article, the act, the statutes in section 505(a) of the act (35 P. S. § 6018.505(a)), the terms and conditions of the permit or orders of the Department.

(2) The owner or operator abandons the facility without providing closure or postclosure care, or otherwise fails to properly close the facility in accordance with this article, the act, the statutes in section 505(a) of the act, the terms and conditions of the permit or orders of the Department.

(3) The owner or operator fails, and continues to fail to take those measures determined necessary by the Department to prevent effects upon the environment before, during and after closure and postclosure care.

(4) The owner or operator or financial institution becomes insolvent, fails in business, is adjudicated bankrupt, a delinquency proceeding is initiated under Article V of The Insurance Department Act of 1921 (40 P. S. §§ 221.1—221.63), files a petition in bankruptcy, in liquidation, for dissolution or for a receiver, or has a receiver appointed by the court, or had action initiated to suspend, revoke or refuse to renew the license or certificate of authority of the financial institution, or a creditor of the owner or operator attaches or executes a judgment against the owner's or operator's equipment, materials or facilities at the permit area or on the collateral pledged to the Department; and the owner or operator or financial institution cannot demonstrate or prove the ability to continue to operate in compliance with this article, the act, the statutes in section 505(a) of the act, the terms and conditions of the permit and orders of the Department.

(b) If the Department determines that bond forfeiture is appropriate, the Department will do the following:

(1) Send written notification by mail to the owner or operator, the host municipality and the surety on the bond, if any, of the Department's determination to forfeit the bond and the reasons for the forfeiture.

(2) Advise the owner or operator and surety, if any, of their right to appeal to the EHB under section 1921-A of The Administrative Code of 1929 (71 P. S. § 510-21).

(3) Proceed to collect on the bond as provided by applicable statutes for the collection of defaulted bonds or other debts.

(4) Deposit all money collected from defaulted bonds into the Solid Waste Abatement Fund. Use moneys

received from the forfeiture of bonds, and interest accrued, first to accomplish final closure of, and to take steps necessary and proper to remedy and prevent adverse environmental effects from the facility upon which liability was charged on the bonds. Excess moneys may be used for other purposes consistent with the Solid Waste Abatement Fund and the act.

(5) Forfeit all bond deposited for the facility, including all additional amounts of bond posted for the facility.

Subchapter J. TANK SYSTEMS

§ 265a.195. (Reserved).

CHAPTER 266a. MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Subchapter F. RECYCLABLE MATERIALS UTILIZED FOR PRECIOUS METAL RECOVERY

§ 266a.70. Applicability and requirements.

In addition to the requirements incorporated by reference:

(1) A transporter transporting recyclable materials utilized for precious metal recovery in accordance with 40 CFR Part 266, Subpart F (relating to recyclable materials utilized for precious metal recovery) is deemed to have a license for the transportation of those materials if the transporter complies with:

(i) The EPA identification number requirements of 40 CFR 263.11 (relating to EPA identification number).

(ii) The hazardous waste transporter fee requirements of § 263a.23 (relating to hazardous waste transportation fee).

(2) An owner or operator of facilities that treat recyclable materials to make the materials suitable for reclamation of economically significant amounts of the precious metals identified in 40 CFR Part 266, Subpart F is subject to § 261a.6(c) (relating to requirements for recyclable materials) unless the owner or operator is eligible for a permit by rule for the treatment under § 270a.60(b)(5) (relating to permits by rule).

CHAPTER 266b. UNIVERSAL WASTE MANAGEMENT

Subchapter A. GENERAL

§ 266b.1. Incorporation by reference and scope.

(a) Except as expressly provided in this chapter, 40 CFR Part 273 (relating to standards for universal waste management) is incorporated by reference.

(b) In addition to the requirements incorporated by reference in 40 CFR 273.1 (relating to scope), oil-based finishes as defined in § 266b.3 (relating to definitions) are included as waste listed in the definition of "universal waste."

(c) In addition to the requirements incorporated by reference in 40 CFR 273.1, photographic solutions as defined in § 266b.3 are included as waste listed in the definition of "universal waste."

§ 266b.2. (Reserved).

§ 266b.3. Definitions.

In addition to the definitions incorporated by reference in 40 CFR 273.9 (relating to definitions), the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Oil-based finishes—

(i) Any paint or other finish that may exhibit, or is known to exhibit, a hazardous waste characteristic as specified in 40 CFR Part 261 Subpart C (relating to characteristics of hazardous waste), or which contains a listed hazardous waste as specified in 40 CFR Part 261 Subpart D (relating to lists of hazardous wastes), and is in original packaging, or otherwise appropriately contained and clearly labeled.

(ii) Examples of oil-based finishes include, but are not limited to, oil-based paints, lacquers, stains and aerosol paint cans.

*Photographic solutions—*Silver-bearing waste streams resulting from photographic processing solutions or rinse water.

§ 266b.4. Applicability—oil-based finishes.

(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing oil-based finishes as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following oil-based finishes:

(1) Oil-based finishes that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when oil-based finishes become wastes.

(2) Oil-based finishes that are not hazardous waste. An oil-based finish is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) Used oil-based finishes become a waste on the date they are discarded or sent for reclamation.

(d) Unused oil-based finishes become a waste on the date the handler discards them.

§ 266b.5. Applicability—photographic solutions.

(a) In addition to the requirements incorporated by reference in 40 CFR Part 273 (relating to standards for universal waste management), this chapter applies to persons managing photographic solutions as defined in § 266b.3 (relating to definitions), except those listed in subsection (b).

(b) This section does not apply to persons managing the following photographic solutions:

(1) Photographic solutions that are not yet wastes under Chapter 261a (relating to identification and listing of hazardous waste). Subsections (c) and (d) describe when photographic solutions become wastes.

(2) Photographic solutions that are not hazardous waste. A photographic solution is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR Part 261, Subpart C (relating to characteristics of hazardous waste).

(c) Used photographic solutions become a waste on the date they are discarded or sent for reclamation.

(d) Unused photographic solutions become a waste on the date the handler discards them.

Subchapter B. SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

§ 266b.11. Waste management for universal waste oil-based finishes.

A small quantity handler of universal waste oil-based finishes shall manage oil-based finishes, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste oil-based finishes shall contain oil-based finishes that show evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the oil-based finish and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may not process oil-based finishes (including opening, blending, filtering, and the like).

§ 266b.12. Waste management for universal waste photographic solutions.

A small quantity handler of universal waste photographic solutions shall manage waste photographic solutions, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A small quantity handler of universal waste photographic solutions shall manage the photographic solutions in a lidded container. The container must be closed, structurally sound, compatible with the photographic solutions, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A small quantity handler of universal waste may not process photographic solutions (for example, including, but not limited to, opening, blending, filtering, and the like).

§ 266b.29. Labeling/marketing.

In addition to the requirements incorporated by reference in 40 CFR 273.14 (relating to labeling/marketing), a small quantity handler of universal waste shall label:

(1) Each container of universal waste oil-based finish, or the container in which universal waste oil-based finishes are contained, with "universal waste oil-based finish" or "waste oil-based finish."

(2) Each container of universal waste photographic solutions, or the container in which universal waste photographic solutions are contained, with "universal waste photographic solutions" or "waste photographic solutions."

Subchapter C. LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

§ 266b.31. Waste management for universal waste oil-based finishes.

A large quantity handler of universal waste oil-based finishes shall manage oil-based finishes, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste oil-based finishes shall contain oil-based finishes that show

evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the oil-based finish, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may not process oil-based finishes (for example including, but not limited to, opening, blending, filtering, and the like).

§ 266b.32. Waste management for universal waste photographic solutions.

A large quantity handler of universal waste photographic solutions shall manage waste photographic solutions, in their original or otherwise appropriate and labeled packaging, in a way that prevents releases of universal waste or a component of a universal waste to the environment, as follows:

(1) A large quantity handler of universal waste photographic solutions shall manage the photographic solutions in a lidded container. The container must be closed, structurally sound, compatible with the photographic solutions, and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

(2) A large quantity handler of universal waste may not process photographic solutions (for example including, but not limited to, opening, blending, filtering, and the like).

§ 266b.39. Labeling/marketing.

In addition to the requirements incorporated by reference in 40 CFR 273.34 (relating to labeling/marketing), a large quantity handler of universal waste shall label:

(1) Each container of universal waste oil-based finish, or the container in which universal waste oil-based finishes are contained, with "universal waste oil-based finish" or "waste oil-based finish."

(2) Each container of universal waste photographic solutions, or the container in which universal waste photographic solutions are contained, with "universal waste photographic solutions" or "waste photographic solutions."

CHAPTER 267a. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT

Subchap.

- A. General
- E. Manifest System, Recordkeeping, Reporting, and Notifying
- H. Financial Requirements

Subchapter A. GENERAL

Sec.

267a.1. Incorporation by reference, purpose, scope and applicability.

§ 267a.1. Incorporation by reference, purpose, scope and applicability.

40 CFR Part 267 (relating to standards for owners and operators of hazardous waste facilities operating under a standardized permit) is incorporated by reference.

Subchapter E. MANIFEST SYSTEM, RECORDKEEPING, REPORTING, AND NOTIFYING

Sec.

- 267a.71. Use of the manifest system.
- 267a.75. Reporting requirements.

§ 267a.71. Use of the manifest system.

Relative to the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to termi-

nology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 267.71(d) (relating to use of the manifest system).

§ 267a.75. Reporting requirements.

Relative to the requirements incorporated by reference, the owner or operator shall submit to the Department its biennial report on EPA Form 8700-13B.

Subchapter H. FINANCIAL REQUIREMENTS

Sec.

267a.143. Financial assurance for closure.

§ 267a.143. Financial assurance for closure.

Regarding the requirements incorporated by reference, instead of 40 CFR 267 Subpart H (relating to financial requirements), owners or operators of hazardous waste facilities operating under a standardized permit shall comply with Chapter 264a, Subchapter H (relating to financial requirements).

CHAPTER 269a. SITING

Subchapter A. SITING HAZARDOUS WASTE TREATMENT AND DISPOSAL FACILITIES

PHASE II CRITERIA

§ 269a.50. Environmental assessment considerations.

* * * * *

(b) If the Department determines that there is a significant impact on natural, scenic, historic or aesthetic values of the environment, the Department will consult with the applicant to examine ways to reduce the environmental incursion to a minimum. If, after consideration of mitigation measures, the Department finds that significant environmental harm will occur, the Department will evaluate the social and economic benefits of the proposed facility to determine whether the harm outweighs the benefits. The evaluation of environmental harm must include, at a minimum, a consideration of the impact of the proposed facility on the 15 types of environmental resources described in this subsection. There may be additional potentially affected natural, scenic, historic or aesthetic values which the Department is constitutionally obligated to protect that will be considered for proposed facilities in some locations. In those instances, the Department will identify additional potential impacts for the applicant. The following criteria may not be construed as an attempt to limit or restrict the responsibilities of a Commonwealth agency under PA. CONST. ART. I, § 27.

* * * * *

(5) If the facility is located within 1 mile of a National Natural Landmark designated by the United States National Park Service, or a natural area or wild area designated by a State or Federal agency, the applicant shall provide information and analyses to allow the Department to assess the extent to which the proposed facility may create adverse environmental, visual or traffic impacts on the National Landmark, natural area or wild area.

* * * * *

CHAPTER 270a. HAZARDOUS WASTE PERMIT PROGRAM

Subchapter A. GENERAL INFORMATION

§ 270a.2. Definitions.

(a) The definitions for "disposal," "person," "standardized permit" and "storage" are not incorporated by reference.

(b) The substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply for the terms "Administrator," "Director," "Environmental Protection Agency" and "Regional Administrator" found in 40 CFR 270.2 (relating to definitions).

(c) The term "standardized permit" means a permit issued under Subchapter I (relating to procedures for standardized permit) and 40 CFR Part 270, Subpart J (relating to RCRA standardized permits for storage and treatment units) authorizing the facility owner or operator to manage hazardous waste. The standardized permit may have two parts: A uniform portion issued in all cases and a supplemental portion issued at the Department's discretion.

§ 270a.6. References.

Regarding the requirements incorporated by reference, the term "Federal Register" retains its meaning and is not replaced by the term "Pennsylvania Bulletin" when used in 40 CFR 270.6 (relating to references).

Subchapter D. CHANGES TO PERMITS

§ 270a.41. Procedures for modification, termination or revocation and reissuance of permits.

Instead of the procedures required in 40 CFR Part 124 (relating to procedures for decision making), permits are modified, terminated or revoked and reissued in accordance with the following:

(1) The Department may modify, revoke and reissue, or terminate a permit either at the request of an interested person, including the permittee, or upon the Department's initiative for reasons specified in 40 CFR 270.41—270.43 (relating to modification or revocation and reissuance of permits; permit modification at the request of the permittee; and modification or revocation and reissuance of permits, and termination of permits) or for a reason authorized under the act, this article or the terms and conditions of the permit. A request must be in writing and contain facts or reasons supporting the request.

(2) If the Department decides the request is not justified, the Department sends a brief written response giving a reason for the decision to the requester. The Department's refusal to modify, or revoke and reissue a permit under a request is not subject to public notice, comment or hearings.

(3) If the Department tentatively decides to modify, terminate or revoke and reissue a permit, in accordance with the incorporated provisions of 40 CFR 270.41, 270.42(c) or 270.43, the Department will prepare a draft permit under § 270a.10(c)(7)—(10) (relating to general application requirements) incorporating the proposed changes. The Department may request in writing additional information from the permittee and may require the permittee to submit an updated permit application. In the case of revoked and reissued permits, other than under 40 CFR 270.41(b)(3), the Department requires the submission of a new application. In the case of revoked and reissued permits under 40 CFR 270.41(b)(3), the permittee shall comply with the appropriate requirements in Subchapter I (relating to procedures for standardized permit). The permittee shall submit additional information or an updated or new application under a written request by the Department within the time specified by the Department.

(4) In a permit modification under this section, only those conditions to be modified are reopened when a new draft permit is prepared. Other aspects of the existing permit remain in effect for the duration of the permit.

When the permit is revoked and reissued, the entire permit is reopened just as if the permit expired and is reissued. During a revocation and reissuance proceeding, the permittee shall comply with all conditions of the existing permit until a new final permit is issued.

(5) If the Department tentatively decides to terminate a permit in accordance with the incorporated provisions of 40 CFR 270.43, it issues a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as a draft permit prepared under § 270a.10(c)(7)–(10).

(6) Class 1 modifications, as listed in the Appendix I to 40 CFR 270.42, are not subject to the requirements of this section.

§ 270a.42. Permit modification at the request of the permittee.

(a) Instead of complying with 40 CFR Part 124.10(c)(ix) (relating to public notice of permit actions and public comment period), the permittee shall send a notice to those persons in § 270a.80(d)(iv) (relating to public notice and comment requirements).

(b) Instead of the appeal procedure in 40 CFR 124.19 (relating to appeal of RCRA, UIC, NPDES, PSD permits), the Department’s decision to grant or deny permit modifications may be appealed to the EHB under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514).

(c) Applicants seeking a Class 3 permit modification shall also comply with § 270a.83 (relating to preapplication public meeting and notice). Instead of the public notice and public meeting time frames contained in the introductory paragraph of 40 CFR 270.42(c)(2) and (4) (relating to permit modification at the request of the permittee), applicants seeking a Class 3 permit modification shall comply with the time frames under § 270a.83(b) and (d).

Subchapter E. EXPIRATION AND CONTINUATION OF PERMITS

§ 270a.51. Continuation of existing permits.

(a) 40 CFR 270.51 (relating to continuance of expiring permits) is not incorporated by reference.

(b) The conditions of an expired permit continue in force until the effective date of a new permit if the following conditions are met:

(1) The permittee has submitted a timely application which is a complete application for a new permit.

(2) The Department, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(c) Permits continued under this section remain fully effective and enforceable.

(d) When the permittee is not in compliance with the conditions of the expiring or expired permit, the Department may choose to do one or more of the following:

(1) Initiate enforcement action based upon the permit which has been continued.

(2) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would be required to cease activities authorized by the continued permit or be subject to enforcement action for operating without a permit.

(3) Issue a new permit with appropriate conditions.

(4) Take other actions authorized by these regulations.

(e) The conditions of an expired standardized permit continue in force until the effective date of a new permit if the following conditions are met:

(1) The permittee has submitted a timely and complete Notice of Intent under 40 CFR 124.202(b) (relating to how do I as a facility owner or operator apply for a standardized permit?) requesting coverage under a RCRA standardized permit.

(2) The Department, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit (for example, when issuance is impracticable due to time or resource constraints).

(f) When the Department notifies a permittee that the permittee is not eligible for a standardized permit (see 40 CFR 124.206 (relating to in what situations may I require a facility owner or operator to apply for an individual permit?)), the conditions of the expired permit will continue if the permittee submits a timely and complete application for a new permit within 60 days after the notification.

Subchapter F. SPECIAL FORMS OF PERMITS

§ 270a.60. Permits-by-rule.

(a) Relative to the requirements incorporated by reference, the following are substituted for the introductory paragraph in 40 CFR 270.60 (relating to permits by rule):

(1) In addition to other provisions of this chapter, the activities listed in this section are deemed to have a hazardous waste management permit if the owner or operator gives prior notification to the Department on a form provided by the Department and the conditions listed are met.

(b) In addition to the requirements incorporated by reference, the following requirements apply:

* * * * *

(2) A generator that treats its own hazardous waste in containers, tanks or containment buildings is deemed to have a permit-by-rule, if the owner or operator complies with the following requirements:

* * * * *

(vi) Treatment activities subject to requirements in addition to those specified in this section are not eligible to operate under this permit-by-rule.

* * * * *

Subchapter H. PUBLIC NOTICE AND HEARINGS

§ 270a.83. Preapplication public meeting and notice.

(a) *Applicability.*

(1) This section applies to RCRA Part B applications seeking initial permits for hazardous waste management units over which the Department has permit issuance authority.

(2) This section also applies to RCRA Part B applications seeking renewal of permits for the units, if the renewal application is proposing a significant change in facility operations.

(3) For the purposes of this section, a “significant change” is a change that would qualify as a Class 3 permit modification under 40 CFR 270.42 (relating to

permit modification at the request of the permittee) and § 270a.42 (relating to permit modification at the request of the permittee).

(4) This section also applies to hazardous waste management facilities for which facility owners or operators are seeking coverage under a RCRA standardized permit (see 40 CFR Part 270, Subpart J (relating to RCRA standardized permits for storage and treatment units)), including renewal of a standardized permit for the units, when the renewal is proposing a significant change in facility operations, as defined in 40 CFR 124.211(c) (relating to what types of changes may I make to my standardized permit?).

(5) This section does not apply to Class 1 or Class 2 permit modifications under 40 CFR 270.42 and § 270a.42 or to applications that are submitted for the sole purpose of conducting postclosure activities or postclosure activities and corrective action at a facility.

(b) Prior to the submission of a Part B RCRA permit application for a facility, or to the submission of a written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR Part 270, Subpart J), the applicant shall hold at least one meeting with the public to solicit questions from the community and inform the community of proposed hazardous waste management activities. The applicant shall post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

(c) The applicant shall submit a summary of the meeting, along with the list of attendees and their addresses developed under subsection (b), and copies of any written comments or materials submitted at the meeting, to the Department as a part of the Part B application, under 40 CFR 270.14(b) (relating to contents of Part B: general requirements), or with the written Notice of Intent to be covered by a RCRA standardized permit (see 40 CFR Part 270, Subpart J).

(d) The applicant shall provide public notice of the preapplication meeting at least 30 days prior to the meeting. The applicant shall maintain, and provide to the Department upon request, documentation of the notice.

(1) The applicant shall provide public notice in the following forms:

(i) *Newspaper advertisement.* The applicant shall publish a notice, fulfilling the requirements in paragraph (2), in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the Department will instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties or equivalent jurisdictions, if the Department determines that the publication is necessary to inform the affected public. The notice shall be published as a display advertisement.

(ii) *Visible and accessible sign.* The applicant shall post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in paragraph (2). If the applicant places the sign on the facility property, the sign shall be large enough to be readable from the nearest point where the public would pass by the site.

(iii) *Broadcast media announcement.* The applicant shall broadcast a notice, fulfilling the requirements in paragraph (2), at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the Department.

(iv) *Notice to the Department.* The applicant shall send a copy of the newspaper notice to the Department and to the appropriate units of State and local government.

(2) The notices required under paragraph (1) must include the following:

(i) The date, time and location of the meeting.

(ii) A brief description of the purpose of the meeting.

(iii) A brief description of the facility and proposed operations, including the address or a map—for example, a sketched or copied street map—of the facility location.

(iv) A statement encouraging people to contact the facility at least 72 hours before the meeting if they need special access to participate in the meeting.

(v) The name, address and telephone number of a contact person for the applicant.

Subchapter I. PROCEDURES FOR STANDARDIZED PERMIT

Sec.

270a.201. Incorporation by reference, scope and applicability.

270a.202. Applying for a standardized permit.

270a.203. Switching from an individual RCRA permit to a standardized permit.

270a.204. Procedures for preparing a draft standardized permit.

270a.205. Procedures for preparing a final standardized permit.

270a.206. Requirement to apply for an individual permit.

270a.207. Requirements for standardized permit public notices.

270a.208. Opportunities for public comments and hearings on draft standardized permit decisions.

270a.209. Response to comments.

270a.210. Procedures to appeal a final standardized permit.

270a.212. Making routine changes.

270a.214. Making significant changes.

§ 270a.201. Incorporation by reference, scope and applicability.

(a) Except as expressly provided in this subchapter, 40 CFR Part 124, Subpart G (relating to procedures for RCRA standardized permit) is incorporated by reference.

(b) The reference to § 124.2 in the introductory paragraph to 40 CFR 124.200 (relating to what is a RCRA standardized permit?) is replaced with § 270a.2(c) (relating to definitions).

(c) The requirements of §§ 270a.3, 264a.82, 264a.83, 265a.82 and 265a.83 do not apply to standardized permits.

§ 270a.202. Applying for a standardized permit.

Relative to the requirements incorporated by reference, the reference to 40 CFR 124.31 (relating to pre-application public meeting and notice) is replaced with § 270a.83 (relating to preapplication public meeting and notice).

§ 270a.203. Switching from an individual RCRA permit to a standardized permit.

Relative to the requirements incorporated by reference, the reference to 40 CFR 124.5 (relating to modification, revocation and reissuance, or termination of permits) is replaced with § 270a.41 (relating to procedures for modification, termination or revocation and reissuance of permits), and the reference to 40 CFR 124.204 (relating to what must I do as the Director of the regulatory agency to prepare a draft standardized permit?) is replaced with § 270a.204 (relating to procedures for preparing a draft standardized permit).

§ 270a.204. Procedures for preparing a draft standardized permit.

40 CFR 124.204 (relating to what must I do as the director of the regulatory agency to prepare a draft standardized permit?) is not incorporated by reference. Draft standardized permits are prepared in accordance with the following:

(1) The Department will review the Notice of Intent and supporting information submitted by the facility owner or operator.

(2) The Department will determine whether the facility is or is not eligible to operate under the standardized permit.

(i) If the facility is eligible for the standardized permit, the Department will propose terms to include in a supplemental portion. If the Department determines that these terms and conditions are necessary to protect human health and the environment and cannot be imposed, coverage under the standardized permit will be denied.

(ii) If the facility is not eligible for the standardized permit, the Department will tentatively deny coverage under the standardized permit. Cause for ineligibility may include the following:

(A) Failure of the owner or operator to submit all the information required under 40 CFR 270.275 (relating to what information must I submit to the permitting agency to support my standardized permit application?).

(B) Information submitted that is required under 40 CFR 270.275 is determined to be inadequate.

(C) The facility does not meet the eligibility requirements (activities are outside the scope of the standardized permit).

(D) A demonstrated history of significant noncompliance with applicable requirements.

(E) Permit conditions cannot ensure protection of human health and the environment.

(3) The Department will prepare a draft permit decision within 120 days after receiving the Notice of Intent and supporting documents from a facility owner or operator. The tentative determination under this section to deny or grant coverage under the standardized permit, including any proposed site-specific conditions in a supplemental portion, constitutes a draft permit decision. During the initial 120-day review period the Department may notify the permit applicant and take up to an additional 30 days to prepare a draft permit decision if determined necessary to complete review of documents submitted with the Notice of Intent.

(4) The Department's draft permit decision will be accompanied by a statement of basis or fact sheet as provided for in § 270a.10(c)(10)–(12) (relating to general application requirements and permit issuance procedures).

§ 270a.205. Procedures for preparing a final standardized permit.

40 CFR 124.205 (relating to what must I do as the director of the regulatory agency to prepare a final standardized permit?) is not incorporated by reference. Final standardized permits are prepared in accordance with the following: The Department will consider all comments received during the public comment period under § 270a.208 (relating to opportunities for public comments and hearings on draft standardized permit decisions) in making a final permit decision.

§ 270a.206. Requirement to apply for an individual permit.

40 CFR 124.206 (relating to in what situations may I require a facility owner or operator to apply for an individual permit?) is not incorporated by reference.

(1) The Department may determine that a facility is not eligible for the standardized permit based on the following:

(i) The facility does not meet the criteria in 40 CFR 124.201 (relating to who is eligible for a standardized permit?).

(ii) The facility has a demonstrated history of significant noncompliance with regulations or permit conditions.

(iii) The facility has a demonstrated history of submitting incomplete or deficient permit application information.

(iv) The facility has submitted incomplete or inadequate materials with the Notice of Intent.

(2) If the Department determines that a facility is not eligible for the standardized permit, the Department will inform the facility owner or operator that it shall apply for an individual permit.

(3) The Department may require a facility that has a standardized permit to apply for and obtain an individual permit. An interested person may petition the Department to take action under this paragraph. Cases when the Department may require an individual permit include the following:

(i) The facility is not in compliance with the terms and conditions of the standardized permit.

(ii) Circumstances have changed since the time the facility owner or operator applied for the standardized permit, so that the facility's hazardous waste management practices are no longer appropriately controlled under the standardized permit.

(4) If the Department requires a facility authorized by a standardized permit to apply for an individual permit, the Department will notify the facility owner or operator in writing that an individual permit application is required. The Department will include in this notice a brief statement of the reasons for the decision, a statement setting a deadline for the owner or operator to file the application, and a statement that, on the effective date of the individual permit, the facility's standardized permit automatically terminates. The Department may grant additional time to file an application for an individual permit upon request from the facility owner or operator.

(5) When the Department issues an individual permit to an owner or operator otherwise subject to a standardized permit, the standardized permit for the facility will automatically cease to apply on the effective date of the individual permit.

§ 270a.207. Requirements for standardized permit public notices.

40 CFR 124.207 (relating to what are the requirements for public notices?) is not incorporated by reference.

(1) The Department will provide public notice of a draft standardized permit decision and an opportunity for the public to submit comments and request a hearing on the decision. The Department will provide the public notice to:

(i) The applicant.

(ii) Another agency that the Department knows has issued or is required to issue a RCRA, underground injection control, prevention of significant deterioration (or other permit under the Clean Air Act), NPDES, 404, sludge management permit, or ocean dumping permit under the Marine Protection, Research, and Sanctuaries

Act of 1972, the act of October 23, 1972 (Pub. L. No. 92-532, 86 Stat. 52) for the same facility or activity, including the EPA.

(iii) Federal or State agencies with jurisdiction over fish, shellfish and wildlife resources or coastal zone management plans, the Advisory Council on Historic Preservation, State historic preservation officers, and other appropriate government authorities, including any affected states.

(iv) Each person on a mailing list developed by the Department, which includes a person who submits to the Department a request in writing to be included on the list, a person solicited for area lists from participants in past permit proceedings in that area, and a member of the public notified of the opportunity to be put on the mailing list through periodic publication in the public press and in regional and State-funded newsletters, environmental bulletins or State law journals. The Department may update the mailing list periodically by requesting written indication of continued interest from those listed. The Department may delete from the list the name of a person who fails to respond to the request.

(v) Units of local government having jurisdiction over the area where the facility is located or proposed to be located.

(vi) State agencies having authority under State statute with respect to the construction or operation of the facility.

(2) The Department will issue the public notice according to the following methods:

(i) Publication of a notice in the *Pennsylvania Bulletin* and in a daily or weekly major local newspaper of general circulation and broadcast over local radio stations.

(ii) Other methods reasonably calculated to give actual notice of the action in question to a person potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(3) The Department will include the following information in the public notice:

(i) The name and telephone number of the contact person at the facility.

(ii) The name and telephone number of the Department office, and a mailing address to which people may direct comments, information, opinions or inquiries.

(iii) An address to which people may write to be put on the facility mailing list.

(iv) The location where people may view and make copies of the draft standardized permit and the Notice of Intent and supporting documents.

(v) A brief description of the facility and proposed operations, including the address or a map of the facility location on the front page of the notice.

(vi) The date that the facility owner or operator submitted the Notice of Intent and supporting documents.

(4) At the same time the public notice under this section is issued, the Department will place the draft standardized permit (including both the uniform portion and the supplemental portion, if any), the Notice of Intent and supporting documents, and the statement of basis or fact sheet in a location accessible to the public in the vicinity of the facility or at a Department office in the vicinity of the facility.

§ 270a.208. Opportunities for public comments and hearings on draft standardized permit decisions.

40 CFR 124.208 (relating to what are the opportunities for public comments and hearings on draft permit decisions?) is not incorporated by reference.

(1) The public notice that the Department issues under § 270a.207 (related to requirements for standardized permit public notices) will allow at least a 45-day public comment period for people to submit written comments on the draft standardized permit decision. The public comment period will automatically be extended to the close of a public hearing under this section. The hearing officer may also extend the public comment period by so stating at the hearing.

(2) During the public comment period, any interested person may submit written comments on the draft standardized permit and may request a public hearing. Requests for public hearings must be submitted in writing to the Department and state the nature of the issues proposed to be raised during the hearing.

(3) The Department will hold a public hearing if a written notice of opposition to a standardized permit and a request for a hearing is received within the public comment period under paragraph (1). The Department may also hold a public hearing at its discretion, whenever, for instance, a hearing may clarify one or more issues involved in the standardized permit decision.

(4) Whenever possible, the Department will schedule a hearing under this section at a location convenient to the nearest population center to the facility. The Department will give public notice of the hearing at least 30 days before the date of the hearing.

(5) The Department will give public notice of the hearing according to the methods in § 270a.207(1) and (2). A person may submit oral or written statements and data concerning the draft standardized permit before, during or after the public hearing, as long as the Department receives the statements and data during the public comment period. The Department may set reasonable time limits upon the time allowed for oral statements and may require the submission of statements in writing. The Department will make a tape recording or written transcript of the hearing available to the public.

(6) Comments submitted in accordance with this section on the draft standardized permit decision may include the facility's eligibility for the standardized permit, the proposed supplemental conditions, if any, and the need for additional supplemental conditions.

§ 270a.209. Response to comments.

40 CFR 124.209 (relating to what are the requirements for responding to comments?) is not incorporated by reference.

(1) At the time the Department issues a final standardized permit, it will also respond to comments received during the public comment period on the draft standardized permit. The Department's responses will:

(i) Specify which additional conditions, if any, were changed in the final permit and the reasons for the change.

(ii) Briefly describe and respond to all comments on the facility's ability to meet the terms and conditions of the standardized permit, and on any additional conditions necessary to protect human health and the environment.

(2) The Department may request additional information from the facility owner or operator or inspect the

facility if it determines that additional information is necessary to adequately respond to comments or to make decisions regarding the terms and conditions of the standardized permit.

(3) The Department will make its response to public comments available to the public.

§ 270a.210. Procedures to appeal a final standardized permit.

40 CFR 124.210 (relating to may I, as an interested party in the permit process, appeal a final standardized permit?) is not incorporated by reference. The final standardized permit will contain information regarding the procedures to follow to appeal the Department's final permit decision, including the decision that the facility is eligible for the standardized permit. The terms and conditions of the uniform portion of the standardized permit are not subject to appeal.

§ 270a.212. Making routine changes.

Regarding the 40 CFR 124.212 requirements incorporated by reference, the reference to 40 CFR 124.10(c)(1)(ix) and (x) (relating to public notice of permit actions and public comment period) is replaced with § 270a.207(1)(iv)—(vi) (relating to requirements for standardized permit public notices).

§ 270a.214. Making significant changes.

Regarding the requirements incorporated by reference, the reference to 40 CFR 124.31(d) (relating to pre-application public meeting and notice) is replaced with § 270a.83(d) (relating to preapplication public meeting and notice).

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affected by the act. Section 16 of Act 99 requires the Board to promulgate regulations to implement Act 99.

C. Background and Need for Amendment

Act 99 made substantial changes to the act by adding a new limited license classification—the natural hair braider license; by making changes to terminology in the act; by making other changes within the act to implement the new natural hair braider license; and by extending to all limited license classes: (1) the ability to practice outside of a licensed salon in a client's residence under specified circumstances; (2) the ability to practice on a temporary license; and (3) the prohibition on booth rental within a licensed salon. These changes require corresponding changes and additions to Chapter 7.

Because the Board needed to make wholesale changes to Chapter 7 to implement Act 99, the Board also took the opportunity to propose a number of other changes to the regulations. Although piecemeal changes have been made to the regulations over the years, generally in response to legislative changes to the act, the Board had not undertaken an overall review and update since 1975. In the intervening period, some of the Board's regulatory provisions have become obsolete, terms of art have changed, standards of sanitation have evolved, some of the Board's licensing and examination processes have changed and deficiencies or errors in the regulations have become apparent. Accordingly, in this rulemaking the Board makes changes, in addition to those required by Act 99, that the Board finds necessary to update the regulations and to address the way the profession and the Board have changed since 1975.

D. Summary of Comments and the Board's Response

Notice of proposed rulemaking was published at 37 Pa.B. 4628 (August 25, 2007). During the public comment period, the Board received comments from the Pennsylvania Association of Private School Administrators (PAPSA), York County School of Technology (YCST), the Empire Education Group (Empire), the Pennsylvania Academy of Cosmetology Arts & Sciences, and Debbie Ralph and Lisa Hopkins, two licensed cosmetology teachers. In addition, as part of their review under the Regulatory Review Act (71 P. S. §§ 745.1—745.12), the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) submitted comments. The following represents a summary of the comments received and the Board's response.

HPLC comments:

The HPLC asked if there should be an accreditation provision added to the "school of cosmetology" definition. As the statute currently reads, a school of cosmetology has 5 years from its licensure date to attain accreditation. Therefore, because a school of cosmetology can exist for up to 5 years without being accredited, the Board does not believe it is appropriate to amend the definition as suggested.

The HPLC also asked for a clarification on the provision regarding the time limit for the examination. The HPLC asked if an applicant fails one portion of the cosmetology exam and cannot pass it within the prescribed 1-year time period, do they have to retake both portions of the exam and inquired as to whether there a refresher course offered? Under the circumstances posed by the HPLC, the applicant would be required to retake both portions of the exam. The Board is not aware of the existence of refresher courses.

The HPLC also asked for clarification regarding the requirement of a model for the esthetics exam. The

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF COSMETOLOGY

[49 PA. CODE CH. 7]

General Revisions

The State Board of Cosmetology (Board) amends Chapter 7 (relating to State Board of Cosmetology) to read as set forth in Annex A. The rulemaking implements changes made to the act of May 3, 1933 (P. L. 242, No. 86) (63 P. S. §§ 507—527) (act), commonly referred to as the Cosmetology Law, by the act of July 7, 2006 (P. L. 704, No. 99) (Act 99), as well as updates the regulations to strengthen safety and sanitation requirements and to reflect current processes and practices utilized by the Board.

A. Effective Date

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

B. Statutory Authority

Section 11 of the act (63 P. S. § 517) authorizes the Board to promulgate regulations generally for the conduct of persons, copartnerships, associations or corporations

committee asked whether the practical portion of the esthetics exam requires a live model and, if so, why does the cosmetology exam not require a live model? Applicants for the esthetics exam do need to bring a live model. The esthetics practical exam is a specialized exam and, therefore, is more detailed in the area of the human face than the cosmetology exam. It covers cleansing the face, steaming the face, manual extraction on the forehead, massaging the face, hair removal of the eyebrows, hair removal of the upper lip, application of a facial mask and facial makeup. For many of these tasks, the elasticity of human skin is needed and a mannequin is inadequate to evaluate a candidate's abilities in all of these areas. Because the cosmetology practical exam covers a much broader range of topics, including esthetics as a small portion of the exam, it includes only a basic facial, which can be adequately demonstrated on a mannequin.

The HPLC also requested clarification on the number of hours that students need before they can practice on the public. Section 7.120 (relating to work done by students on the public) states that a school may permit students to work on the public after they have completed at least 300 hours of instruction. However, as the HPLC noted, the limited license categories require a total of 300 hours or less prior to taking the exams. Upon consideration of this comment, the Board determined that the provision intended to require cosmetology students to complete at least 300 of the 1,250 total hours of instruction (or approximately 1/4 of the total hours) prior to working on the public. The Board therefore determined that esthetics students should complete at least 75 hours of instruction prior to working on the public; nail technicians would need 50 hours of instruction; and natural hair braiders would need 75 hours. Section 7.120 has been amended to reflect this determination.

IRRC comments:

IRRC suggested that the Board define "school district" to clarify the Board's intent that the term includes area vocational-technical schools and asked if there is a process for school districts to become accredited to comply with the requirement in § 7.113a (relating to accreditation by a Nationally recognized accrediting agency). The Board intends the term school district to mean a school district, joint vocational school or department, area vocational-technical school or technical institute providing vocational education under Article XVIII of the Public School Code of 1949 (24 P. S. §§ 18-1801—18-1855), and has added a definition as suggested. With regard to accreditation, the Middle States Association of Colleges and Schools Commission on Secondary Education evaluates and accredits institutions providing middle and secondary education, as well as vocational-technical schools that offer nondegree granting postsecondary education. Additionally, the State Board for Vocational-Technical Education is recognized by the United States Department of Education for the accreditation of public postsecondary vocational education institutions and programs offered at career and technical education institutions not offered for college credit. Therefore, school districts and area vocational-technical schools and technical institutes are able to comply with the accreditation requirement without further amendment to the regulations.

IRRC noted that under § 7.31(c) (relating to examination prerequisite for licensure; exception), the Board would accept evidence of prior practice as a natural hair braider without penalty for failure to comply with the licensure provisions prior to the effective date of Act 99

(September 5, 2006). IRRC recommended that the Board amend the final-form rulemaking to provide notice to the regulated community of the nature of these penalties. Section 2 of the act (63 P. S. § 508) makes it unlawful for a person to practice cosmetology, esthetics, natural hair braiding or nail technology without a license. Under section 5 of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205), the Commissioner of Professional and Occupational Affairs promulgated a schedule of civil penalties for violations of the act and regulations of the Board at § 43b.5 (relating to schedule of civil penalties—cosmetologists, manicurists, cosmeticians, shops), which provides for the imposition of a civil penalty of \$500 for the first offense of practicing without a license, and formal administrative action for a second or subsequent offense. Therefore, the Board believes that it is not necessary to provide additional notice in this rulemaking as to the nature of the penalties for unlicensed practice. However, the Board did amend the final-form rulemaking to cross-reference section 2 of the act to aid clarity.

IRRC asked for a clarification of the requirement that a first time examinee complete both portions of the exam "within 1 year." This provision is intended to require that once the examinee passes one portion of the exam, the examinee has 1 year to pass the remaining portion. If the examinee fails to do so, he must retake the entire exam. As a result of the apparent confusion about this requirement, § 7.32(c) (relating to deadline for examination applications) has been amended for clarity.

IRRC asked the Board for an explanation of the need for the provision in § 7.32d(d) (relating to requirements for cosmetologist examination) which requires an applicant for the cosmetology exam who holds a limited license (esthetician, nail technician or natural hair braider) seeking education credits complete the entire 1,250 hours, including those completed in the limited practice field, within 4 years. The Board does not want an applicant seeking credit for courses taken, for example, 10 years prior to applying for the exam. There must be a set time period for allowing credit for courses taken in the past. The Board determined that 4 years was a reasonable amount of time to ensure that the information was relevant and still fresh in the applicant's mind.

IRRC noted that the existing language found in § 7.32d relating to applicants that receive training by, or under the auspices of, the Bureau of Rehabilitation in the Department of Labor and Industry is repeated in §§ 7.32e, 7.32f and 7.32h (relating to requirements for esthetician examination; requirements for nail technician examination; and requirements for natural hair braider examination). IRRC inquired as to what is meant by the phrase "under the auspices of." The Board believes this term was intended to mean that the training was sponsored or funded by the Office of Vocational Rehabilitation (OVR) within the Department of Labor and Industry. In responding to this comment, the Board determined that the current entity within the Department of Labor and Industry that provides vocational training to persons with disabilities is the OVR. Therefore, the final-form rulemaking has been amended.

IRRC asked the Board to clarify the language in § 7.41(b) (relating to display of licenses) which requires that "[a]n individual license shall be readily available for inspection . . ." IRRC was unclear if the language referred to the salon owner's license, the license of an individual working in the salon, or both. A salon owner may or may not hold an individual license. The amended language was intended to convey a change in policy. Prior

to these amendments, all licenses had to be conspicuously displayed, both facility licenses (for salons and schools) and individual licenses, as set forth in § 7.11 (relating to types of individual licenses). Under the amendments, anyone holding an individual license (cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider) is no longer required to display the individual license, but to merely make sure that the license is available for inspection by the public or a representative of the Board at the salon or school where the individual licensee works. In considering this comment, the Board realized that the rulemaking failed to address school licenses, and has amended § 7.41 by adding a subsection (c) to address school licenses.

IRRC also requested clarification of the requirement under § 7.43(c) (relating to expiration and renewal of licenses) that natural hair braiders provide proof of meeting the education requirement set forth in section 5(b)(3)(ii)(C) of the act within 2 years of initial licensure. IRRC would like to know what kind of proof is necessary. In general, the Board requires an official school transcript from a licensed school of cosmetology as proof of education for all categories of licensees, and expects that the same would be required here. As a result of IRRC's comment, this section was amended to provide examples of the type of documentation that would be acceptable as proof of meeting the education requirement.

IRRC also noted that under § 7.94 (relating to sanitary use of supplies), spatulas and other utensils may not come into contact with the skin or hair. IRRC asked how can it be possible for a tool to avoid contact with the hair? This section has been amended to clarify that the tool may not come into contact with the skin or hair of another client until the tool has been properly disinfected.

Under § 7.111 (relating to application for school license), IRRC noted that the terms "satisfactory experience" and "satisfactory work experience" are vague and asked the Board to specify the type of experience that would be considered acceptable. In response, the Board has amended the final-form rulemaking to delete the vague terminology and to clarify that a school supervisor must have 1,250 hours of experience as a cosmetology teacher and 1,800 hours of experience working as the designated person in charge of a cosmetology salon.

Under § 7.120 (relating to work done by students on public), there was concern expressed by IRRC, as well as all stakeholders that responded to public comment, in reference to the language restricting cosmetology schools from charging for student services only the reasonable cost of materials used on the client only. After re-examining this language, the Board chose to modify this language to state that the school may charge a fee for student services based on reasonable cost of materials used in such treatment. The Board believes the intent of section 7 of the act (63 P. S. § 513), is to preclude a school from charging for the student's labor or otherwise profiting from the clinical work of its students. Therefore, it is reasonable to interpret this section as permitting a school to recoup its costs in providing these services to the public.

Also, like the HPLC, IRRC requested clarification on the number of hours that limited-license holders need before they can practice on the public. In response, the final-form rulemaking was amended as described previously.

Public comments:

The PAPSA provided comments on behalf of the following cosmetology schools: Beaver Falls Beauty Academy,

Kittanning Beauty School, New Castle Beauty School, Butler Beauty School, Laurel Business Institute, 19 Empire Beauty Schools, Pruonto's Hair Design, DeRielle Designworks Academy, Altoona Beauty School, Jean Madeline Education Center, Lancaster School of Cosmetology, Bucks County School of Beauty Culture, Venus Beauty Academy, Douglas Beauty Center, Penn Commercial, 4 McCann Schools of Business, Pennsylvania Beauty Academy and Punxy Beauty School. The Board also received comments from Empire, YCST, the Pennsylvania Academy of Cosmetology Arts & Sciences and two licensed cosmetology teachers. The following discussion groups similar comments under the relevant section heading.

§ 7.1 (relating to definitions)

PAPSA commented that the definition of "esthetics" is incomplete and asked that the terms "eyelash perming" and "the use of industry standard mechanical and electrical apparatus" be added to the definition of "Esthetics." The Board amended the definition to address PAPSA's concerns. PAPSA also noted that the definition of "natural hair braider" should include "cut" as an exclusion, thereby clarifying that natural hair braiders are not permitted to cut hair. The Board has made the suggested amendment.

Cosmetology teacher Lisa Hopkins asked if natural hair braiding included the application of heat from a straightening comb or ceramic iron to prepare the hair for weaving purposes. The Board considered this question and determined that natural hair braiding would include the use of such appliances, and has amended the definition to clarify this issue.

Cosmetology teacher Debbie Ralph questioned the definition of esthetics. The definition of esthetics is set forth by statute and, while the Board may clarify the definition by regulation, it may not change or expand the definition.

§ 7.31 (relating to examination prerequisite for licensure; exceptions)

PAPSA and Empire were unclear as to what constituted acceptable proof of 3 years work experience for "grandfathered" hair braiders. The Board believes that the statute and regulations are clear. An individual seeking licensure as a natural hair braider without examination must produce tax records that demonstrate employment in the natural hair braiding profession for 3 consecutive years immediately prior to the date of application for licensure, as well as an affidavit from the applicant and the applicant's immediate supervisor, where applicable. The form of the required affidavit is provided on the natural hair braider application.

§§ 7.32 and 7.35 (relating to deadline for examination applications; and failure of examination)

PAPSA and Empire asked what the consequences were for not noncompliance with the provision that requires applicants to take and pass both portions of an exam within 1 year. As discussed previously, the Board intends these provisions to require that an applicant pass both portions of the exam within 1 year of passing the first portion of the exam. If both portions of the exam are not taken and passed within a 1-year period, the applicant will have to take both portions again until the applicant is successful. There are no sanctions or refresher courses being imposed by the Board. The consequence is that the Board simply will not license an applicant until the applicant meets this requirement.

§ 7.32d (relating to requirements for cosmetologist examination)

PAPSA was unclear as to when a school may accept transfer hours from a student and asked the Board to clarify the language in § 7.32d. PAPSA asked how a school could award transfer hours to someone with a limited license who has not practiced in 4 or 5 years or to someone who received a license 10–15 years ago and have only practiced sporadically or how a school could transfer hours to someone that cannot pass a school administered practical or theory exam? The Board did not intend by this language to mandate that schools accept all transfer hours from limited licensees. As noted previously, subsection (d) requires all 1,250 hours, including those hours completed for a limited license, be completed within 4 years. Subsection (c) is intended to provide credit for recently-acquired education credits. PAPSA recommended that the Board modify the current language so that it reads that an applicant will be given credit for “up to X hours.” The Board agreed and has made this amendment to the final-form rulemaking.

Debbie Ralph suggested that because the nail technology and esthetics curricula should be the same as that covered in the cosmetology curriculum, schools should be permitted to grant credit for all of the coursework completed by licensed estheticians or nail technicians, if the school wishes. This, she noted, is especially true for schools that teach all three curricula. A student should be able to transfer all 200 or 300 hours when switching to the cosmetology curriculum. The Board considered this comment, but determined that no change would be made to the rulemaking. Not all schools teach exactly the same curricula. The Board determined that it would grant credit for recently-acquired courses that teach the skills which are also taught in the cosmetology curriculum.

§ 7.32h (relating to requirements for natural hair braider examination)

Debbie Ralph suggested that § 7.32h is unclear as to whether an individual needs a 10th grade education or be 16 years of age, or both. The Board believes the statute and the regulation are clear. An applicant for the natural hair braider examination must be 16 years of age or older. In addition, the applicant must have completed a 10th grade education or its equivalent, or received training from the OVR, unless the applicant is a veteran or is 35 years of age or older. If the applicant is a veteran or is 35 years of age or older, there is no inquiry into whether the individual completed a 10th grade education or received training from OVR. Finally, the individual must have completed 300 hours of training in natural hair braiding at a licensed school of cosmetology.

§ 7.34 (relating to models for practical portion of examination)

Empire suggested that the Board clearly state that live models are only required for the esthetics exam and that mannequins are acceptable for other exams. The Board has amended the final-form rulemaking to clarify this issue.

§ 7.41(b) (relating to display of licenses)

Empire suggested that the Board clarify that all individual licenses, including those applicable to schools, do not have to be displayed but rather readily available for inspection. Empire also pointed out that subsection (a) only refers to salons, and it could be construed as only applicable to individuals licensed and working in salons. The Board believes that the amendments to this section clarify the Board’s intent discussed previously. Salon and

school licenses must be displayed conspicuously. Individual licenses (cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider) must be readily available for inspection at the salon or school, as applicable.

§ 7.43(c) (relating to expiration and renewal of licenses)

PAPSA raised concerns that there were no sanctions for natural hair braiders that fail to comply with the required 150 hours of education within 2 years of initial licensure. Because the statute makes this a requirement of renewal of a license, the license of any “grandfathered” natural hair braider who fails to complete the 150 hours will not be renewed. In addition, violation of this provision of the statute and regulations will result in disciplinary action under section 13 of the act (63 P. S. § 519), which authorizes the Board to refuse, revoke, refuse to renew or suspend a license on proof on a violation of any of the provisions of the act or the rules and regulations established by the Board.

Lisa Hopkins, a cosmetology teacher, commented that the “grandfathered” natural hair braiders should need to demonstrate skills in locking and weaving as part of the 150 hours of training to be completed during the first 2 years of licensure. The Board considered this comment and agreed that, at a minimum, grandfathered natural hair braiders should complete 25 hours of locking and weaving as part of the 150 hours and has made amendments to this section to accommodate this change.

§ 7.71 (relating to equipment and supplies for a cosmetology salon)

Debbie Ralph stated that the Milady textbook teaches that putting tools in an airtight container will ruin them. The Board notes that nowhere does the Board require tools be stored in an airtight container.

§ 7.71c. (relating to equipment and supplies for a natural hair braiding salon)

Lisa Hopkins raised concerns that the equipment requirements for a hair braiding salon could be financially burdensome in requiring multiple shampoo bowls or basins for more than one braider. The regulations provide for the minimum equipment necessary for one hair braider and require that for each additional hair braider, equipment and supplies be increased such that each natural hair braider can render services safely and efficiently. This issue can be addressed on an individual, case-by-case basis as the salon is inspected.

§ 7.111 (relating to application for a school license)

Debbie Ralph asked if the school supervisor is “back to having a cosmetology license.” The Board notes that § 7.111(a)(2)(i) requires a school supervisor to hold a cosmetology teacher license.

§ 7.120 (relating to work done by students on public)

PAPSA, Empire, the Pennsylvania Academy of Cosmetology Arts & Sciences and Debbie Ralph were also concerned that restricting cosmetology schools in charging for student services to only the reasonable cost of materials used on the client would have a severe impact on students, schools and salons. After re-examining this language, the Board chose to modify this language to state that the school may charge for student services based on reasonable costs of materials, as previously discussed. The Board believes the intent of section 7 of the act, is to preclude a school from charging for the student’s labor or otherwise profiting from the clinical work of its students. Therefore, it is reasonable to

interpret this section as permitting a school to recoup its costs in providing these services to the public.

Empire and Lisa Hopkins also commented on the provision requiring a student to complete 300 hours of training prior to being permitted to work on the public. As discussed previously, the Board agrees with their analysis that this provision clearly was intended to refer only to cosmetology students and has amended the rule-making to permit students of esthetics and natural hair braiding to work on the public with 75 hours of training, and students of nail technology to begin working on the public after 50 hours of training.

§ 7.129 (relating to curriculum requirements)

PAPSA stated that the current language in § 7.129 which states that the cosmetology curriculum “must” comprise 1,250 hours, is too restrictive in that many programs require more than 1,250 hours because of degree requirements and other reasons. PAPSA suggested that this be changed to read “a minimum of” 1,250 hours. The Board agreed and has amended each of the curricula requirements (cosmetology, esthetics, nail technology and natural hair braiding) to clarify that the Board is establishing minimum standards.

YCST made some recommendations for altering the language under the basic cosmetology curriculum relating to cosmetology skills—cognitive and manipulative. The Board has amended this section to include conditioning, chemical texturizing and makeup, as suggested.

In addition, YCST asked if it is still necessary for the teacher curriculum to have salon management theory since the recent change eliminating the cosmetology manager’s license and because the cosmetologist curriculum already covers business practices. The Board believes it is necessary to continue to include salon management theory in the teacher curriculum because salon management theory goes beyond basic business practices. With the elimination of the cosmetology manager’s license, any cosmetologist could be placed in responsible charge of a salon. Therefore, cosmetology teachers must be knowledgeable in salon management theory to prepare cosmetologists for this role.

YCST asked whether business practices should be covered under the esthetics, nail technology and natural hair braiding curricula. The Board has determined that similar material is taught under the “professional practices” portion of these curricula, and therefore, has made no change to the regulations based on this comment.

Lisa Hopkins raised concerns about existing cosmetology teachers lacking skills in the manipulative skills of braiding, locking or weaving, and may not be qualified to teach the natural hair braiding curriculum. The Board notes that it is each individual cosmetology school’s responsibility to assure that their faculty is qualified.

E. Description of Amendments to Final Rulemaking

§ 7.1 (relating to definitions)

The Board amended the definition of esthetics to clarify that it includes eyelash perming and the use of industry standard mechanical and electrical apparatus and appliances in the practice of the profession. The Board also amended the definition of natural hair braiding to clarify that the term includes the application of heat by the use of a straightening comb, ceramic iron or similar appliance to prepare the hair for manipulation; and that it does not include cutting the hair. Finally, the Board added a definition of school district to clarify that the term is intended to include any school district, joint vocational

school or department, area vocational-technical school or technical institute that provides vocational education under Article XVIII of the Public School Code of 1949.

§ 7.31 (relating to examination prerequisites for licensure; exceptions)

The Board amended § 7.31(c) to add a cross reference to section 2 of the act, which makes it unlawful for a person to practice cosmetology, esthetics, natural hair braiding or nail technology without a license, to clarify the Board’s intent to forego prosecution of any unlicensed practice by natural hair braiders that occurred prior to the effective date of Act 99 of 2006, which created the separate licensure classification for natural hair braiders.

§ 7.32 (relating to deadline for examination applications)

The Board amended § 7.32(c) to clarify that both the theoretical and practical portions of the exam must be passed within 1 year of the date the first portion is passed.

§ 7.32b (relating to requirements for teacher examinations)

The Board amended § 7.32b(a)(4) and (b)(4) to clarify that applicants for the teacher exam must have completed “a minimum of” 500 hours of instruction in a teacher curriculum prior to taking the exam.

§ 7.32d (relating to requirements for cosmetologist examination)

The Board corrected the reference to the Office of Vocational Rehabilitation in the Department of Labor and Industry. In addition, the Board amended this section to clarify that the cosmetology education is “a minimum of” 1,250 hours of instruction. The Board also amended subsection (c) to clarify that an applicant for the cosmetologist exam that already holds an active esthetician license issued by the Board may obtain credit for “up to” 160 hours toward the total 1,250 hours required for a cosmetology license; a licensed nail technician may obtain credit for “up to” 100 hours; and a licensed natural hair braider may obtain credit for “up to” 125 hours.

§ 7.32e (relating to requirements for esthetician examination)

The Board corrected the reference to the Office of Vocational Rehabilitation in the Department of Labor and Industry and amended the section to clarify that the esthetician education is “a minimum of” 300 hours of instruction.

§ 7.32f (relating to requirements for nail technician examination)

The Board corrected the reference to the Office of Vocational Rehabilitation in the Department of Labor and Industry and amended the section to clarify that the nail technician education is “a minimum of” 200 hours of instruction.

§ 7.32h (relating to requirements for natural hair braider examination)

The Board corrected the reference to the Office of Vocational Rehabilitation in the Department of Labor and Industry and amended the section to clarify that the natural hair braider education is “a minimum of” 300 hours of instruction.

§ 7.34 (relating to models for practical portion of examination)

The Board amended this section to clarify that only the practical portion of the esthetics examination requires a live model. All other exams require the use of a mannequin.

§ 7.41 (relating to display of licenses)

The Board added subsection (c) to address the display of school licenses.

§ 7.43 (relating to expiration and renewal of licenses)

The Board amended subsection (c) to require that a "grandfathered" natural hair braider must complete only 50 hours in scalp care and 25 hours in locking and weaving as part of the 150 hours that is required to be completed as a condition of renewal of a license. The Board also amended subsection (c) to clarify the types of documentation that would be acceptable as proof of meeting the education requirements.

§ 7.94 (relating to sanitary use of supplies)

The Board amended subsection (c) to clarify that the utensils may not be permitted to come into contact with the skin or hair of another client until they are properly disinfected.

§ 7.111 (relating to application for a school license)

The Board amended subsection (a)(2) to clarify that a school supervisor must have acquired 1,250 hours of experience as a cosmetology teacher and 1,800 hours of experience as the designated person in charge of a cosmetology salon.

§ 7.120 (relating to work done by students on the public)

The Board amended subsection (a) to clarify that the school may charge a fee that reflects the reasonable cost of materials used in the treatment of clients. The Board believes the intent of section 7 of the act, is to preclude a school from charging for the student's labor or otherwise profiting from the clinical work of its students. Therefore, it is reasonable to interpret this section as permitting a school to recoup its costs in providing these services to the public. In addition, the Board clarified that cosmetology students must complete at least 300 hours of instruction prior to working on the public; esthetics students must complete at least 75 hours of instruction to work on the public; nail technology students must complete at least 50 hours of instruction to work on the public; and natural hair braiding students must complete at least 75 hours of instruction to work on the public.

§ 7.129 (relating to curriculum requirements)

The Board amended this section to clarify that each of the curricula requirements establish minimum requirements. The Board also amended the cosmetology curriculum to include conditioning, chemical texturizing and makeup.

F. Fiscal Impact and Paperwork Requirements

There is no adverse fiscal impact or paperwork requirement imposed on the Commonwealth, any political subdivision, or the private sector.

G. Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 4628, to IRRC, the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the HPLC for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Board also provided IRRC, the SCP/PLC

and the HPLC with copies of comments received as well as other documents when requested. In preparing the final-form regulations, the Board has considered the comments received from IRRC, the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form regulations was approved by the HPLC on November 17, 2008, and deemed approved by the SCP/PLC on December 17, 2008. Under section 5.1(e) of the Regulatory Review Act, IRRC met on December 18, 2008, and approved the final-form regulations.

I. Contact Person

Further information may be obtained by contacting C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

J. Findings

The Board finds that:

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

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

(3) The amendments to the final-form rulemaking do not enlarge the purpose of proposed rulemaking published at 37 Pa.B. 4628.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

K. Order

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

(a) The regulations of the Board, 49 Pa. Code Chapter 7, are amended by amending §§ 7.1, 7.2, 7.11, 7.12, 7.14, 7.14a, 7.15, 7.31, 7.31a, 7.32, 7.32a, 7.32b, 7.32d, 7.32e, 7.32f, 7.32g, 7.34, 7.35, 7.41, 7.43, 7.45, 7.50—7.53, 7.62, 7.64—7.66, 7.71, 7.71a, 7.71b, 7.75, 7.76—7.79, 7.81—7.83, 7.90—7.95, 7.98, 7.100, 7.111, 7.114, 7.115, 7.118, 7.118a, 7.120, 7.123, 7.125, 7.128, 7.129 and 7.131—7.134 and by adding §§ 7.12a, 7.17 and 7.32h to read as set forth in Annex A.

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

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

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

SUSAN E. RINEER,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 104 (January 3, 2009).)

Fiscal Note: Fiscal Note 16A-4514 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 7. STATE BOARD OF COSMETOLOGY GENERAL PROVISIONS

§ 7.1. Definitions.

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

Act—The act of May 3, 1933 (P. L. 242, No. 86) (63 P. S. §§ 507–527), known as the Cosmetology Law.

Board—The State Board of Cosmetology.

Booth space—The area of a salon in which a licensed cosmetologist or a holder of a limited license provides to a client a service for which a license is required under the act.

Braiding—Intertwining the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, including extending the hair with natural or synthetic hair fibers.

Bureau—The Bureau of Professional and Occupational Affairs in the Department of State.

Cosmetologist—A licensed individual who is engaged in the practice of cosmetology.

Cosmetology—

(i) Any or all work done for compensation by any person, which work is generally and usually performed by cosmetologists, which work is for the embellishment, cleanliness and beautification of the human hair, such as arranging, braiding, dressing, curling, waving, permanent waving, cleansing, cutting, singeing, bleaching, coloring, pressing, or similar work thereon and thereabout, and the removal of superfluous hair, and the massaging, cleansing, stimulating, manipulating, exercising, or similar work upon the scalp, face, arms or hands, or the upper part of the body, by the use of mechanical or electrical apparatus or appliances or cosmetics, preparations, tonics, antiseptics, creams or lotions, or by any other means, and of manicuring the nails, which enumerated practices shall be inclusive of the term cosmetology but not in limitation thereof.

(ii) The term also includes the acts comprising the practice of nail technology, natural hair braiding and esthetics.

Department—The Commissioner of Professional and Occupational Affairs in the Department of State.

Esthetics—

(i) The practice of massaging the face, applying cosmetic preparations, antiseptics, tonics, lotions or creams to the face, removing superfluous hair by tweezers, depilatories or waxes, eyelash perming and the dyeing of eyelashes and eyebrows.

(ii) The term includes the use of industry standard mechanical and electrical apparatus and appliances in the practice of esthetics.

Esthetician—An individual licensed by the Board to practice esthetics.

Lavatory—A working toilet and a working sink with hot and cold running water that are located in a separate room that affords privacy to the user.

Limited license—A license issued by the Board to an individual which permits that individual to engage in the practice of esthetics, natural hair braiding or nail technology.

Limited practice salon—A salon licensed by the Board for the provision of esthetician services, nail technology services or natural hair braiding services only.

Limited practice teacher—A teacher licensed by the Board for the purpose of providing instruction in the area of esthetics, nail technology or natural hair braiding only.

Nail technician—An individual licensed by the Board to engage in the practice of nail technology.

Nail technology—The practice of manicuring the nails of an individual, applying artificial or sculptured nails to an individual, massaging the hands of an individual or massaging the lower arms of an individual up to the individual's elbow, massaging the feet of an individual or the lower legs of an individual up to the individual's knee, or a combination of these acts.

Natural hair braider—An individual licensed by the Board to engage in the practice of natural hair braiding.

Natural hair braiding—

(i) The practice of utilizing techniques that result in tension on hair roots of individuals, such as twisting, wrapping, weaving, extending, locking or braiding of the hair. The term includes the application of heat by the use of a straightening comb, ceramic iron or similar appliance to prepare the hair for manipulation.

(ii) The term does not include cutting the hair or the application of dyes, reactive chemicals or other preparations to alter the color or to straighten, curl or alter the structure of hair.

School of cosmetology—Any individual, partnership, association, business corporation, nonprofit corporation, municipal corporation, school district or any group of individuals however organized whose purpose is to provide courses of instruction in cosmetology or the teaching of cosmetology.

School district—A school district, joint vocational school or department, area vocational-technical school or technical institute providing vocational education under Article XVIII of the Public School Code of 1949 (24 P. S. §§ 18-1801–18-1855).

Tanning units—Equipment that utilizes ultraviolet light for the purpose of cosmetic tanning.

§ 7.2. Fees.

Fees charged by the Board are as follows:

Licensure of cosmetologist, nail technician, esthetician or natural hair braider	\$10
Licensure of cosmetology teacher or limited practice teacher	\$10
Licensure of cosmetology salon or limited practice salon	\$55
Licensure by reciprocity	\$20
Registration of cosmetology apprentice	\$70
Biennial renewal of nail technician license	\$35

Biennial renewal of esthetician license	\$35
Biennial renewal of cosmetologist license	\$35
Biennial renewal of natural hair braider license . . .	\$35
Biennial renewal of cosmetology teacher or limited practice teacher license	\$55
Biennial renewal of cosmetology salon or limited practice salon license	\$60
Biennial renewal of cosmetology school license . . .	\$150
Approval of cosmetology school supervisor	\$20
Change in cosmetology salon or limited practice salon (inspection required).	\$55
Change in cosmetology salon or limited practice salon (no inspection required).	\$15
Change in cosmetology school (inspection required)	\$110
Change in cosmetology school (no inspection required)	\$35
Reinspection of cosmetology salon or limited practice salon or cosmetology school	\$40
Certification of student or apprentice training hours	\$30
Verification of license, registration, permit or approval	\$15

INDIVIDUAL LICENSES

§ 7.11. Types of individual licenses.

The following licenses are issued by the Board to qualified individuals under the act:

- (1) Cosmetology teacher.
- (2) Limited practice teacher.
- (3) Cosmetologist.
- (4) Esthetician.
- (5) Nail technician.
- (6) Natural hair braider.

§ 7.12. Scope of cosmetology teacher license.

An individual holding a cosmetology teacher license is qualified, without further licensure, to perform the functions of a teacher, cosmetologist, esthetician, nail technician or natural hair braider.

§ 7.12a. Scope of limited practice teacher license.

(a) An individual holding a limited practice teacher license in esthetics is qualified, without further licensure, to teach esthetics in a licensed school of cosmetology and to perform the functions of an esthetician.

(b) An individual holding a limited practice teacher license in nail technology is qualified, without further licensure, to teach nail technology in a licensed school of cosmetology and to perform the functions of a nail technician.

(c) An individual holding a limited practice teacher license in natural hair braiding is qualified, without further licensure, to teach natural hair braiding in a licensed school of cosmetology and to perform the functions of a natural hair braider.

§ 7.14. Scope of cosmetologist license.

An individual holding a cosmetologist license is qualified, without further licensure, to perform the functions of a cosmetologist, esthetician, nail technician or natural hair braider.

§ 7.14a. Scope of esthetician license.

An individual holding an esthetician license is qualified to perform esthetician services only.

§ 7.15. Scope of nail technician license.

An individual holding a nail technician license is qualified to perform nail technology services only.

§ 7.17. Scope of natural hair braider license.

An individual holding a natural hair braider license is qualified to perform natural hair braiding services only.

EXAMINATIONS

§ 7.31. Examination prerequisite for licensure; exceptions.

(a) Except as provided in subsections (b) and (c), an individual who wants to obtain a cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license listed in §§ 7.12—7.17 shall pass the examination required by the Board for that license.

(b) An individual who meets the criteria for licensure by reciprocity under section 9 of the act (63 P. S. § 515) may obtain a license without examination.

(c) Until January 11, 2010, the Board will issue a natural hair braider license to an applicant who does the following:

- (1) Submits the application adopted by the Board.
- (2) Pays the required licensing fee in § 7.2 (relating to fees).
- (3) Provides proof that the applicant has practiced natural hair braiding for 3 consecutive years immediately prior to the date of the application for licensure.

(i) Proof of practice requires that the applicant provide tax records of employment and an affidavit from the applicant and the applicant's immediate supervisor, where applicable, verifying the applicant's practice of natural hair braiding for 3 consecutive years immediately prior to the date of the licensure application.

(ii) The Board will accept the information provided and will impose no penalty upon the applicant for failure to comply with the licensing provisions in section 2 of act (63 P. S. § 508), that the applicant committed prior to September 5, 2006, which is the effective date of the act of July 7, 2006 (P. L. 704, No. 99).

§ 7.31a. Examination dates and locations.

Licensing examinations are given monthly in Philadelphia, Pittsburgh, Harrisburg and additional locations established by the examination administrator after consultation with the Board.

§ 7.32. Deadline for examination applications.

(a) The deadline for submitting an examination application is 1 month prior to the testing date for the specific location where the applicant intends to take the exam, a date established by the examination administrator.

(b) The application of a first-time examinee will not be processed unless the application is properly completed as set forth in § 7.32a (relating to contents of examination).

(c) A first-time examinee shall complete and pass both the theoretical and practical portions of the exam within 1 year of the date the first portion is passed. If the exam provider changes, the Board retains the discretion to grant exceptions to this 1-year requirement to facilitate the transition from one exam provider to another.

§ 7.32a. Contents of examination application.

(a) The application of a first-time examinee must include the following:

(1) Proof of having met the requirements for the examination applied for as set forth in §§ 7.32b—7.32h.

(2) A physician's certification that the applicant is free from contagious, communicable or infectious diseases.

(3) The examination fee set by the professional testing organization and the license fee prescribed in § 7.2 (relating to fees).

(b) The application of a reexaminee shall be accompanied by the examination fee set by the professional testing organization.

§ 7.32b. Requirements for teacher examinations.

(a) An applicant for the cosmetology teacher examination shall:

- (1) Be 18 years of age or older.
- (2) Have completed a 12th grade education or its equivalent.
- (3) Possess a current cosmetologist license.
- (4) Have completed a minimum of 500 hours of instruction in a cosmetology teacher curriculum provided by a licensed school of cosmetology.

(b) An applicant for the limited practice teacher examination in esthetics, nail technology or natural hair braiding shall:

- (1) Be 18 years of age or older.
- (2) Have completed a 12th grade education or its equivalent.
- (3) Possess a current limited license in the relevant limited practice field.
- (4) Have completed a minimum of 500 hours of instruction in a cosmetology teacher or limited practice teacher curriculum provided by a licensed school of cosmetology.

(c) An applicant who has already obtained a limited practice teacher license in one of the limited practice fields and desires to obtain a limited practice teacher license in an additional limited practice field shall:

- (1) Meet the requirements in subsection (b) for the additional limited practice field.
- (2) Successfully complete the practical portion of the teacher examination for the additional limited practice field in which the applicant desires to become a licensed teacher.

§ 7.32d. Requirements for cosmetologist examination.

(a) An applicant for the cosmetologist examination who holds no limited licenses shall:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:
 - (i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have done one of the following:

(i) Completed a minimum of 1,250 hours of instruction in cosmetology, within a period of not less than 8 consecutive months, as a day-time student in a licensed school of cosmetology.

(ii) Completed a minimum of 1,250 hours of instruction in cosmetology, within a period of not less than 15 consecutive months, as a night-time student in a licensed school of cosmetology.

(iii) Completed 2,000 hours of training in a Board-approved cosmetology apprentice program.

(b) Subsection (a)(2), does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

(c) An applicant for the cosmetologist examination who holds one or more active limited licenses issued by the Board and who obtained educational credits through a licensed cosmetology school will be given credit for the number of educational hours obtained to qualify for the active limited license or licenses as follows:

(1) An applicant who holds an active esthetician license will be given credit for up to 160 hours toward the total cosmetology training program of 1,250 hours.

(2) An applicant who holds an active nail technician license will be given credit for up to 100 hours toward the total cosmetology training program of 1,250 hours.

(3) An applicant who holds an active natural hair braider license will be given credit for up to 125 hours toward the total cosmetology training program of 1,250 hours.

(d) An applicant seeking credit for educational credits under subsection (c) shall complete the total of 1,250 cosmetology training hours, including those already completed in the limited license practice field for which the applicant is seeking credit, within 4 consecutive years.

§ 7.32e. Requirements for esthetician examination.

(a) An applicant for the esthetician examination shall:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:
 - (i) Completed a 10th grade education or its equivalent.

(ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have completed a minimum of 300 hours of instruction in skin care in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.32f. Requirements for nail technician examination.

(a) An applicant for the nail technician examination shall:

- (1) Be 16 years of age or older.

(2) Except as provided in subsection (b), have done one of the following:

- (i) Completed a 10th grade education or its equivalent.
- (ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have completed a minimum of 200 hours of instruction in nail technology in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.32g. Issuance of temporary licenses to qualified examination applicants.

(a) A temporary license may be issued to an applicant who is eligible for admission to the cosmetologist examination or to any limited license examination and who pays the examination fee set by the professional testing organization and the license fee prescribed in § 7.2 (relating to fees). The purpose of a temporary license is to allow an otherwise qualified applicant to practice pending the applicant's scoring a passing grade on the examination.

(b) A temporary license is valid for 9 months.

(c) The holder of a temporary cosmetologist license shall practice under the supervision of a licensed cosmetology teacher or cosmetologist. The holder of a temporary limited license shall practice under the supervision of a licensed cosmetology teacher, cosmetologist, limited practice teacher in the corresponding limited practice field or holder of a corresponding limited license.

§ 7.32h. Requirements for natural hair braider examination.

(a) An applicant for the natural hair braider examination shall:

- (1) Be 16 years of age or older.
- (2) Except as provided in subsection (b), have done one of the following:

- (i) Completed a 10th grade education or its equivalent.
- (ii) Received training from or under the auspices of the Office of Vocational Rehabilitation in the Department of Labor and Industry.

(3) Have completed a minimum of 300 hours of Board-approved subject relating to sanitation, scalp care, anatomy and natural hair braiding in a licensed school of cosmetology.

(b) Subsection (a)(2) does not apply to an applicant who is one of the following:

- (1) A veteran.
- (2) Thirty-five years of age or older.

§ 7.34. Models for practical portion of examination.

An examinee taking the practical part of the esthetics examination shall bring with him a live model. An examinee taking the practical part of any other exam shall bring a mannequin.

§ 7.35. Failure of examination.

An examinee who fails either the practical or theoretical part of the examination for a cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license will be required

to retake and pass the failed portion of the examination within 1 year of the date the examinee takes and passes the other portion of the examination.

DISPLAY, LOSS AND RENEWAL OF LICENSES AND PERMITS

§ 7.41. Display of licenses.

(a) A salon license issued by the Board shall be displayed in a conspicuous place within the business premises of the salon.

(b) An individual license shall be readily available for inspection by the public or representatives of the Board at the place of business or employment of the individual holding the license.

(c) A school license issued by the Board shall be displayed in a conspicuous place within the premises of the school.

§ 7.43. Expiration and renewal of licenses.

(a) Licenses issued by the Board expire at biennial intervals. A license renewal notice is mailed to each licensee approximately 4 weeks before the license expiration date. Renewal of the license is accomplished by submission of the license renewal application and the license renewal fee prescribed in § 7.2 (relating to fees).

(b) A licensee who fails to file the biennial renewal application or pay the required biennial renewal fee by the renewal date shall have the license classified as unregistered. As long as a licensee holds an unregistered license, the licensee is not permitted to practice in this Commonwealth. A licensee who practices during a period in which the license was unregistered shall be required to pay a penalty fee of \$5, as prescribed in § 7.2, for each month or part of a month that the licensee practices since the expiration of the biennial renewal and may be subject to disciplinary proceedings before the Board or criminal prosecution, or both.

(c) Within 2 years of the initial issuance of a natural hair braider license issued without examination under § 7.31(c) (relating to examination prerequisite for licensure; exceptions), the natural hair braider licensee shall provide to the Board a certified copy of a school transcript, a certified copy of a scholastic record required by § 7.119 (relating to student records), or an equivalent document certified by a licensed school of cosmetology, that demonstrates that the licensee has completed 150 hours of education from a licensed school of cosmetology as a condition of renewal of the license. The 150 hours of education must include, at a minimum:

- (1) Fifty hours in scalp care.
- (2) Fifty hours in hygiene.
- (3) Twenty-five hours in occupational safety, the provisions of the act and this chapter.
- (4) Twenty-five hours in natural hair braiding techniques, such as locking and weaving.

§ 7.45. Reexamination if the license is not current for 5 or more years.

The holder of a cosmetology teacher, limited practice teacher, cosmetologist, esthetician, nail technician or natural hair braider license that has been expired or in escrow for at least 5 years shall retake and pass the practical part of the examination for that license before submitting a renewal application.

LICENSURE AND MANAGEMENT OF SALONS

§ 7.50. Applicability of requirements.

The requirements of §§ 7.51—7.53, 7.65 and 7.71—7.71b, 7.75—7.78, 7.81 and 7.82, apply equally to cosmetology salons, esthetician salons, nail technology salons and natural hair braiding salons, unless the context indicates otherwise.

§ 7.51. Application for a salon license.

(a) An owner-applicant for a salon license shall submit a license application to the Board with the following:

(1) A sketch plan showing the layout of the salon, including the position of the doors, windows, partitions, shampoo basins, lavatories, adjustable chairs and other floor equipment.

(2) The name and license number of the individual who will be the designated person in charge of the salon in the absence of the owner.

(3) The salon license fee prescribed in § 7.2 (relating to fees).

(b) A license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the application and the salon has been inspected by a Bureau inspector for compliance with the facility requirements of this chapter. If the inspector determines that the salon meets the facility requirements of the act and this chapter, a license will be issued.

§ 7.52. Change of location or physical dimensions.

(a) A salon license is valid only for the location stated on the license. The owner of a salon who wishes to change its location shall submit an application to the Board for a change of salon location together with the information required in § 7.51 (relating to application for salon license) and the fee for change of salon location prescribed in § 7.2 (relating to fees). The application will be processed in the manner prescribed by § 7.51.

(b) A salon owner shall submit to the Board for its approval a sketch plan of any proposed change in the physical dimensions of the salon.

§ 7.53. Change of ownership.

The owner of a salon shall immediately notify the Board in writing of a change in the controlling ownership of the salon. If a partner or co-owner is being added or deleted, the owner shall submit to the Board an application for change of license and the fee for change of license prescribed in § 7.2 (relating to fees).

§ 7.62. Management of salons.

(a) A cosmetology salon shall be managed by the salon owner or, in the absence of the salon owner, a person in charge designated by the salon owner.

(b) The designated person in charge shall be a licensed cosmetologist, except as follows:

(1) In the case of an esthetician salon, the designated person in charge may be either a licensed cosmetologist or a licensed esthetician.

(2) In the case of a nail technology salon, the designated person in charge may be either a licensed cosmetologist or a licensed nail technician.

(3) In the case of a natural hair braiding salon, the designated person in charge may be either a licensed cosmetologist or a licensed natural hair braider.

(c) Both the owner and the designated person in charge are responsible for posting the name of the owner or

designated person in charge in a conspicuous place in the salon as required by section 4.4(b) of the act (63 P. S. § 510.4(b)).

(d) The owner or designated person in charge of the salon shall be readily available in person to Bureau inspectors during regular business hours.

§ 7.64. Responsibilities of salon owner or designated person in charge.

(a) The primary responsibilities of a salon owner and designated person in charge are the administration of the business and personnel affairs of the salon and to assure compliance within the salon with all laws of the Commonwealth, this chapter and the Pennsylvania Human Relations Act (43 P. S. §§ 951—963).

(b) A salon owner or designated person in charge will be subject to disciplinary action by the Board for a violation of the act or this chapter committed by a licensed employee of the salon, if the owner or designated person in charge had knowledge of, or control over, the violation or should have had knowledge or control.

§ 7.65. Rental of booth space.

The rental of booth space within a salon is prohibited.

§ 7.66. Discrimination.

It is prohibited for any person to refuse, withhold from, or deny to any person because of the person's race, color, religious creed, ancestry or National origin, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of a cosmetology, esthetician, nail technology or natural hair braiding salon.

PHYSICAL REQUIREMENTS OF A SALON

§ 7.71. Equipment and supplies for a cosmetology salon.

(a) A cosmetology salon must contain the following equipment, which is considered the minimum equipment needed for a salon with one cosmetologist:

- (1) One adjustable chair.
- (2) One styling station with mirror.
- (3) One labeled first aid kit containing the following items:
 - (i) An antiseptic.
 - (ii) Cotton balls.
 - (iii) Protective plastic or latex gloves.
 - (iv) A blood spill kit.
 - (v) A hazardous waste bag.
 - (vi) Eyewash.
 - (vii) Burn ointment.
 - (viii) Plastic or latex bandage strips of varying sizes and shapes.
 - (ix) Sterile gauze pads.
- (4) One dryer or blow dryer.
- (5) One shampoo tray dryer.
- (6) Twelve combs and twelve brushes.
- (7) One covered waste container.
- (8) A closed storage area for soiled linen.
- (9) One timer clock.
- (10) One closed towel cabinet for clean linen.
- (11) A closed container for sanitized implements.

- (12) One wet sanitizer.
- (13) A reception desk.
- (14) Twelve sanitary towels for each styling station in the salon.
- (15) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.
- (16) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.
- (b) For each additional cosmetologist, supplies and equipment shall be increased so that each cosmetology can render services safely and efficiently.

§ 7.71a. Equipment and supplies for an esthetician salon.

(a) An esthetician salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one esthetician:

- (1) One adjustable chair.
- (2) One work station with mirror.
- (3) One labeled first aid kit containing the following items:
 - (i) An antiseptic.
 - (ii) Cotton balls.
 - (iii) Protective plastic or latex gloves.
 - (iv) A blood spill kit.
 - (v) A hazardous waste bag.
 - (vi) Eyewash.
 - (vii) Burn ointment.
 - (viii) Plastic or latex bandage strips of varying sizes and shapes.
 - (ix) Sterile gauze pads.
- (4) One covered waste container.
- (5) A closed storage for soiled linen.
- (6) One closed towel cabinet for clean linen.
- (7) One timer clock.
- (8) A closed container for sanitized implements.
- (9) One wet sanitizer.
- (10) On dry sterilizer.
- (11) A reception desk.
- (12) Twelve sanitary towels for each work station in the salon.

(13) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(14) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional esthetician, equipment and supplies shall be increased so that each esthetician can render services safely and efficiently.

§ 7.71b. Equipment and supplies for a nail technology salon.

(a) A nail technology salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one nail technician:

- (1) One chair for use in manicure and pedicure.

- (2) One manicure table with light, chair and stool.
- (3) One pedicure basin and stand.
- (4) One labeled first aid kit containing the following items:

- (i) An antiseptic.
 - (ii) Cotton balls.
 - (iii) Protective plastic or latex gloves.
 - (iv) A blood spill kit.
 - (v) A hazardous waste bag.
 - (vi) Eyewash.
 - (vii) Burn ointment.
 - (viii) Plastic or latex bandage strips of varying sizes and shapes.
 - (ix) Sterile gauze pads.
- (5) One covered waste container.
 - (6) A closed storage area for soiled linen.
 - (7) One closed towel cabinet for clean linen.
 - (8) Twelve sanitary towels for each work station in the salon.
 - (9) One wet sanitizer.
 - (10) A closed container for sanitized implements.
 - (11) A reception desk.

(12) One sink with hot and cold running water that is readily accessible to each work station in the work area of the salon.

(13) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional nail technician, equipment and supplies shall be increased so that each nail technician can render services safely and efficiently.

§ 7.71c. Equipment and supplies for a natural hair braiding salon.

(a) A natural hair braiding salon must contain the following equipment and supplies, which is considered the minimum equipment needed for a salon with one natural hair braider:

- (1) One adjustable chair.
- (2) One styling station with mirror.
- (3) One labeled first aid kit containing the following items:
 - (i) An antiseptic.
 - (ii) Cotton balls.
 - (iii) Protective plastic or latex gloves.
 - (iv) A blood spill kit.
 - (v) A hazardous waste bag.
 - (vi) Eyewash.
 - (vii) Burn ointment.
 - (viii) Plastic or latex bandage strips of varying sizes and shapes.
 - (ix) Sterile gauze pads.
- (4) One dryer or blow dryer.
- (5) One shampoo tray or basin.
- (6) Twelve combs and twelve brushes.
- (7) One covered waste container.

- (8) A closed storage area for soiled linen.
- (9) One closed towel cabinet for clean linen.
- (10) A closed container for sanitized implements.
- (11) One wet sanitizer.
- (12) A reception desk.
- (13) Twelve sanitary towels for each styling station in the salon.
- (14) One sink with hot and cold running water that is readily accessible to each styling station in the work area of the salon.
- (15) One multipurpose fire extinguisher suitable for use on Class A, B and C fires.

(b) For each additional natural hair braider, equipment and supplies shall be increased so that each natural hair braider can render services safely and efficiently.

§ 7.75. Entrances.

The entrance to a salon that is located in a private home must permit clients to enter the salon directly from the public thoroughfare without passing through any part of the home.

§ 7.76. Floor space.

(a) The floor area of a salon operated by one licensee must have a minimum area of 180 square feet with a minimum width of 10 feet. An additional area of at least 60 square feet is required for each additional licensee in the salon. The Board, upon an applicant's request, may grant a variance from the space requirements concerning a salon which the Board believes is reasonable.

(b) Salons opened prior to September 15, 1976, which have been operating with one cosmetologist must have sufficient floor space to properly install the equipment with regard to the health and safety of the patrons of the cosmetology salon. It is suggested that the floor space be a minimum of 10 feet by 12 feet or 120 square feet, with 60 square feet for each additional operator. The Board, after examination of the salon's layout, may grant variance from the salon space requirements which the Board believes is reasonable.

§ 7.77. Use of salon for other purposes prohibited.

No part of a salon, including lavatories and laundry facilities, may be used for other purposes.

§ 7.78. Sign.

A salon must display, at or near its main entrance, a sign that is clearly visible indicating to the public that it is a cosmetology salon or limited practice salon.

§ 7.79. Lavatories.

A salon must have adequate lavatories on the premises. For the purposes of this section, "on the premises" means within the square footage of the salon.

ACTIVITIES OUTSIDE A SALON

§ 7.81. Rendering of services outside a salon.

A cosmetologist or holder of a limited license, with the permission of the employing salon, may render by appointment cosmetology or limited license services to persons at their residences and to persons who are confined to institutions due to illness, imprisonment, old age or similar circumstances.

§ 7.82. Record of services rendered outside a salon.

A licensee who renders licensed services outside the salon shall maintain at the employing salon complete

records for each service rendered outside the salon, including the date, time, place and fee charged. The record of outside services shall be considered part of the records of the salon.

§ 7.83. Responsibility of a salon for outside services.

A salon through which appointments are made for the rendering of cosmetology or limited license services outside the salon shall be responsible for ensuring that the licensees are fully supplied and equipped when they perform services outside the salon and that all other requirements of this chapter are complied with.

HEALTH AND SAFETY IN SALONS

§ 7.90. Applicability of requirements.

The requirements of this section and §§ 7.91—7.98 and 7.100 apply equally to cosmetology salons, esthetician salons, nail technology salons and natural hair braiding salons, unless the context indicates otherwise.

§ 7.91. Sanitation and safety generally.

(a) A salon must be well lighted and well ventilated.

(b) All areas of the salon, including the floors and lavatories, shall be maintained in a safe, orderly and sanitary condition.

(c) Sharp implements shall be stored upright with the points down or in a protective case.

§ 7.92. Sanitization of equipment.

Razors for hair, tweezers, combs, hairbrushes, and other tools, instruments, utensils and appliances that come into contact with a client shall be sanitized immediately after each use and maintained in a sanitary condition at all times.

§ 7.93. Sanitary use of towels.

(a) Only clean cloth towels or disposable paper towels shall be used on clients. Unused cloth towels shall be kept in a closed cabinet. Unused paper towels shall be kept in a closed cabinet or closed towel dispenser. A cloth towel that has been used on a client shall be immediately placed in a closed container for soiled linen. A disposable paper towel that has been used on a client shall be immediately discarded in a covered waste container.

(b) The headrest of a facial chair shall be covered with a clean cloth towel or an unused disposable paper towel before the start of each facial.

(c) A clean cloth towel, unused disposable paper towel or unused neck strip shall be placed around the neck of a client whose hair is about to be cut to prevent the hair cloth from touching the skin.

§ 7.94. Sanitary use of supplies.

(a) The use of powder puffs or styptic pencils in a salon is prohibited.

(b) Only powered or liquid astringents, applied with a clean cloth towel or clean piece of cotton, may be used to check bleeding.

(c) Creams and other semisolid substances shall be removed from their containers with a sterile spatula or similar utensil. The spatula or similar utensil may not be permitted to come into contact with the skin or hair of another client until it is properly disinfected.

(d) An article that has been dropped on the floor or otherwise rendered unsanitary shall be sterilized before it is reused.

§ 7.95. Individual cleanliness.

Every salon employee who serves the public shall be clean as to person and dress and shall thoroughly cleanse the hands immediately before rendering services to a client and immediately after using the lavatory.

§ 7.98. Violation of related laws.

The license of a licensee who has pled guilty or nolo contendere to, or has been convicted of, a felony under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144), or a similar State or Federal law, shall be subject to suspension or revocation under section 13 of the act (63 P. S. § 519).

§ 7.100. Permanent wave operations and chemical applications.

A client may not be left unattended during the heating or processing period of a permanent wave operation or chemical application.

LICENSURE AND ADMINISTRATION OF SCHOOLS OF COSMETOLOGY**§ 7.111. Application for a school license.**

(a) An owner-applicant for a school license shall submit a license application to the Board with the following:

(1) A sketch plan showing the layout of the school, including the location of classrooms, offices and lavatories and the position of all floor equipment.

(2) The name, signature and license number of the school supervisor, together with proof that the supervisor meets the following qualifications:

(i) Possesses a current cosmetology teacher license issued by the Board.

(ii) Has done one of the following:

(A) Acquired 2,500 hours of satisfactory experience as a cosmetology teacher.

(B) Acquired 1,250 hours of experience as a cosmetology teacher and 1,800 hours of experience.

(3) The name and signature of the person authorized to accept service of legal notice and to transact business on behalf of the school.

(4) Proof that the fictitious name of the school, if any, is registered with the Corporation Bureau of the Department of State.

(5) Proof of compliance with applicable provisions of 34 Pa. Code (relating to labor and industry).

(6) The fees for a school license and approval of a school supervisor prescribed in § 7.2 (relating to fees).

(7) Proof of accreditation or application for accreditation in accordance with § 7.113a (relating to accreditation by a Nationally recognized accrediting agency). Approval by the Department of Education in accordance with Article XVIII of the Public School Code of 1949 (24 P. S. §§ 1801—1855) is acceptable proof of accreditation for secondary vocational technical schools.

(b) A school license will not be issued until the Board has verified the sworn statements made by the owner-applicant in the license application and the school has been inspected by a Bureau inspector as provided in § 7.113 (relating to inspection of a school before licensure). The Board may request the owner-applicant to appear before the Board to answer questions about the application.

§ 7.114. School equipment and supplies.

(a) A school enrolling 25 students or less must have, at a minimum, the following equipment:

- (1) Four shampoo basins.
- (2) Eight hair dryers.
- (3) Four manicure tables and chairs.
- (4) Four closed containers for sanitized implements.
- (5) Four wet sanitizers.
- (6) Four facial chairs.
- (7) Four complete sets of cold wave equipment.
- (8) One mannequin for each student.
- (9) Twelve styling stations, mirrors and chairs.
- (10) One locker for each student.
- (11) Four closed containers for soiled linen.
- (12) Three closed waste containers.

(13) One container for sterile solution for each manicure table.

(14) One bulletin board with dimensions of at least 2 feet by 2 feet.

(15) One chalkboard with dimensions of at least 4 feet by 4 feet.

(16) One linen cabinet.

(17) An arm chair or usable table and chair for each student in the theory room.

(18) Three timer clocks.

(19) Attendance records.

(20) Two sanitary towels per student.

(b) These minimum equipment requirements shall increase proportionately as the number of students enrolled in the school increases.

§ 7.115. Student equipment and supplies.

(a) A school shall ensure that each cosmetology student possesses and maintains in sanitary condition the following:

- (1) One shampoo cape.
- (2) One pair of scissors.
- (3) One hair cutting razor.
- (4) Two brushes.
- (5) Six combs.
- (6) A minimum of 100 pin curl clips.

(7) Complete tools for nail technology, including emery boards, pusher and brush.

(8) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.

(9) A basic cosmetology text book. A book of questions and answers is not considered a textbook.

(10) One pair of tweezers.

(b) A school shall ensure that each esthetician student possesses and maintains in sanitary condition the following:

- (1) One facial cape.
- (2) Two spatulas.
- (3) One pair of tweezers.
- (4) One make-up kit.

- (5) Facial supplies.
- (6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.
- (7) A basic skin care/make-up textbook.
- (c) A school shall ensure that each nail technology student possesses and maintains in sanitary condition the following:
 - (1) One polish kit.
 - (2) Complete tools for nail technology, including emery boards, pusher and brush.
 - (3) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.
 - (4) A basic nail technology textbook.
 - (d) A school shall ensure that each natural hair braiding student possesses and maintains in sanitary condition the following:
 - (1) One shampoo cape.
 - (2) One comb-out cape.
 - (3) Two brushes.
 - (4) Six combs.
 - (5) A minimum of 100 pin curl clips.
 - (6) A carrying case of sufficient size to accommodate the equipment and supplies used by the student.
 - (7) A basic natural hair braiding textbook.

§ 7.118. Professional staff.

- (a) A school shall employ as teachers of courses that are part of the required curriculum persons who possess a current cosmetology teacher or limited practice teacher license issued by the Board, except that a school may employ as teachers of business or teaching skills persons who hold a current teacher's certificate issued by the Department of Education.
- (b) The license of each teacher employed by the school shall be conspicuously displayed in the school.
- (c) A school shall employ at least one full-time teacher.
- (d) The student/teacher ratio of a class taught for credit may not exceed 25 to 1, except if a guest lecture is given by a person who is not regularly employed by the school as a teacher.
- (e) A school shall have attached to its staff for consultation purposes a physician who possess a current license to practice medicine in this Commonwealth.

§ 7.118a. Uniforms.

Teachers and students shall be attired in washable uniforms during school hours. A teacher uniform must be distinguished from a student uniform.

§ 7.120. Work done by students on the public.

- (a) A school may permit students to work on the public, and may charge a fee for treatment performed by students on the public based on the reasonable cost of materials used in such treatment, if the students have successfully completed the following hours of instruction:
 - (1) Cosmetology Curriculum—300 Hours
 - (2) Esthetics Curriculum—75 Hours
 - (3) Nail Technology Curriculum—50 Hours
 - (4) Natural Hair Braiding Curriculum—75 Hours

(b) A school that permits its students to work on the public shall display in a conspicuous place at the entrance to the school a sign with letters at least 2 inches in height, that states the following: "ALL WORK IN THE SCHOOL DONE BY STUDENTS ONLY" and "CHARGES FOR REASONABLE COST OF MATERIALS ONLY."

(c) A school shall display in a conspicuous place at the entrance to the school a sign stating that it is a school of cosmetology.

§ 7.123. Duty work.

A school shall require students to keep their stations clean and to assist in general cleanup and other duties that may be required in an operating salon, except that students may not be required to scrub floors, wash windows or perform janitorial tasks.

§ 7.125. Health and safety in school.

A school shall observe the same health and safety requirements that are prescribed for salons in §§ 7.91—7.98, 7.100 and 7.101.

§ 7.128. Mandatory offering of cosmetology curriculum.

(a) A school shall offer instruction in the curriculum for cosmetologists prescribed in § 7.129 (relating to curriculum requirements).

(b) A school may offer instruction in the curriculum for teachers, estheticians, nail technicians and natural hair braiders prescribed in § 7.129.

§ 7.129. Curriculum requirements.

(a) Except as provided in subsection (b), a school's cosmetology curriculum, excluding electives, must comprise a minimum of 1,250 hours, and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

BASIC COSMETOLOGY CURRICULUM

	<i>Recommended Hours</i>
Professional Practices	50
Bacteriology, Disinfection, Sanitation	
Professional Attitude	
Business Practices	
PA Cosmetology Law	
Sciences	200
Histology	
Trichology	
Chemistry	
Physiology	
Cosmetic Dermatology	
Electricity	
Cosmetology Skills—Cognitive and Manipulative	1,000
Shampooing and Conditioning	
Hair Shaping	
Hair Styling/Fingerwaving	
Chemical Texturizing	
Permanent Waving	
Hair Coloring	

	<i>Recommended Hours</i>
Hair Straightening	
Skin Care	
Nail Technology	
Temporary Hair Removal	
Scalp Treatment	
Care of all hair types and textures	
Makeup	
	Total 1,250

(b) A school's cosmetology curriculum for a student who holds a barber's license issued by the State Board of Barber Examiners must comprise a minimum of 695 hours and cover the subjects in subsection (a); the following breakdown of hours by subject is recommended:

	<i>Recommended Hours</i>
Professional Practices	15
Sciences	80
Cosmetology Skills— Cognitive and Manipulative	600
	Total 695

(c) A school's teacher curriculum, excluding electives, must comprise a minimum of 500 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

TEACHER CURRICULUM

	<i>Recommended Hours</i>
Teaching Techniques for Subjects Related To Cosmetology Curriculum	300
Student Teaching	100
Professional Practices	25
Salon Management Theory	75
	Total 500

(d) A school's esthetics curriculum, excluding electives, must comprise a minimum of 300 hours and cover the following subjects; the accompanying breakdown of hours by subject is recommended:

ESTHETICS CURRICULUM

	<i>Recommended Hours</i>
Professional Practices	40
Sciences	100
Facial Treatments	100
Temporary Hair Removal	10
Makeup	50
	Total 300

(e) A school's nail technology curriculum, excluding electives, must comprise a minimum of 200 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

NAIL TECHNOLOGY COURSE OUTLINE

	<i>Recommended Hours</i>
Professional Practice	25
Sciences	75
Nail Treatments	75
Pedicuring	25
	Total 200

(f) A school's natural hair braiding curriculum, excluding electives, must comprise a minimum of 300 hours and cover the following subjects; the accompanying breakdown of hours by subjects is recommended:

NATURAL HAIR BRAIDING COURSE OUTLINE

	<i>Recommended Hours</i>
Professional practices, including sanitation	50
Sciences, including scalp care and anatomy	125
Cognitive and manipulative skills related to natural hair braiding	125
	Total 300

PREPARATION BY APPRENTICESHIP METHOD

§ 7.131. Introduction.

An individual who chooses to seek eligibility for the cosmetologist examination by apprenticeship shall comply with section 10 of the act (63 P. S. § 516) and the applicable requirements of this section and §§ 7.132—71.134 (relating to preparation by apprenticeship method).

§ 7.132. Apprentice curriculum.

The cosmetology teacher responsible for offering instruction to an apprentice in a cosmetology salon shall teach the same cosmetology curriculum that the Board prescribes for schools of cosmetology in § 7.129 (relating to curriculum requirements), with additional hours included so that the total number of hours adds up to 2,000, as follows:

BASIC COSMETOLOGY APPRENTICE CURRICULUM

	<i>Recommended Hours</i>
Professional Practices	50
Bacteriology, Disinfection, Sanitation	
Professional Attitude	
Business Practices	
PA Cosmetology Law	
Sciences	200
Histology	
Trichology	
Chemistry	
Physiology	
Cosmetic Dermatology	
Electricity	
Cosmetology Skills—Cognitive and Manipulative	1,750

Recommended Hours

- Shampooing and Conditioning
- Hair Shaping
- Hair Styling/Fingerwaving
- Permanent Waving
- Hair Coloring
- Hair Straightening
- Skin Care
- Nail Technology
- Temporary Hair Removal
- Scalp Treatment
- Care of all hair types and textures
- Makeup

Total 2,000

§ 7.133. Application for apprentice permit.

To qualify for apprenticeship training in a cosmetology salon, an individual shall apply to the Board for an apprentice permit.

§ 7.134. Apprentice reports.

The owner of a cosmetology salon that employs apprentices shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each apprentice. The reports shall be submitted by the following dates: April 15, July 15, October 15 and January 15.

[Pa.B. Doc. No. 09-40. Filed for public inspection January 9, 2009, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 401a]

Licensed Facility

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(a) and (b) (relating to general and specific powers) amends § 401a.3 (relating to definitions) to read as set forth in Annex A.

Purpose of the Final-Form Rulemaking

This amendment provides additional clarification as to how the Board interprets the term “licensed facility.”

Explanation of the Amendment to Chapter 401a

Currently, the Board’s regulations use the definition of “licensed facility” that is contained in 4 Pa.C.S. § 1103 (relating to definitions).

However, a number of questions have arisen as to how the term should be interpreted. For example, 4 Pa.C.S. § 1305(b) (relating to Category 3 slot machine license) requires that no Category 3 license shall be located within 15 linear miles of another licensed facility. Questions have been raised as to whether the 15 linear miles should be measured from the property line of the applicant or the building that houses the gaming floor.

To provide greater clarity to applicants for and holders of slot machine licenses, the Board is expanding the

definition of “licensed facility” to clarify that it includes the gaming floor, all restricted areas servicing the slot operations, amenities, such as food, beverage and retail outlets and other areas serving the gaming floor which are located on or directly accessible from the gaming floor or restricted areas. The term does not include areas that are exclusively devoted to pari-mutuel activities, hotel activities or other amenities not related to the slot machine gaming operations.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 2053 (May 3, 2008).

The Board received comments from Senators Robert Tomlinson and Mike Folmer, Representatives Maureen Gingrich, Ronald Marisco and Rosemarie Swanger, the Lebanon County Commissioners, East Hanover Township (Lebanon County), the Bushkill Group, Inc., the Lebanon Valley Chamber of Commerce, the Ono Fire Company (East Hanover Township, Lebanon County) and Sands Casino Resort Bethlehem during the public comment period. By letter dated July 2, 2008, the Independent Regulatory Review Commission (IRRC) also submitted comments. All of these comments were reviewed by the Board and are discussed in detail as follows.

Most of the commentators, except the Bushkill Group, Inc. and Sands Casino Resort Bethlehem, commented that this expanded definition would make East Hanover Township in Lebanon County and Lebanon County ineligible to receive any local share gaming funds. For that reason, they recommended that the Board not revise the definition of licensed facility.

Their arguments were based on the fact that approximately 22 acres of the land owned by Penn National Turf Club (Penn National) is located in Lebanon County and their presumption that Penn National is the slot machine licensee. Actually, the holder of the slot machine license is Mountainview Thoroughbred Racing Association (Mountainview), not Penn National. When this amendment was proposed, Mountainview leased approximately 220 acres from Penn National and all of that acreage is in Dauphin County. So regardless of how the term “licensed facility” was defined, East Hanover Township (Lebanon County) and Lebanon County would not have been eligible to receive any local share funds. In August of 2008, Penn National and Mountainview amended the lease so that it now includes the acreage in Lebanon County.

The Board concurs with commentators that there will be economic impacts on East Hanover Township (Lebanon County) and Lebanon County. However, the Board does not believe that changing the definition of “licensed facility” to include all areas owned or leased by a slot machine licensee is consistent with the language of the Pennsylvania Race Horse Development and Gaming Act (act) or the intent of the General Assembly.

While Lebanon County is not entitled to any local share funds under the act, the act does permit counties that receive funds to enter into intergovernmental cooperative agreements with other jurisdictions for sharing these funds. Therefore, the Board encourages Lebanon County to enter into discussions with Dauphin County to explore the possibility of entering into an agreement.

IRRC and some of the other commentators questioned the Board’s authority to “change” the statutory definition of licensed facility.

The Board has not changed the statutory language in the definition. That language continues to mirror the

language of the act. The Board has, however, expanded the definition by adding additional language which articulates how the Board interprets the language in the act. This has been done under the Board's general authority to regulate gaming in this Commonwealth.

IRRC suggested that the Board consider further amendments to this definition to clarify whether the phrase "physical land-based location" refers to the entire property or just identified structures on the property where the licensed facility is located.

The Board believes the proposed definition, with the revisions discussed, is clear that it only applies to certain areas within a structure or structures. Because a number of the licensed facilities are in buildings which also house activities unrelated to gaming (such as pari-mutuel or retail activities) expanding the definition to include the entire building which houses the gaming related activities would be inconsistent with the act.

IRRC questioned if amending the definition of licensed facility would somehow interfere with the Department of Revenue's (Revenue) powers under 4 Pa.C.S. § 1403 (relating to establishment of State gaming and net slot machine revenue distributions).

Section 1403 of the act vests Revenue with the sole authority to make distributions from the State Gaming Fund; it does not give Department of Revenue (Revenue) the authority to define what constitutes a "licensed facility." Instead, section 1202 of the act gives the Board the authority to regulate all aspects of gaming.

IRRC also asked the Board to explain how the proposed definition is consistent with legislative intent and whether it represents a policy issue that warrants legislative review.

In the act, the term "licensed facility" is used over 200 times in a variety of contexts. Reading these provisions as a whole, the Board believes that the intent of the General Assembly when it first passed the act was that the licensed facility consists of more than just the gaming floor but less than the entire parcel of land on which the licensed facility is located.

Additionally, during the deliberations on Senate Bill 862, which amended the act, the phrase "and associated areas" in the definition of "licensed facility" and a definition of "associated areas," which had been added in an earlier version of the bill, were both deleted by the House. During the floor debate in the Senate, both Senators Brightbill and Fumo expressed reservations that this amendment by the House could reduce the scope of what was included as part of a "licensed facility."

Given the various provisions that use the term "licensed facility" and the most recent amendments to the act passed by the General Assembly, the Board believes that its interpretation of what constitutes a licensed facility is consistent with the intention of the General Assembly. Additionally, because this definition was amended in the final version of Senate Bill 862, the Board believes that this is an issue that the General Assembly has already reviewed.

IRRC and a commentator also suggested that the Board consider limiting the scope of the proposed definition solely for the purposes of measuring linear distance between facilities.

While the one example used in the proposed preamble addressed the 15 mile issue, this definition is also intended to give slot machine licensees guidance for other issues as well. Additionally, since there is no basis for

such a distinction in the act, the Board believes it lacks a statutory basis to do multiple definitions. Even if the Board had the authority, multiple definitions would be confusing to licensees.

Sands Casino Resort Bethlehem supports the expansion of the definition of licensed facility and offered revisions which it believes would further clarify this definition. IRRC suggested that the Board consider the changes offered by Sands Casino Resort Bethlehem.

The Board has reviewed the suggestions offered by Sands Casino Resort Bethlehem and has included some of the suggested language in the final-form definition.

The Bushkill Group, Inc. supports the adoption of the regulation as proposed because it clarifies the definition of licensed facility.

The Board appreciates the support expressed by this commentator.

Affected Parties

Holders of and applicants for a slot machine license will be affected by this rulemaking.

There are currently 11 slot machine licensees and 4 applicants for slot machine licenses.

Fiscal Impact

Commonwealth

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

Political Subdivisions

Under 4 Pa.C.S. § 1403, the distribution of funds from the local share assessment is based upon the location of the licensed facility. For slot machine licensees that have licensed facilities in more than one county or municipality this proposed rulemaking could have a fiscal impact on those political subdivisions. However, as discussed previously, none of the currently licensed facilities are located in multiple political subdivisions.

Private Sector

To the extent that this rulemaking clarifies the definition of the term "licensed facility," there may be some small potential savings to applicants or potential applicants for a slot machine license.

General Public

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

Paperwork requirements

This final-form rulemaking creates no new paperwork requirements.

Effective Date

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

Contact Person

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 21, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 2053, and a copy of the Regulatory Analysis Form to IRRC and the Chairpersons of the House Gaming Over-

sight Committee and the Senate Committee on Community, Economic and Recreational Development (Committees).

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), the final-form rulemaking was deemed approved by the Committees on November 5, 2008. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 6, 2008, and approved the final-form rulemaking.

Findings

The Board finds that:

- (1) Public notice of intention to adopt this amendment was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

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

- (a) The regulations of the Board, 58 Pa. Code Chapter 401a, are amended by amending § 401a.3 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.
- (b) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (c) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

MARY DIGIACOMO COLINS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 6429 (November 22, 2008).)

Fiscal Note: Fiscal Note 125-85 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart A. GENERAL PROVISIONS

CHAPTER 401a. PRELIMINARY PROVISIONS

§ 401a.3. Definitions.

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

* * * * *

Licensed facility—

(i) The physical land-based location at which a licensed gaming entity is authorized to place and operate slot machines including the gaming floor, all restricted areas servicing slot operations, and food, beverage and retail outlets and other areas serving the gaming floor which are located either on or directly accessible from and adjacent to the gaming floor or the restricted areas servicing slot operations.

(ii) The term does not encompass areas or amenities exclusive to pari-mutuel activities, hotel activities including hotel rooms, catering or room service operations serving a hotel, convention, meeting and multipurpose facilities, retail facilities, food and beverage outlets and other amenities and activities not located on or adjacent to the gaming floor, or related to slot machine gaming operations.

* * * * *

[Pa.B. Doc. No. 09-41. Filed for public inspection January 9, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 107—HOUSE OF REPRESENTATIVES OF PENNSYLVANIA

PENNSYLVANIA HOUSE OF REPRESENTATIVES

[107 PA. CODE CH. 201]

Right-to-Know Law—Statement of Policy

An error occurred in the statement of policy which appeared at 38 Pa.B. 7089 (December 27, 2008).

The correct version of § 201.15 (relating to fee schedule) is as follows:

§ 201.15. Fee schedule.

(a) *General rule.* Except as set forth in subsection (b), the following apply:

- (1) The fee for providing a document is \$.25 per page.
- (2) The fee for postage will not exceed actual mailing costs.
- (3) The fee for certifying a document is \$1 per document, regardless of the number of pages. Each document to be certified requires separate certification and fee.

(b) *Payment.*

(1) Payment arrangements shall be made between the requester and the open-records officer.

(2) Under section 1307(h) of the law (65 P. S. § 67.1307(h)), if the total fee is estimated to exceed \$100, payment may be required prior to the initiation of providing the document. If prepayment is required, a check, certified check or money order shall be made payable to the "House of Representatives" in the total amount of the fee.

[Pa.B. Doc. No. 08-2345. Filed for inspection December 26, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) hereby issues a temporary order designating West Nile Encephalitis (WNE), Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic Septicemia (VHS), Lymphocitic Choriomeningitis Virus (LCMV) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as “dangerous transmissible diseases.” These designations are made under the authority of 3 Pa.C.S. §§ 2301–2389 (relating to the Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to these same diseases, as published at 37 Pa.B. 6297 (December 1, 2007) that made the same dangerous transmissible disease designations. This previous temporary order will expire as of January 1, 2009.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a “dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation.

1. WNE

WNE is a disease of public health significance. It also poses a threat to domestic animal health and to the economic well being of domestic animal industries—particularly the equine industry. Section 2322(c) of 3 Pa.C.S. (relating to neoplastic diseases, metabolic diseases and heritable diseases) requires the Department to proceed with the agreement of the Department of Health (Health) when it adds a disease of public health significance to the list of designated dangerous transmissible diseases. Both the Department and Health agreed upon adding WNE to the list of dangerous transmissible diseases and to the reissuance of this temporary order.

WNE is an infection of the brain caused by the West Nile virus. Although West Nile virus has, in the past, been found most typically in Africa, Eastern Europe and West Asia, it was detected in the New York City area and in parts of New Jersey in 1999. It has spread across the United States since then. In mild cases of human disease, infection can cause fever, headache, body aches, skin rash and swollen lymph glands. In more severe cases, it can cause headache, high fever, neck stiffness, stupor, disorientation, coma, tremors, paralysis and occasional convulsions. In animals, horses and birds appear to be most susceptible to illness following infection, although reports of illness in other species are increasing.

Humans and animals can acquire West Nile virus through a bite from a mosquito that has bitten an infected bird. The designation of WNE as a “dangerous transmissible disease” will facilitate the Department’s

surveillance of birds, horses and other animals for the presence of the West Nile virus or WNE. The designation will also help the Department in providing assistance to Health and other public health agencies in monitoring and treatment efforts.

2. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. The designation of CWD as a “dangerous transmissible disease” will facilitate the development and oversight of a surveillance program and will help the Department react and take action in the event CWD is detected.

3. SVC

SVC is caused by a ribonucleic acid virus known as *Rhabdovirus carpio* and is considered an emerging disease in the United States. SVC poses a threat to both domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

4. VHS

Viral hemorrhagic septicemia (VHS) virus is a serious pathogen of fresh and saltwater fish that is causing an emerging disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

5. *LCMV*

LCMV is known to cause potentially fatal disease in humans and is capable of being spread by various rodent species. From time to time, outbreaks have occurred in the United States—necessitating swift investigation and disease containment strategies to protect human health.

6. *Neurologic Form of EHV-1*

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheo-bronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild incoordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

Order

The Department hereby designates WNE, CWD, SVC, VHS, LCMV and EHV-1 “dangerous transmissible diseases” under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2009, and shall remain in effect until no later than January 1, 2010. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2010; (2) allow this temporary order to expire on January 1, 2010; (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Craig Shultz, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-42. Filed for public inspection January 9, 2009, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

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

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 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

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-29-2008	From: Centric Bank, National Association Harrisburg Dauphin County To: Centric Bank Harrisburg Dauphin County	Harrisburg	Filed

Application for conversion from a national banking association to a Pennsylvania State-chartered bank.

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-17-2008	The Dime Bank Honesdale Wayne County	99 Welwood Avenue Hawley Wayne County	Opened
12-29-2008	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	818 Haddonfield Road Cherry Hill Camden County, NJ	Filed

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
12-22-2008	NOVA Bank Berwyn Chester County	<i>To:</i> 1420 Locust Street Philadelphia Philadelphia County <i>From:</i> 1535 Locust Street Philadelphia Philadelphia County	Effective
12-23-2008	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	<i>To:</i> Water Street and Kennedy Boulevard Pittston Luzerne County <i>From:</i> 801 Wyoming Avenue West Pittston Luzerne County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
12-29-2008	Commerce Bank/Harrisburg Harrisburg Dauphin County	Amend and restate Articles of Incorporation in their entirety.	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-43. Filed for public inspection January 9, 2009, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Radioactive Material License Termination Request

The Department of Conservation and Natural Resources (DCNR) has submitted a request to the Department of Environmental Protection (Department) for termination of Radioactive Material License No. PA-1052S in accordance with 25 Pa. Code § 215.1(e) (relating to purpose and scope). The license encompasses residual radioactive material left behind from past operations at the facility. The facility is located in the Quehanna Wild Area of the Moshannon State Forest. The site has a long history of radioactive material use since the construction of the research reactor in 1955. Since then various tenants have been licensed to possess radioactive materials for uses including materials research, production of radiothermal electric generators, and high activity

gamma irradiation. The DCNR has taken final facility cleanup responsibility to allow for unrestricted future use. The DCNR has submitted a Final Status Survey Report (FSSR) for review by the Department. If approved, the license will be terminated and the site released for unrestricted use. This request comes following an extensive 10 year cleanup of the facilities and surrounding grounds and disposal of significant volumes of low-level radioactive waste at licensed out-of-State sites. The DCNR feels the FSSR documents that the cleanup has effectively removed and properly disposed of all radiological hazards from past licensed activities. The Department will evaluate the provided documentation and data generated from a confirmatory survey of the site prior to granting license termination.

The FSSR is available for public review and comment. The Department will accept written comments on the DCNR's request until February 10, 2009. Comments should be submitted by mail to Director, Bureau of Radiation Protection, Rachel Carson State Office Building, P. O. Box 8469, Harrisburg, PA 17105-8469 or RA-EPDecommissioning@state.pa.us. Following the public

5comment period, the Department will make a final determination regarding the DCNR's request. Notice of the Department's final determination will be published in a future edition of the *Pennsylvania Bulletin*.

For additional information concerning the Quehanna site, cleanup activities or DCNR's request, individuals may contact the Bureau of Radiation Protection at (717) 787-2480 or RA-EPDecommissioning@state.pa.us. Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department directly at (717) 787-2480 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 09-44. Filed for public inspection January 9, 2009, 9:00 a.m.]

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) has a meeting scheduled for Thursday, January 29, 2009. The meeting will be held at 9:30 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items should be directed to Vanyla Tierney at (717) 783-2654.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Vanyla Tierney at (717) 783-2654 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 09-45. Filed for public inspection January 9, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Hope College of Holland, MI to operate in Philadelphia

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Hope College based in Holland, MI to have a Certificate of Authority from the Department approving its offering off-campus and student internship courses in Philadelphia at The Philadelphia Center, which it operates.

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

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

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

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 09-46. Filed for public inspection January 9, 2009, 9:00 a.m.]

Application of Sharon Salov for Reinstatement of Teaching Certificate; Doc. No. Re-08-03

Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Sharon Salov for reinstatement of her teaching certificate.

On or about September 4, 2008, Sharon Salov filed an application for reinstatement of her teaching certificate under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and 22 Pa. Code § 233.123 (relating to reinstatements). Under section 16 of the act, the Department of Education on December 10, 2008, advised the Commission that it did not oppose the reinstatement application. In accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties who desire to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance with 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 09-47. Filed for public inspection January 9, 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>
PA0063851 (Minor Sewage)	Sweet Valley Mobile Home Village 26 Updyke Road Hunlock Creek, PA 18621	Luzerne County Ross Township	UNT to Roaring Brook 5B	Y

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0041491 (SEW)	Berks Properties Inc.—Mountain Village Mobile Home Park 3613 Seisholtzville Road Hereford, PA 18056	Berks County Longswamp Township	UNT Perkiomen Creek 3E	Y
PA0009741 (IW)	Exelon Generation Company, LLC Muddy Run Pump Storage Facility 300 Exelon Way Suite 320 Kennett Square, PA 19348	Lancaster County Drumore Township	Susquehanna River 7K	Y
PA0082457 (IW)	Alexandria Borough Water Authority 7561 Bridge Street Alexandria, PA 16611	Huntingdon County Porter Township	Robison Run 11-A	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>
PA0030317	Clarion Limestone High School 4091 C-L School Road Strattanville, PA 16258	Clarion Township Clarion County	UNT to Little Piney Creek 17-B	Y
PA0222739	Blooming Valley United Methodist Church 24740 State Street Meadville, PA 16335	Blooming Valley Borough Crawford County	UNT to Woodcock Creek 16-A	Y
PA0238970	Water Gait Community Water Association 36 North Gait Drive Slippery Rock, PA 16057	Liberty Township Mercer County	UNT to Wolf Creek 20-C	Y
PA0221015	Mainline North Interchange STP Route 60 Beaver Valley Expressway New Castle, PA 16102	North Beaver Township Lawrence County	UNT to Beaver River 20-B	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.

PA0056804, Industrial Waste, SIC 4941, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Middletown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated process wastewater from a water filtration plant. This is an existing discharge to Neshaminy Creek.

The receiving stream, Neshaminy Creek, is in the State Water Plan Watershed 2F—Neshaminy and is classified for: WWF, MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.2 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids			30	60	75
Total Residual Chlorine			0.105		0.34
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Aluminum, total			0.82	1.64	2.05
Manganese, total			1.0	2.0	2.5
Phosphorus as P					

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly Report</i>	<i>Maximum Daily Report</i>	<i>Instantaneous Maximum (mg/l) Report</i>
(issuance—year 1) (year 2—expiration)			2.0	4.0	5.0

The proposed effluent limits for Outfall 002 are based on a semiannual discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids				60	75
Total Residual Chlorine					0.28
pH	Within limits of 6.0 to 9.0 Standard Units at all times				
Aluminum, total				1.2	1.5
Iron, total				3.1	3.9
Manganese, total				3.0	3.75

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

1. Remedial Measures if Unsatisfactory Effluent.
2. BAT/BCT Standards.
3. Change of Ownership.
4. Chlorine Minimization.
5. Proper Sludge Disposal.
6. Additional Sampling.
7. Sedimentation Basin Cleaning.
8. Outfall 002 Monitoring Requirements.
9. Laboratory Certification.

PA0052272, Industrial Waste, SIC 2952, **Henry Company**, 336 Cold Stream Road, P. O. Box 368, Kimberton, PA 19422. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated groundwater used as NCCW, and stormwater from the facility in East Pikeland Township, Chester County. This is an existing discharge to a UNT to French Creek.

The receiving stream, French Creek, is classified as: TSF and MF. The nearest public water supply intake is for Aqua, PA water filtration plant, on Schuylkill River is about 7.5 miles downstream of the discharge.

The proposed effluent limits for Outfall 001, based on an average flow of 9,000 gpd, are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Trichloroethylene (Influent)	Monitor and Report	Monitor and Report	Monitor and Report
(Effluent)	0.001	0.002	0.0025
Total Suspended Solids	30	60	75
Temperature° F			110° F
pH (Standard Units)	Within limits of 6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfall 009, for stormwater runoff from receiving dock and coal tar pitch emission tank area, are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
Oil and Grease	Monitor and Report
Phenols	Monitor and Report
Dissolved Iron	Monitor and Report

The proposed effluent limits for Outfall 010, for stormwater runoff from roof drain of a manufacturing building, parking lot and area adjacent to the receiving dock are as follows:

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	Monitor and Report
COD	Monitor and Report
Oil and Grease	Monitor and Report

<i>Parameter</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	Monitor and Report
Total Suspended Solids	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report
Total Phosphorus	Monitor and Report
Iron (Dissolved)	Monitor and Report

The EPA waiver is in effect.

Other Requirements:

Requirement applicable to stormwater outfalls.

PA0244252 A1, Industrial Waste, **Southco, Inc.**, 210 North Brinton Lake Road, Concordville, PA 19331. This existing facility is located in Concord Township, **Delaware County**.

Description of Proposed Activity: The permittee requests an amendment to the existing NPDES permit for the discharge of blowdown from noncontact cooling water towers and stormwater. The amendment involves the addition of two new cooling towers.

The receiving stream, a UNT to West Branch Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF and MF.

The existing effluent monitoring requirements for Outfall 001 for stormwater flow continue to apply:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
CBOD ₅					Monitor and Report
COD					Monitor and Report
Oil and Grease					Monitor and Report
pH (Standard Units)					Monitor and Report
Total Suspended Solids					Monitor and Report
Total Kjeldahl Nitrogen					Monitor and Report
Total Phosphorus					Monitor and Report
Iron, Dissolved					Monitor and Report
Copper, total					Monitor and Report
Lead, total					Monitor and Report
Zinc, total					Monitor and Report

The existing effluent limits for Monitoring Points 101, 201, 301 and 401 are proposed to be applied also to Monitoring Points 501 and 601, and are based on a flow of 1,440 gpd, increased from 600 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Minimum</i>	<i>Maximum Daily</i>	
pH (Standard Units)			6.0		9.0
Temperature					110° F

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

1. Chemical Additive Condition.
2. Change of Ownership.
3. TMDL/WLA Analysis.
4. Laboratory Certification.
5. Small Stream Discharge.
6. Stormwater Outfall Requirements.

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

Application No. PA 0031062, Sewage, **Robesonia-Wernersville Municipal Authority**, P. O. Box 202, Wernersville, PA 19565. This facility is located in Heidelberg Township, **Berks County**.

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

The receiving stream, Spring Creek, is in Watershed 3-C, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Western Berks Water Authority is located on the Tulpehocken Creek, approximately 9 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 1.4 mgd are:

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		20
Total Phosphorus	1		2
Total Residual Chlorine	0.39		1.29
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 1.4 mgd are:

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly (mg/l)</i>	<i>Weekly (mg/l)</i>	
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		20
Total Phosphorus	1		2
Total Residual Chlorine	0.34		1.12
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. PAR 803716, Industrial Waste, SIC Code 5171, **Berks Products, Inc.** (North 11th Street, Fuel Oil Terminal), P. O. Box 9000, Wyomissing, PA 19610. This facility is located in Muhlenberg Township, **Berks County**.

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

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

The proposed effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Average</i>	<i>Maximum</i>	<i>Average</i>	<i>Maximum</i>
Total Recoverable Petroleum Hydrocarbons	XXX	XXX	15 mg/l	30 mg/l

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

The EPA waiver is in effect.

Application No. PA 0033057, Sewage, **Crestview Village MHP**, 455 B Middlecreek Road, Lititz, PA 17543. This facility is located in Londonderry Township, **Dauphin County**.

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

The receiving stream, Iron Run, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Middletown Water Company is located on the Swatara Creek, approximately 2 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0145 mgd are:

<i>Parameter</i>	<i>Average</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Monthly (mg/l)</i>		
CBOD ₅			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Suspended Solids	30	60
Total Residual Chlorine	0.5	1.63
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 in effect.

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

PA0203700, Sewage, **Bruderhof Communities of PA, Inc.**, Route 381 North, P. O. Box 260, Farmington, PA 15437. This application is for renewal of an NPDES permit to discharge treated sewage from Spring Valley Sewage Treatment Plant in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Deadman Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the North Fayette County Municipal Authority on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.042 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	10			20
(11-1 to 4-30)	15			30
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	8.0			16.0
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			
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Nitrite-Nitrate	10			20

The EPA waiver is in effect.

PA0092517, Sewage, **Allegheny Plaza Associates I, c/o Rosen Associates Management Corp.**, 33 South Service Road, Jericho, NY 11753-1006. This application is for renewal of an NPDES permit to discharge treated sewage from Allegheny Plaza Associates Sewage Treatment Plant in Allegheny Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Pine 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 Freeport Water Company located on the Allegheny River.

Outfall 001: existing discharge, design flow of 0.0175 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0095150, Sewage, **FMJ Enterprises, LLC**, P. O. Box 906, Uniontown, PA 15401. This application is for renewal of an NPDES permit to discharge treated sewage from Pine Top Estates Mobile Home Park II STP in Forward Township, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 0.028 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

WQM Permit No. 0508404, Amendment, Sewerage, **Bedford Materials Company**, 7676 Allegheny Road, Manns Choice, PA 15550. This proposed facility is located in Napier Township, **Bedford County**.

Description of Proposed Action/Activity: Replacement of aerated activated sludge system with an aerobic fixed film/filter treatment system (AdvanTex).

WQM Permit No. 0108405, Sewerage, **Ali Mirage**, 250 Waynesboro Pike, Fairfield, PA 17320. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of sewage treatment plant to serve The Mirage, a residential subdivision.

WQM Permit No. 6708404, Amendment 08-1, Sewerage, **Springettsbury Township**, 3501 North Sherman Street, York, PA 17402. This proposed facility is located in Springettsbury Township, **York County**.

Description of Proposed Action/Activity: Replacement of the existing chlorination system with an ultraviolet disinfection system, this replacement will occur during the Biological Nutrient Removal upgrade of the existing treatment capacity of the plant at the designed flow rate of 15 mgd.

WQM Permit No. 2208408, Amendment, Sewerage, **Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109. This proposed facility is located in Lower Paxton Township, **Dauphin County**.

Description of Proposed Action/Activity: Replacement of Trunk B, approximately 1,300 feet of 12-inch pipe and replacement of approximately 560 feet of 10-inch pipe with 12-inch pipe. The existing 10-inch pipe will be replaced in the same location while the existing 12-inch pipe will be abandoned in place and a new sewer will be constructed approximately 150 feet to the north. Jonestown R/W—replacement of approximately 280 feet of 10-inch ACP trunk sewer with 10-inch PVC pipe.

WQM Permit No. 0708404, Sewerage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602-7114. This proposed facility is located in Allegheny Township, **Blair County**.

Description of Proposed Action/Activity: Addition of clarifiers, converting activated sludge aeration tanks to Biological Nutrient Removal (BNR) Reactors and converting Equalization Tank to BNR Reactors. The project also includes site work and stormwater management facilities.

WQM Permit No. 0508405, Sewerage, **Harland W. Miller**, 413 Pinewood Avenue, Hyndman, PA 15545. This proposed facility is located in Londonderry Township, **Bedford County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve a 2-Unit Apartment Building on Tiverton Drive.

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.

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508006	Karl Pfeiffenberger SLIBCO 222 Mulberry Street Scranton, PA 18503	Lackawanna	Archbald and Jessup Boroughs	Grassey Island Creek HQ-CWF Tributary to Lackawanna River CWF Laurel Run CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807001(1)	Weis Market Forks, Inc. Attn: David Gill 1000 South Second Street Sunbury, PA 17801	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024808014	Edward and Elaine Mertz 480 Nolf Road Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Y070R-1	Andy Spear PPL Corp. Brunner Island 2 North 9th Street PI 6 Allentown, PA 18101	York	York Haven Borough	Hartman Run—Conewago Creek— Susquehanna River WWF

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

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408014	Dan Hawbaker GOH, Inc. 1952 Waddle Road State College, PA 16803	Centre	Patton Township	UNT to Spring 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.

APPLICATIONS—NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<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 or New</i>
Steven Hykes 1239 Hykes Road Greencastle, PA 17225	Franklin	533.1	662.8	Swine/Beef	NA	Renewal
Lester B. Weaver 2560 Sunnyside Road Manheim, PA 17545	Lancaster	232	467.6	Dairy/Hogs	NA	Renewal
Randall L. Clugston Hidden Springs Farm 2916 Safe Harbor Road Millersville, PA 17551	Lancaster	21	362	Layers	NA	New
Brian Byers 81 Four Pines Road Quarryville, PA 17566	Lancaster	240	148.2	Ducks/Dairy	HQ	Renewal
<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Application or New</i>
By-A-Dam Site Farm LaMar Troup 282 Troup Road Beaver Springs, PA 17812	Snyder	289.8	466.6	Swine, Poultry, Beef, Horses	N/A	Application
Dennis Zimmerman 727 Turkey Hill Road Beaver Springs, PA 17812	Snyder	25.8	15.56	Ducks	N/A	Application

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

MINOR AMENDMENT

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

**Application No. 165W8MA2, Minor Amendment,
Public Water Supply.**

Applicant	Aqua Pennsylvania Inc. Oakhill Water System Lehman Township Luzerne County
Responsible Official	Patrick Burke Aqua Pennsylvania, Inc. 50 East Woodhaven Drive White Haven, PA 18661
Type of Facility	Public Water System
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA
Application Received Date	November 25, 2008
Description of Action	Painting and repairs to a water tank in the Oakhill system.

**Application No. 5491509MA, Minor Amendment,
Public Water Supply.**

Applicant	Municipal Authority of the Borough of Shenandoah Shenandoah Borough Schuylkill County
Responsible Official	Mary Lou Jaskierski Municipal Authority of the Borough of Shenandoah P. O. Box 110 Shenandoah, PA
Type of Facility	Public Water System
Consulting Engineer	ENTECH Engineering, Inc. 4 South Fourth Street Reading, PA
Application Received Date	December 8, 2008
Description of Action	The painting and rehabilitation of the heights and turkey run water storage tanks. A modification to pump station 7 to supply water to the heights area when the tank is out of service.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a

summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

Merton Price Property, Ridley Township, Delaware County. Michael Christie, Penn E&R Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kenneth Hurwitz, Merton Price Company, 207 Yorktown Place, Berwyn, PA 19132 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of chlorinated solvents and petroleum hydrocarbons including mtbe. The future use of the site will be nonresidential for commercial purposes. A Summary of Intent to Remediate was to have been published in the *Delaware County Daily Times* on December 4, 2008.

Knights Road Shopping Center, City of Philadelphia, Philadelphia County. Steve Miller, Island Environmental, Inc., 4253 Old National Pike, Suite 4, Middletown, MD 21769 on behalf of Philip Schanzer, Marx Realty and Improvement Company, 708 Third Avenue, Fifteenth Floor, New York, NY 10017 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted by the release of chlorinated solvents. The future use of the site will remain the same.

Mark II Associates, Inc. Properties, Folcroft Borough, Delaware County. Eduard Eichen, CIH, The OAK Group, Inc., Waterfront Technology Center, 200 Federal Street, Suite 300, Camden, NJ 08103, Terence O'Reilly, P. G., TriSate Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020 on behalf of Cynthia Ray, Mark Associates, Inc., 266 South 23rd Street, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents. The future use of the site will continue to be nonresidential (commercial).

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

Gulf Oil Limited Partnership—Dupont Terminal, 674 Suscon Road, Pittston Township, Luzerne County. Donald Rood, Brilliant Lewis Environmental Services, LLC, 3070 Bristol Pike, Building 2, Suite 105, Bensalem, PA 19020 has submitted a Notice of Intent to Remediate on behalf of his client, Gulf Oil Limited Partnership, 275

Washington Street, Newton, MA 02458), concerning the remediation of soil and groundwater found to have been impacted by hydrocarbons during the removal of a vapor recovery tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application for Determination of Applicability for General Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM025SE001. Accurate Recycling Corporation, 508 East Baltimore Pike, Lansdowne, PA 19050. This is a permit application for Determination of Applicability (DOA) under General Permit WMGM025. General Permit WMGM025SE001 is for the beneficial use of construction waste from new residential and commercial construction sites at Accurate Recycling Corporation Union Avenue Facility located at 20 South Union Avenue, Upper Darby, PA 19050, Upper Darby Township, **Delaware County**. The application for DOA was determined to be administratively complete by the Southeast Regional Office on December 19, 2008.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first.

Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

39-399-066: GEO Specialty Chemicals, Inc. (2409 North Cedar Crest Boulevard, Allentown, PA 18104) for installation of a new baghouse at their facility in South Whitehall Township, **Lehigh County**.

66-315-054: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629-0032) for installation of two new Napkin converting lines at their facility in Washington Township, **Wyoming 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.

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

04-00065C: Whemco-Steel Castings, Inc. (5 Hot Metal Street, Suite 300, Pittsburgh, PA 15203) for a new torch cutting operation at their Midland Foundry Division facility in Midland Borough, **Beaver County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, notice is hereby given that the Department of Environmental Protection (Department) intends to issue Plan Approval PA-30-00065C to allow the construction of a new torch cutting operation at Whemco's Midland Foundry Division located in Midland, Beaver County.

Emissions from this source are estimated to be 4.45 tons of PM/PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation

and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

Special Conditions

1. This Plan Approval authorizes the construction of a new torch cutting operation at Whemco steel foundry located in Midland, Beaver County.

2. Per 25 Pa. Code § 123.1(a), there shall be no visible fugitive emissions from this facility at any time, except those that are a direct result of stockpiling or use of roads. Per 25 Pa. Code § 123.1(c), permittee shall take all reasonable actions to prevent PM arising from stockpiling or use of roads from becoming airborne. Per 25 Pa. Code § 123.2, visible fugitive emissions shall not cross permittee's property line at any time.

3. A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

a. Equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

b. Equal to or greater than 60% at any time.

4. The limitations of 25 Pa. Code § 123.41 (relating to limitations) shall not apply to a visible emission in any of the following instances:

a. When the presence of uncombined water is the only reason for failure of the emission to meet the limitations.

b. When the emission results from the operation of equipment used solely to train and test persons in observing the opacity of visible emissions.

c. When the emission results from sources specified in 25 Pa. Code § 123.1(a)(1)–(9) (relating to prohibition of certain fugitive emissions).

5. A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.

6. Owner/operator shall perform a daily inspection of the facility for the presence of fugitive or malodorous emissions. If such emissions are noted, immediate actions shall be taken to correct them. (25 Pa. Code § 127.12b)

7. The Owner/Operator shall prepare a Torch Cutting Operations Manual which is endorsed by the equipment manufacturers, and which includes appropriate operating, equipment maintenance and trouble shooting procedures to be followed by personnel during furnace operation. The Manual shall include the installation, calibration and maintenance procedures recommended by the suppliers of the equipment used to measure and record the furnace systems operating conditions.

8. The new torch cutting booth shall not be operated unless the fabric collector is also operating.

9. On a daily basis, the shop and the bag house shall be observed for the presence of visible emissions. A record of these observations shall be monitored and made available to the Department upon request. If the emissions from the bag house are observed, the services of a certified visible emission reader shall be retained and certified visible emission observation shall be taken of the bag house exhaust within 24 hours.

10. The Owner/Operator shall keep maintain a record of all malodor, visible emission and fugitive emission

surveys performed. The records shall include the date, time, name and title of the observer, whether visible emissions, fugitive emissions or malodors were observed and any corrective action. Records shall be kept onsite for a minimum of 5 years.

11. Maintenance on the torch burning booth and dust control system shall meet or exceed manufacturers' recommendations and good air pollution control practices. Company shall maintain, and follow the operating, maintenance and trouble shooting procedures specified in the Furnace Operating Manual for spare parts inventory, inspection schedules, and preventive maintenance requirements for this system.

12. Permittee shall provide employee training about the proper operation, emission limitations, equipment monitoring, recordkeeping and equipment maintenance requirements contained in this Plan Approval. Permittee shall maintain documentation that the employee training has been conducted. Training shall be repeated when necessary to train new employees, or at least annually.

13. The permittee shall report each malfunction that may result in an emissions increase to the Department. For purposes of this condition a malfunction is defined as any sudden, infrequent, and not reasonably preventable failure of air pollution control or process equipment; or, operating in a nonpermitted manner.

a. When the malfunction poses an imminent and substantial danger to the public's health and safety or potential harm to the environment, the permittee shall report the incident to the Department within 1 hour.

b. The report shall describe the:

- i. Name and location of the facility;
- ii. Nature and cause of the malfunction;
- iii. Time when the malfunction or breakdown was first observed;
- iv. Expected duration of excess emissions; and
- v. Estimated rate of emissions.

c. The owner or operator shall notify the Department immediately when corrective measures have been accomplished.

d. Unless otherwise required by specific reporting requirements, any malfunction that is not subject to the notice requirements of paragraph a. of this permit condition shall be reported to the Department within 24 hours (or the next business day) by telephone and within 5 days by mail of discovery. The report shall contain the same information required by subsection b.1—5.

General Conditions

14. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA).

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

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

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

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

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

d. The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

e. The notice submitted by the permittee under subpart a, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

17. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

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

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

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

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

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

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

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

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

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

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

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

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

b. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA.

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

a. The permittee constructs or operates the source subject to the plan approval in violation of the act, the

CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

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

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

d. The Environmental Protection Agency determines that this plan approval is not in compliance with the CAA or the regulations thereunder.

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

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

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

Regional Air Program Manager
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222-4745

26. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Noor Nahar, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

The comments must be received prior to the close of business 30 days after the date of this publication.

32-00398A: Western Allegheny Energy, LLC, (301 Market Street, Kittanning, PA 16201-1504) for construction and operation of a Coal Preparation Plant at their Knob Creek Mine in Young Township, **Indiana County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (De-

partment) intends to issue Plan Approval PA-32-00398A to allow the construction of a coal processing facility consisting of conveyors, a screen, radial stackers, stockpiles, a haul road and other supporting equipment at the Knob Creek Mine, located in Young Township, Indiana County.

Emissions from the facility are estimated to be 38.53 tons of PM and 13.99 tons of PM/PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources, and also to 40 CFR 60, Subpart Y, Standards of Performance for Coal Preparation Plants. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

Special Conditions

1. This Plan Approval is to allow the construction and operation of a Coal Preparation Plant by Western Allegheny Energy, LLC at their Knob Creek Mine Coal Preparation Plant located in Young Township, Indiana County (25 Pa. Code § 127.12b).

2. Air contamination sources at the Facility are as follows (25 Pa. Code § 127.12b):

- Pit Conveyor, 36".
- ROM Stockpile.
- Screen, Screen Machine 200 tph (or equivalent).
- Oversize Coal Radial Stacker.
- Oversize Coal Stockpiles.
- Clean Coal Conveyor.
- Clean Coal Radial Stacker.
- Clean Coal Stockpiles.
- Truck Loadout by Front-end Loader.
- Paved and Unpaved Roadways.
- Emergency Diesel Engine, Cummins 6CTA8.3-G2 (or equivalent), 277 bhp.

3. Air pollution prevention equipment at the Facility includes the following (25 Pa. Code § 127.12b):

- Pressurized water truck with pressurized spray gun; stockpile and roadway control.
- Paving, sweeper and pressurized water truck; roadway control.
- Truck tarping; truck shipping control.
- Covers; each conveyor, each transfer point, each radial stacker, and screen control.
- Water sprays; each transfer point and screen control.

4. The sulfur content in diesel fuel shall not, at any time, exceed 0.3 wt% (25 Pa. Code § 127.12b).

5. Emergency diesel generators shall be limited to no greater than 500 hours of operation in any 12-month period (25 Pa. Code § 127.12b).

6. Visible emissions from diesel engines stacks shall not exceed the following limitations (25 Pa. Code § 127.12b):

- Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
- Equal to or greater than 30% at any time.

7. There shall be no fugitive emissions from the Facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

8. The Owner/Operator may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the Facility (25 Pa. Code § 123.31).

9. Raw coal throughput at the Facility in any consecutive 12-month period shall not exceed 800,000 tons (25 Pa. Code § 127.12b).

10. Coal shall be stockpiled in such a manner that it may be adequately wetted by the onsite pressurized water truck to control fugitive emissions. All coal shall be adequately wetted prior to, during, and after processing, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

11. All conveying equipment, radial stackers, and front-end loaders used to stockpile, transfer, and load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

12. The Owner/Operator shall employ the use of existing vegetation as wind barriers around coal storage piles (25 Pa. Code § 127.12b).

13. Each hopper, screen and transfer point shall be fully enclosed, or partially enclosed and equipped with water sprays. All coal shall be adequately wetted prior to, during and after processing, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

14. All conveyors and radial stackers shall be covered, except if located within 500 feet of a residence where total enclosure will be required (25 Pa. Code § 127.12b).

15. The plant access road shall be paved for the first 500 feet and maintained so as to prevent fugitive emissions from crossing the property line. The remaining areas of vehicle traffic shall be paved or periodically delineated with gravel or crushed stone, as necessary to prevent fugitive emissions from crossing the property line (25 Pa. Code § 127.12b).

16. In-plant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

17. Road watering and sweeping shall be performed on, as needed, and earth or other material transported from the site shall be removed promptly from, as needed, the paved public road (SR-403) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

18. The Owner/Operator shall post a requirement stating, "All loaded trucks exiting the plant property shall be properly tarpaulin covered" (25 Pa. Code § 127.12b).

19. The Owner/Operator shall perform a daily inspection of the Facility for the presence of fugitive and visible emissions. Records of each inspection shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

20. The Owner/Operator shall maintain the following 12-month rolling totals (25 Pa. Code § 127.12b):

- a. Tons of raw coal processed at the Facility.
- b. Tons of clean coal shipped from the Facility by truck.
- c. Tons of oversize coal shipped from the Facility by truck.

d. The number of hours the emergency diesel engine operated using a nonresettable hour meter.

21. The Facility is subject to New Source Performance Standards for Coal Preparation Plants (40 CFR Part 60, Subpart Y). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted.

Director
Air Toxics and Radiation
US EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Department of Environmental Protection
Air Quality Program
400 Waterfront Drive
Pittsburgh, PA 15222-4745

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

23. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection (25 Pa. Code § 127.12b).

24. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval (25 Pa. Code § 127.12b).

25. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this Plan Approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required (25 Pa. Code § 127.12b).

General Conditions

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA).

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

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

a. When construction, installation, modification or reactivation is being conducted, the permittee should provide

written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

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

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

d. The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

e. The notice submitted by the permittee under subpart a above, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

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

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

6. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval. Except as provided in §§ 127.11a and

127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

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

1. A justification for the extension.
2. A schedule for the completion of the construction.

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

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

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

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

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

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

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

b. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA.

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

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

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

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

d. The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder.

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

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

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

Regional Air Program Manager
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

13. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.

14. A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Alan Binder, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

The comments must be received prior to the close of business 30 days after the date of this publication. For additional information you may contact Alan Binder at (412) 442-4168.

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

AMS 08255: Sunoco, Inc.—R&M (3144 Passyunk Avenue, Philadelphia, PA 19145) for an improvement project on their 865 Hydrodesulfurization Unit in the City of Philadelphia, **Philadelphia County**. The improvement project includes installing two jumper lines to bypass feed tanks, modifying two heat exchangers, installing a hydrogen purification unit, nitrogen blanketing of two fuel oil tanks and feed pump improvements. As a result of the project, CO emissions will increase by 6.6 tpy, VOC emissions will increase by 1.0 tpy, NOx emissions will increase by 9.4 tpy, SO₂ emissions will increase by 3.7 tpy, and PM₁₀ emissions will increase by 0.6 tpy. The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

20-00123: Lord Corp.—Mechanical Products Div. (124 Grant Street, Cambridge Springs, PA 16403) for a Title V Operating Permit Re-issuance to operate a Fabricated Rubber Products manufacturing facility, located in the Borough of Cambridge Springs, **Crawford County**.

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.

23-00091: Union Packaging, LLC (6250 Baltimore Avenue, Yeadon, PA 19050) for operation of rotogravure and flexographic presses in Yeadon Borough, **Delaware County**. This action is a renewal of the State-only Operating Permit (Natural Minor), which was issued on March 18, 2004. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

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

06-03066: Kief Industries, Inc. (331 June Avenue, Blandon, PA 19510) for operation of metal castings in Maiden Creek Township, **Berks County**. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-03034: B-Way Corp. (599 Davies Road, York, PA 17402) for their metal can manufacturing facility in Springettsbury Township, **York County**. This is a renewal of the State-only operating permit issued in February 2004.

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

26-00045: Coolspring Stone Supply, Inc. (P. O. Box 1328, Uniontown, PA 15401) for limestone production at their Coolspring Quarry in North Union Township, **Fayette County**. This is a renewal of their State-only Operating Permit issued in 2004.

63-00646: Ritchey Metals Co., Inc. (30 Georgetown Road, Canonsburg, PA 15317) for zinc and aluminum alloys manufacturing at their Hendersonville Plant in Cecil Township, **Washington County**. This is a renewal of their State-only Operating Permit, last renewed in 2004.

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

61-00191: Seneca Printing & Label, Inc. (1642 Debence Drive, Franklin, PA 16323) for re-issuance of a Synthetic Minor permit to operate a commercial printing facility in Sandycreek Township, **Venango County**. The significant sources included, plant heating system, pressroom (Lithographic presses) (34), miscellaneous fugitive emission sources and three degreaser units. The facility has taken restriction on VOC emission. The VOC emission from the facility shall not exceed 49.5 tpy to qualify as synthetic minor.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal 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—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:

Table 1

Parameter	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.

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

32980114 and NPDES No. PA0234923. Simpson Coal Company, R. D. 1, Box 244, New Alexandria, PA

15670, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 67.5 acres. Receiving streams: Blacklegs Creek and UNTs to Blacklegs Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 19, 2008.

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>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous 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.

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

37020306. The East Fairfield Coal Co. (Box 217, 10900 South Avenue, North Lima, OH 44452-9792). Revision to an existing noncoal surface mining permit in North Beaver Township, **Lawrence County** affecting 179.3 acres. Receiving streams: Honey Creek and four UNTs to Honey Creek, classified for the following use: HQ. There are no potable surface water supply intakes within 10 miles downstream. Revision to add 9.0 acres to the permit. Application received December 24, 2008.

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

8275SM1C and NPDES Permit No. PA0594601. Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage in West Hempfield Township, **Lancaster County**, receiving stream: UNT to Chiques Creek, classified for the following use: WWF. Application received December 22, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of

the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E52-214. Barry L. May, P. O. Box 1123, Dublin, PA 18917, in Palmyra Township, Pike County, United States Army Corps of Engineers, Philadelphia District.

To remove large surface stones and to chip three boulders to lake bed elevation within basin of Lake Wallenpaupack for the purpose of maintaining a safe access area to existing dock. The project is located at Lot 4 along Vetterlein Lane approximately 0.4 mile southwest of SR 0507 and Buehler Road intersection (Hawley, PA Quadrangle Latitude: 41° 24' 32"; Longitude: 75° 14' 21").

E45-535. John E. Fry, 19 Dexter Drive, North Basking Ridge, NJ 07920, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a driveway crossing of a tributary to Tunkhannock Creek (HQ-CWF) consisting of a 36-inch diameter pipe depressed 12 inches below streambed elevation and to construct and maintain a house in the floodway of the same tributary. The project is located within the residential development at Lake Naomi, Lot 37, Unit 1, Section 12, 130 feet west of the intersection of Longview and Laurel Lanes (Pocono Pines, PA Quadrangle Latitude: 41° 06' 49"; Longitude: 75° 26' 21").

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

E67-860: Catholic Diocese of Harrisburg, Manchester Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To install and maintain: 1) a 10.0-inch sanitary sewer line crossing in a UNT to Little Conewago Creek (TSF) and associate PEM/PFO wetlands; and 2) a 10.0-inch sanitary sewer line crossing in a UNT to Little Conewago Creek for the purpose of constructing a 65-unit residential subdivision. The project will temporarily impact 0.04 acre of PEM/PFO wetlands and approximately 36.0 linear feet of stream channel. The project is located between the existing Holy Savior Cemetery and the south side of Raintree Road (Dover, PA Quadrangle N: 6.2 inches; W: 0.75 inch, Latitude: 40° 1' 57.9" N; Longitude: 76° 45' 21.1" W) in Manchester Township, York County.

E29-096: Dublin Township, 1366 Cole Road, Hustontown, PA 17229, Dublin Township, **Fulton County**, United States Army Corps of Engineers Baltimore District.

To: (1) remove an existing low flow concrete bridge with 12 27.0-inch diameter corrugated metal pipes having a width of 12.3 feet, a length of 35.0 feet, and a skew of 90.0°; and (2) construct and maintain a single span prestressed concrete adjacent box beam bridge having a

clear span of 80.5 feet, a width of 225.3 feet, a skew of 85.0° and a minimum underclearance of 7.0 feet carrying T-452 (Boy Scout Road) over Little Augwick Creek (TSF) in Dublin Township, Fulton County (McConnellsburg, PA Quadrangle N: 16.5 inches; W: 12.7 inches, Latitude: 40° 05' 23"; Longitude: 77° 57' 52"). The project will permanently impact 0.05 acre of PSS wetland and temporarily impact an additional 0.05 acre of PSS wetland at the proposed bridge location. The permittee is required to provide a minimum of 0.08 acre of replacement wetlands, and has proposed to compensate for the impact at the Whitsel Advance Wetland Compensation Site.

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

E14-515. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803. Water Obstruction and Encroachment Joint Permit in Patton Township, **Centre County**, United States Army Corps of Engineers, Susquehanna River Basin District (Julian, PA Quadrangle N: 40° 48' 47.7"; W: 77° 54' 38.4").

To construct and maintain three culvert-pipe crossings in a UNT to Spring Creek to provide vehicular and construction access to the divided property. Culvert crossing No. 1 will consist of placing a 60-inch CMP, having a length of 129.85 linear feet, at the southern end of the site. Culvert crossing No. 2 will consist of placing three 42-inch HDPE pipes, having a length of 87.96 linear feet, near the northcentral end of the site. Culvert crossing No. 3 will consist of placing an 18-inch CMP, having a length of 74.30 linear feet, at the northeastern corner of the site. The projects are located 450-feet northeast of the intersection of North Atherton Street and Hawbaker Industrial Boulevard in a UNT to Spring Creek, Patton Township, Centre County. This project proposes to impact an approximate total of 292 linear feet of a UNT to Spring Creek, which is designated as a CWF and does not propose to impact any jurisdictional wetlands.

E41-593. Laurel Hill Wind Energy, LLC, 71 Allen Street, Rutland, VT 05701-4570. Water Obstruction and Encroachment Joint Permit Application, Laurel Hill Wind Project, in Jackson and McIntyre Townships, **Lycoming County**, United States Army Corps of Engineers, Baltimore District (Liberty, PA Quadrangle N: 41° 32' 5.15"; W: 77° 1' 34.70").

To construct, operate and maintain approximately 39 wind turbines within the Blockhouse Creek and Roaring Branch watersheds (CWF and EVF). Construction of the wind turbines, access roads and transmission lines will require five stream and 29 wetland crossings as follows:

<i>Stream Name</i>	<i>Crossing Length (ft.) and Wetland Impact (ft²)</i>	<i>Latitude</i>	<i>Longitude</i>
~ Streams ~			
UNT to Roaring Branch	140	41.52200	77.06200
UNT to Roaring Branch	135	41.53730	77.02090
Red Run (crossing No. 1)	170	41.52580	76.97275
Red Run (crossing No. 2)	185	41.53220	76.99140
UNT to Roaring Branch	0.0	41.53081	77.07596
UNT to Roaring Branch	0.0	41.52764	77.06751
UNT to Roaring Branch	0.0	41.52766	77.06703

<i>Stream Name</i>	<i>Crossing Length (ft.) and Wetland Impact (ft²)</i>	<i>Latitude</i>	<i>Longitude</i>
UNT to Roaring Branch	0.0	41.52797	77.06479
UNT to Roaring Branch	0.0	41.52766	77.06795
~ Wetlands ~			
Roaring Branch (isolated)	6,125	41.5155	77.0862
Roaring Branch (isolated)	8,625	41.5361	77.0174
Roaring Branch (isolated)	10,210	41.5332	77.0271
Roaring Branch (isolated)	735	41.5314	77.0347
Roaring Branch (isolated)	1,860	41.5329	77.0285
Roaring Branch (isolated)	490	41.533	77.0284
Roaring Branch (isolated)	0	41.5344	77.0229
Roaring Branch (isolated)	435	41.5335	77.0271
Roaring Branch	0	41.5355	77.0197
Roaring Branch (isolated)	7,030	41.5394	77.0017
Roaring Branch	2,080	41.5400	77.0010
Roaring Branch	7,540	41.5431	76.9882
Roaring Branch	4,325	41.5430	76.9870
Roaring Branch	4,065	41.5373	77.0209
Roaring Branch	950	41.5379	77.0211
Roaring Branch	2,455	41.5411	77.0158
Roaring Branch	2,885	41.5413	77.0152
Red Run	4,740	41.5320	76.9910
Red Run	2,030	41.5312	76.9896
Red Run	6,470	41.5284	76.9836
Red Run	0	41.5370	77.0000
Roaring Branch	0	41.53348	77.07664
Roaring Branch	0	41.5347499	77.0769757
Roaring Branch	0	41.5310	77.0760
Roaring Branch	0	41.5277146	77.0699061
Roaring Branch	0	41.5276686	77.0687025
Roaring Branch	0	41.5280	77.0680
Roaring Branch	0	41.5280	77.0680
Roaring Branch	0	41.5280	77.0640

The project will permanently impact 73,050 square feet and temporarily impact 27,665 square feet of jurisdictional wetlands and 630 linear feet of waterway. The project is centered north of SR 0014 approximately 4 miles northwest of the Village of Ralston.

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

E42-343, University of Pittsburgh, 3400 Forbes Avenue, Pittsburgh, PA 15260. Bradford Campus Chapel and Multipurpose Facility, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Bradford, PA Quadrangle N: 41°56' 31"; W: 78° 40' 24").

The applicant proposes to remove the existing tennis courts and to construct and maintain a chapel and multipurpose facility on the University of Pittsburgh Bradford Campus within the FEMA 100-year floodplain of the West Branch of Tunungwant Creek involving a net removal of 22 cubic yards of material/earth from the

FEMA floodplain. West Branch of Tunungwant Creek is a perennial stream classified as a CWF.

E42-344, Rustick, LLC, 19 Ness Lane, Kane, PA 16735. County Landfill Expansion, in Sergeant Township, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Mt. Jewett, PA Quadrangle N: 41° 40' 00"; W: 78° 38' 00").

To expand the existing municipal landfill increasing the disposal area an additional 336.4 and to construct and maintain a 17-acre railroad spur transfer facility involving: 1) to fill a total of 1,610 feet of intermittent watercourses within the Little Sicily Run (CWF) watershed; 2) to fill two wetlands (0.80 acre and 0.01 acre respectively); 3) to construct and maintain outfalls to watercourses and wetlands in the project area; and 4) to mitigate watercourse and wetland impacts by means of a \$12,500 payment to the PA Wetland Replacement Fund and a payment of \$85,000 to the McKean County Conservation District to manage, administer and distribute funds for stream restoration/stabilization projects

DAM SAFETY

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

D58-045. Brushville Lake Dam, Jerrold Griffis, 108 Mountain Pink Road, Bloomsburg, PA 17815. To rebuild, operate and maintain the Brushville Lake Dam across

Lewis Creek (CWF), impacting 110 linear feet of stream channel, for the purpose of rebuilding the breached dam to restore the approximately 17-acre recreational lake. Work includes constructing a new spillway structure and rebuilding the earthfill embankment (Great Bend, PA Quadrangle N: 7.4 inches; W: 0.6 inch) in Oakland Township, **Susquehanna 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 VII	NPDES	NOI for coverage under NPDES general permits

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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>
PA-0064301 (small flow treatment system)	Alfonso Bellucci 685 South Mountain Road Mountain Top, PA 18707	Dorrance Township Luzerne County	UNT to Big Wapwallopen Creek 05B	Y

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

NOTICES

<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>
PAG2003603085-R	Hempfield Valley Partnership 114 Foxshire Drive Lancaster, PA 17601	East Hempfield Township Lancaster County	Swarr Run TSF Miller Run CWF	Y
PAG2003604010-R	George Desmond 1085 Manheim Pike Lancaster, PA 17601	Manor Township Lancaster County	Little Conestoga WWF	Y
PA0246841 (Sew)	Joseph Himes 516 Landis Store Road Boyertown, PA 15912	North Woodbury Township Blair County	UNT Plum Creek 11-A	Y
PA0082341 (Sew)	David Chisholm Hopewell Borough Sewer Department P. O. Box 160 Hopewell, PA 16650-1060	Hopewell Borough Bedford County	Raystown Branch Juniata River	Y
PA0085740 (Sew)	Mill Creek Area Municipal Authority P. O. Box 4 Mill Creek, PA 17060	Mill Creek Borough Huntingdon County	Juniata River 12-C	Y
PA0083038 (Sew)	Jack and Betty Waybrant Waybrant Office Building 814 East Keller Street Hernando, FL 34442	Mt. Joy Township Adams County	UNT Rock Creek 13-D	Y
PA0087548 (Sew)	Ray Starner Artillery Ridge Camping Resort Gettysburg, PA 17325	Adams County Cumberland Township	UNT Rock Creek 13-D	Y
PA0087904 (IW)	Roaring Spring Water 740 Spang Street P. O. Box 97 Roaring Spring, PA 16673	Blair County Roaring Spring Borough	Halter Creek Watershed 11-A	Y
PA0024023 (Sew)	Borough of Bernville P. O. Box 40 Bernville, PA 19506-0040	Bernville Borough Berks County	Northkill Creek 3-C	Y
PA0080039 (Sew)	Carroll Valley Sewer and Water Authority 5685 Fairfield Road Carroll Valley, PA 17320	Adams County Cumberland Valley Borough	Toms Creek 13-D	Y
PA0085243 (Sew)	Manns Choice—Harrison Township Municipal Authority P. O. Box 28 Manns Choice, PA 15550-0028	Harrison Township Bedford County	Raystown Branch Juniata River 11-C	Y
PA0247421 (Sew)	Mr. and Mrs. Rodney Groff 7729 Wertzville Road Carlisle, PA 17013	Middlesex Township Cumberland County	UNT Conodoguinet Creek 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>
PA0228061 Sewerage	Total Environmental Solutions, Inc. 906 Beaver Drive DuBois, PA 15801	Sandy Township Clearfield County	Narrows Creek 17C	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. PA0056502, Industrial Waste, **White Pine Partners, LP**, One Red Lion Road, Philadelphia, PA 19115. This proposed facility is located in City of Philadelphia/Lower Moreland Township, **Philadelphia/Montgomery Counties**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from a golf course to a UNT to Huntingdon Valley Creek in Watershed 3-J.

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

NPDES Permit No. PA0028649, Sewage, **Municipal Authority of the Borough of Sinking Spring**, 3940 Penn Avenue, Sinking Spring, PA 19608-1112. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 3-C.

NPDES Permit No. PA0014672, Amendment No. 1, Industrial Waste, **Exide Technologies**, Spring Valley Road and Nolan Street, Reading, PA 19605. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River (Outfall 001) and Bernhart Creek (Outfall 002) in Watershed 3-C.

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

NPDES Permit No. PA0263435, Sewage, **Matric Limited**, 2099 Hill City Road, Seneca, PA 16346. This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: New NPDES permit for a new discharge of treated sewage.

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

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

WQM Permit No. 0608403, Sewage, **Municipal Authority of the Borough of Sinking Spring**, 3940 Penn Avenue, Sinking Spring, PA 19608-1112. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: Influent sewers, mechanical fine screen, raw sewage pumps, a secondary clarifier, modifications to the chlorine contact tank, chemical addition facilities, leadworks, building reed beds and appurtenances.

WQM Permit No. 0708403, Sewage, **Carol Weyandt**, 120 Homes Lane, Duncansville, PA 16635. This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: A 1,500 gallon septic tank, a dosing tank with pump, a 600 square foot subsurface sand filter and chlorine tank to serve their single-family residence.

WQM Permit No. 0108402, Sewage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Hanover Borough, **York County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of: Approximately 12,200 feet of proposed improvements to the Plum Creek Interceptor from Manhole R2 at the treatment plant to Manhole 39, which is the point of connection of Penn Township's sewers. All flow will be by gravity.

WQM Permit No. WQG02360802, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Clay Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction/operation of the Bethany Gardens Pump Station.

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

WQM Permit No. 4108401, Sewage, SIC 4952, **Loyalsock Township**, 2501 East Third Street, Williamsport, PA 17701. This proposed facility is located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant proposes to eliminate two sewer overflows and rehabilitate sewer mains and replace service connection and inceptor mains in eastern Loyalsock Township.

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

WQM Permit No. WQG016158-A1, Sewerage, **Lois A. Decker**, 118 Harvison Court No. 2, Irwin, PA 15642. This existing facility is located in Penn Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for relocation of a single-residence septic and dosing tank.

WQM Permit No. WQG016169, Sewerage, **Marjorie J. Gess**, 1090 Indiana Road, Verona, PA 15147. This proposed facility is located in Penn Hills Township, **Allegheny County**.

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

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

WQM Permit No. WQG018665, Sewerage, **Cornelius C. Burkell**, 3430 Kinter Hill Road, Edinboro, PA 16412. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewage Treatment Plant.

WQM Permit No. WQG018662, Sewerage, **Troy Towsey**, 24313 Henry Morgan Boulevard, Punta Gorda, FL 33955-1713. This proposed facility is located in Connoquenessing Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewage Treatment Plant.

WQM Permit No. WQG018669, Sewerage, **Noel Mitchell**, 116 Staff Road, Slippery Rock, PA 16057. This proposed facility is located in Brady Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a single-residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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>
PAI024803008R	Chrin Land Developers 400 South Greenwood Avenue Easton, PA 18045	Northampton	Tatamy Borough Palmer Township	Tributary to Shoeneck Creek WWF Bushkill Creek HQ-CWF
PAI023908014	Monogram Land Holding, LTD 6366 Robin Lane Coopersburg, PA 18036	Lehigh	Upper Macungie Township	Cedar Creek HQ-CWF
PAI021306005	Joseph Busocker 111 North Street P. O. Box 289 Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Silkmill Run EV Lehigh River TSF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2

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>
Wilkes-Barre City Luzerne County	PAG2004008021	Department of Transportation Engineering District 4 Attn: Joseph Pilosi 55 Keystone Industrial Park Dunmore, PA 18512	Laurel Run/Mill Creek Tributaries to Susquehanna River CWF	Luzerne County Conservation District (570) 674-7991

<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>
Allen Township Northampton County	PAG2004803038R	Ron Del at Hampton Ridge, Inc. Attn: Ron Del Serro 3242 Farmersville Road Bethlehem, PA 18020	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Smithfield Township Monroe County	PAG2004508005	Hamilton Manor 1055 West Main Street Stroudsburg, PA 18360	Sambo Creek CWF, MF	Monroe County Conservation District (570) 629-3060
Todd Township Huntingdon County	PAG2003108012	Joseph Biddle 662 5th Street Huntingdon, PA 16652	Great Tough Creek TSF	Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627
Loganville Borough Springfield Township York County	PAR10Y521R-1	Logan's Reserve Development, LLC 8601 Robert Fulton Drive Columbia, MD 21046	UNT to East Branch Codorus Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Amity Township Berks County	PAG2000603086-R	Neil Dreslin P. O. Box 53 Limekiln, PA 19535	Manatawny Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Springettsbury Township York County	PAG2006708050	Scott Sosso York Property Associates, LLC 209 Sigma Drive Pittsburgh, PA 15238	UNT to Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bethel Township Berks County	PAG2000608041	Tom McKeon Berks County Industrial Development Authority 633 Court Street 14th Floor Reading, PA 19601	Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Perry County	PAG2035008003	Joseph Magaro 1325 Bower Road Shermans Dale, PA 17090	Pisgah Run WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-5119
Peach Bottom Township York County	PAG2006706093	James H. Meister 2412 Whiteford Road Whiteford, MD 21047 and Toby Beavers TLB Contracting 884 Mount Olivet Church Road Fawn Grove, PA 17314	Michael Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Centre County Ferguson Township	PAG2001403041R	Mark Bigatel Thistlewood Associates 2300 South Atherton Street State College, PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

*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>
Clarion County Elk Township	PAG2091608005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	UNT to Little Deer Creek to Deer Creek to Clarion River CWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

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>
Scranton City Lackawanna County	PAR802221	United States Postal Service Scranton Vehicle Maintenance Facility 2800 Stafford Avenue Scranton, PA 18505-9603	Stafford Meadow Brook WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Allentown City Lehigh County	PAR802238	United States Postal Service Allentown Post Office Airport Branch 1000 Postal Road Allentown, PA 18109-8900	Lehigh River WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Palmer Township Northampton County	PAR802237	United States Postal Service Easton Post Office— Palmer Branch 650 South Greenwood Avenue Easton, PA 18045-9998	Lehigh River WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Bethlehem City Northampton County	PAR802239	United States Postal Service Bethlehem Post Office 535 Wood Street Bethlehem, PA 18016-9998	Lehigh River WWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Dauphin County Lykens Township	PAR123559	Wenger's Feed Mill, Inc.—Spring Glen Facility 101 West Harrisburg Avenue Rheems, PA 17570-0026	UNT Pine Creek CWF 6-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Mercersburg Borough	PAR113558	DL Martin Company 25 Harbaugh Drive Mercersburg, PA 17236-1715	Johnston Run WWF 13-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County Lancaster City	PAR233534	RR Donnelley & Sons Co. 216 Greenfield Road Lancaster, PA 17601-5885	UNT Conestoga River WWF 7-J	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Patton Township Centre County	PAR214825	Arrow Industries— State College Plant 123 Hawbaker Industrial Drive State College, PA 16803	UNT to Big Hollow CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Ambridge Borough
Beaver County

PAR206108

World Class Processing
Corporation
21 Century Drive
Ambridge, PA
15003-2549Big Sewickley Creek and
Ohio RiverSouthwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000*General Permit Type—PAG-4**Facility Location:
Municipality and
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Cumberland County
Upper Mifflin
Township

PAG043696

Mr. and Mrs. Michael
Nowak
958 Roxbury Road
Newburg, PA 17240UNT Three Squares
Hollow Run
7-BDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Blair County
Freedom Township

PAG043882

Carol Weybrandt
120 Homes Lane
Duncansville, PA 16635Blue Knob Run
11-ADEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Dauphin County
East Hanover
Township

PAG043885

Stanley W. Stewart—
Stewart Rental Property
302 East Main Street
Hummelstown, PA
17036-1725UNT Swatara Creek
WWF
7-DDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA 17110
(717) 705-4707Clinton Township
Lycoming County

PAG045256

Lycoming County
Recreation Authority
352 Allenwood Camp
Lane
Montgomery, PA 17752UNT to Black Hole
Creek
TSFNorthcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3666Amwell Township
Washington County

PAG046385

Edward Winters
124 Mowl Road
Washington, PA 15301

UNT of Redd Run

Southwest Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Penn Hills
Township
Allegheny County

PAG046393

Marjorie J. Gess
1090 Indiana Road
Verona, PA 15147

UNT to Plum Creek

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

PAG049482

Cornelius C. Burkell
3430 Kinter Hill Road
Edinboro, PA 16412UNT to Conneauttee
Creek
16ADEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Connoquenessing
Township
Butler County

PAG049478

Troy Towsey
24313 Henry Morgan
Boulevard
Punta Gorda, FL
33955-1713Little Connequenessing
Creek
20-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942Brady Township
Butler County

PAG049488

Noel Mitchell
116 Staff Road
Slippery Rock, PA 16057UNT to Big Run
20-CDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

Eulalia Township
Potter County

PAG-084833

Coudersport Area
Municipal Authority
P. O. Box 820
Tolls Hollow Road
Coudersport, PA 16915

Coudersport Area
Municipal Authority
Wastewater Treatment
Facility
Eulalia Township
Potter County

Northcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664

**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. 2409010, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water Nesbitt Facility**
800 West Hersheypark Drive
Hershey, PA 17033
Wilkes-Barre
County **Luzerne**

Type of Facility PWS
Consulting Engineer N/A
Permit to Operate Issued December 18, 2008

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

Permit No. 0608505, Public Water Supply.

Applicant **Borough of Bally**
Municipality Bally Borough
County **Berks**
Type of Facility Permit for new Well source No. 4 and associated treatment facilities.
Consulting Engineer Michael F. Bedard, P. E.
ARCADIS U.S., Inc.
6 Terry Drive
Newtown, PA 18940
Permit to Construct Issued December 23, 2008

Permit No. 0608508, Public Water Supply.

Applicant **Wernersville Municipal Authority**
Municipality South Heidelberg Township
County **Berks**
Type of Facility Project consists of upgrades to the existing Silver Spring Pump Station. Improvements include removing existing booster pump and replacing with multiple pumps, addition of chlorine booster facilities and a emergency generator.
Consulting Engineer Christopher A. Wilson, P. E.
Beitmen & Huyett, Inc.
645 Penn Street
P. O. Box 6307
Reading, PA 19601
Permit to Construct Issued December 23, 2008

Permit No. 3608509, Public Water Supply.

Applicant **Tamarack & Spread Eagle, MHP**
Municipality New Providence Township
County **Lancaster**

Type of Facility Conversion of iodine disinfection to a sodium hypochlorite disinfection system.

Consulting Engineer Edmond G. McCorkle, P. E.
Terr-Aqua Consultants
252 South Esbenshade Road
Manheim, PA 17545

Permit to Construct Issued December 23, 2008

Permit No. 2108507 MA, Minor Amendment, Public Water Supply.

Applicant **United States Army Carlisle Barracks**

Municipality Carlisle Borough

County **Cumberland**

Type of Facility Carlisle Interconnection

Consulting Engineer Gary Sweppenhiser, P. E.
HQ Carlisle Barracks
309 Engineer Avenue
Attn: ATZE-DPW
Carlisle, PA 17013

Permit to Construct Issued December 22, 2008

Operations Permit issued to **John E. Groninger, Inc.**, 4340020, Fermanagh Township, **Juniata County** on December 22, 2008, for the operation of facilities approved under Construction Permit No. 3407503.

Operations Permit issued to **Western Berks Water Authority**, 3060066, Lower Heidelberg Township, **Berks County** on December 19, 2008, for the operation of facilities approved under Construction Permit No. 0607512 MA.

Operations Permit issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on December 23, 2008, for the operation of facilities approved under Construction Permit No. 4407502 MA.

Operations Permit issued to **The York Water Company**, 7670100, Oxford Mt. Pleasant, Union Township, **York County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 6707510 MA.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Susquahanna Township, **Dauphin County** on December 22, 2008, for the operation of facilities approved under Construction Permit No. 2207517 MA.

Operations Permit issued to **Western Berks Water Authority**, 3060066, Spring Township, **Berks County** on December 19, 2008, for the operation of facilities approved under Construction Permit No. 0608503 MA.

Operations Permit issued to **Franklin County General Authority**, 7280045, Greene Township, **Franklin County** on December 22, 2008, for the operation of facilities approved under Construction Permit No. 2808510.

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

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Township or Borough Briar Creek Township

County **Columbia**

Responsible Official Scott Thomas
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water Supply—Construction

Consulting Engineer N/A

Permit Issued Date December 23, 2008

Description of Action Rehab to the Glenbrook Tanks 1 and 2.

Permit No. Minor Amendment—Construction, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Township or Borough White Deer Township

County **Union**

Responsible Official Scott Thomas
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Public Water Supply—Construction

Consulting Engineer N/A

Permit Issued Date December 29, 2008

Description of Action Blasting and repainting of the washwater tank at the White Deer Treatment Plant.

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

Permit No. 0208512, Public Water Supply.

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

Borough or Township Union Township, **Washington County**; Baldwin Borough and the City of Pittsburgh, **Allegheny County**

County

Type of Facility Chemical storage and feed facilities at Hays Mine Station, E.H. Aldrich and the Mt. Washington booster station.

Consulting Engineer Gannett Fleming, Inc.
207 Senate Avenue
Camp Hill, PA 17011-2316

Permit to Construct Issued December 29, 2008

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039)

Union Township, **Washington County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 0208510MA.

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039) Union Township, **Washington County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 0207503MA.

Operations Permit issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033, (PWSID No. 5020039) Franklin Township, **Washington County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 6399504A1.

Operations Permit issued to **Municipal Authority of Westmoreland County**, 124 Park and Pool Road, New Stanton, PA 15672, (PWSID No. 5260036) Rostraver Township, **Westmoreland County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 2608501MA.

Operations Permit issued to **Borough of Glasgow**, 178 Route 68, Midland, PA 15059, (PWSID No. 5040059) Glasgow Borough, **Beaver County** on December 29, 2008, for the operation of facilities approved under Construction Permit No. 0407509MA.

Permit No. 5689504T2, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

Permit No. 5608502T1, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

Permit No. 5689504A1T1, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township

County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

Permit No. 5684501T2, Minor Amendment, Public Water Supply.

Applicant **Hidden Valley Public Utility Services, LLC**
1300 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Borough or Township Jefferson Township
County **Somerset**

Type of Facility Hidden Valley Resort

Consulting Engineer

Permit to Operate December 29, 2008
Issued

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

Permit No. 8318W-MA5, Public Water Supply, **Minor Amendment**.

Applicant **Harmony Borough Water Authority**

Township or Borough Harmony Borough
County **Butler**

Type of Facility Public Water Supply

Consulting Engineer Paul J. Cornetti, P. E.
Authority Engineer
109 Dutchtown Road
Butler, PA 16002

Permit to Construct December 23, 2008
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under 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>
Freeland Borough	P. O. Box 117 Freeland, PA 18224	Luzerne County

Plan Description: The Plan's selected alternative is designated as Alternative 5, Option 2. This alternative calls for the replacement of portions of the Authority's existing wastewater collection and conveyance systems as specified in Exhibit 15 and the corresponding text of the Plan. The Authority's lone combined sewer overflow (CSO) structure will be retained, upgraded and automated as outlined in the Plan. The location of the CSO structure will also be relocated to a location near the existing Wyoming Street Pumping Station to facilitate the integration of the CSO structure with the pumping station's facilities. The CSO structure will be designed to discharge combined wastewater flows to its overflow line and receiving stream when flows reaching the Authority's

wastewater treatment facility exceed 1.7 mgd. The Authority will convey combined wastewater flows through its combined sewer overflow point to its wastewater treatment facility to the maximum extent possible. The Wyoming Street Pumping Station will also be converted to a submersible type station and expanded to a capacity of approximately 1.1 mgd with redundant pumping equipment.

Alternative 5, Option 2 also proposes to upgrade and expand the Authority's existing wastewater treatment facility, located in Foster Township, Luzerne County, to a capacity of 1.2 mgd. The biological treatment portion of the facility will be converted from a trickling filter process to an aeration-based process as shown in Exhibit 18 and described in the text of the Plan. Flow equalization in the amount of 0.250 million gallons will be provided at the wastewater treatment facility to accommodate wet-weather flows. The facility will also be converted from a chlorine-based disinfection system to an ultraviolet-based disinfection system. Biosolids dewatering at the facility will be converted from a drying bed process to a mechanical filter press process. Treated wastewater from the facility will continue to be discharged to Pond Creek.

The Plan also calls for the continued investigation, location and removal of infiltration and inflow sources from the Authority's collection and conveyance systems and structures throughout the Borough through cooperative and coordinated efforts between the Borough and the Authority. These efforts shall be ongoing in nature and continue until modified by a revision of the Borough's Official Sewage Facilities with subsequent approval of the Plan by the Department of Environmental Protection (Department). Implementation of the selected wastewater disposal alternative and operation of the proposed facilities will be performed by the Borough and the Authority as specified in the Plan.

Financing of the proposed wastewater collection and conveyance system is to be provided by the Pennsylvania Infrastructure Investment Authority (PENNVEST). In evaluating the Plan for PENNVEST financing purposes, the Department has concluded that the proposed expansion of the Authority's wastewater treatment facility is in excess of that value justified by the Plan's population and reasonable growth projections. PENNVEST participation in funding the Authority's wastewater treatment facility upgrade and expansion will be prorated such that only costs attributable to upgrading and expanding the wastewater treatment facility to a flow of 1.03 mgd will be eligible for PENNVEST funding participation. All other costs attributable to the wastewater collection and conveyance systems' improvements are eligible at 100% of their construction cost values.

This approval correspondence covers only the wastewater planning aspects of the selected wastewater disposal alternative as it relates to individual municipality's Official Sewage Facilities Plan. The approved project will require an NPDES Permit for the proposed effluent discharge. The approved project will also require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. Both of these permit applications must be submitted in the name of the Authority.

Any additional wastewater-related improvements, additions, deletions or changes outside of those explicitly described in the Plan and its correspondence must be in compliance with the Department's regulations and be submitted to and approved by the Department in writing.

This review has also not identified any significant environmental impacts resulting from this proposal.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Manheim Township	2412 Baltimore Pike Hanover, PA 17331	York County

Plan Description: Joshua Hill, Code No. D3-67964-176-3: The approved plan provides for a 136 lot single-family residential subdivision on 203.7 acres with 132 proposed building lots and total proposed sewage flows of 32,100 gpd. The sewage flows will be tributary to a private onsite wastewater treatment plant with a discharge to a UNT of the West Branch of the Codorus Creek. The wastewater treatment plant will be sized at 100,000 gpd to accommodate possible future development and to serve existing homes with onlot sewage disposal system problems. The proposed development is located on the northeastern corner of Musselman Road and the Baltimore Pike (SR 0094) in West Manheim Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner/developer.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Potter Township	124 Short Road Spring Mills, PA 16875	Centre County

Plan Description: The approved plan provides for the replacement of the existing treatment plant at Country Club Park and extending a force main to accept sewage flows from the Meadows Clinic in the 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.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location: Located on Charlestown Road, Montgomery Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Montgomery Township	12868 Fort Loudon Road Mercersburg, PA 17236	Franklin County

Plan Description: The Official Plan Revision, entitled Darold Starliper, proposing a five lot residential subdivision using individual onlot sewage disposal systems, was disapproved because the preliminary hydrogeologic study contained in the planning information received by the

Department of Environmental Protection and required by 25 Pa. Code § 71.62(c) was flawed as it used an incorrect assessment of the background concentration of nitrate-nitrogen in the groundwater. Samples were taken from wells located in a different geologic formation than the geologic formation located at the proposed subdivision. Preliminary hydrogeologic studies must correctly and accurately assess the background concentration of nitrate-nitrogen in the groundwater at the site of the proposed subdivision.

Plan Location: Located on Shinham Road, Antrim Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antrim Township	P. O. Box 130 10655 Antrim Church Road Greencastle, PA 17225	Franklin County

Plan Description: The Official Plan Revision, entitled William Webster, proposing a six lot residential subdivision using individual onlot sewage disposal systems, was disapproved because the preliminary hydrogeologic study contained in the planning information received by the Department of Environmental Protection and required by 25 Pa. Code § 71.62(c), incorrectly assessed the background concentration of nitrate-nitrogen in the groundwater, by using sample data from wells located in a different geologic formation than the geologic formation located at the proposed subdivision. When using only those wells which are in the same geologic formation with the proposed subdivision, it is apparent that the groundwater is presently polluted at the site of the proposed subdivision. Additional onlot sewage systems will further pollute the groundwater. Such a condition is considered a nuisance and is prohibited.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property

and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.

Merton Price Property, Ridley Township, Delaware County. Michael Christie, Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kenneth Hurwitz, Merton Price Company, 207 Yorktown Place, Berwyn, PA 19132 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil contaminated with chlorinated solvents and petroleum hydrocarbons including mtbe. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Former PA School of Muscle Therapy, Upper Providence Township, Montgomery County. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of John Myers, 1598 Horseshoe Trail, Valley Forge, PA 19481, Alice Allan, Allan Properties, LLC, 190 Murphy Drive, King of Prussia, PA 19406 has 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.

Gamesa Wind PA, LLC, Falls Township, Bucks County. Chris Hawk, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Darius Rogers, Gamesa Wind Us, 400 Gamesa Drive, Fairless Hills, PA 19030 has 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.

Green Street Mews, Downingtown Borough, Chester County. David VanKeuren, Earth Engineering, Incorporated, 115 West Germantown Pike, East Norriton, PA 19401 on behalf of Sara Peck, Progressive Housing Ventures, LLC, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

The Bethlehem Club, 520 North New Street, Bethlehem City, Northampton County. Elizabeth Schamberger, Moonstone Properties, LLC, 1150 Glenlivet Drive, Suite C-31, Allentown, PA 18106 has submitted a Final Report (on behalf of her client, The Bethlehem Club, c/o TJ McHale Co., 528 North New Street, Bethlehem, PA 18018), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result

of an accidental release from the piping of an out-of-service underground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in the *Morning Call* and the *Express-Times* on November 21, 2008.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

Defense Supply Facility, City of Philadelphia, Philadelphia County. Gary R. Brown, P. E., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Jonathan Zich Defense Realty, LLC, 575 Lexington Avenue, Suite 3200, New York, NY 10022 has submitted a Risk Assessment Report and Cleanup Plan concerning the remediation of site groundwater contaminated with jet fuel. The Risk Assessment Report and Cleanup Plan were disapproved by the Department of Environmental Protection on September 17, 2008.

(PECO) Royersford MGP Site, Royersford Borough, Montgomery County. John Roberts, Jacques Whitford Company, 450 South Graves Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of Steven Freedman, Crest Club of Royersford, LP, 1715 East Butler Pike, Maple Glen, PA 19002 has submitted a Risk Assessment, Remedial Investigation and Final Report concerning the remediation of site groundwater and soil contaminated with PAHs. The Risk Assessment, Remedial Investigation and Final Report Plan was approved by the Department of Environmental Protection on December 15, 2008

Bey Residence, City of Philadelphia, Philadelphia County. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Roads, Pennsburg, PA 18073 on behalf of Doris Bey, 4927 Pulaski Avenue, Philadelphia, PA 19144 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 December 11, 2008.

Passanante Residence, Bedminster Township, Bucks County. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Paul Passanante, 277 Swamp Road, Fountainville, PA 18923 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 11, 2008.

CVS New Garden, New Garden Township, Chester County. Craig Herr, RT Environmental Services, Inc., 2145 West Church Road, King of Prussia, PA 19406 on behalf of John Zaharchuk, Summit Realty Advisors, LLC, 621 Delaware Street, New Castle, DE 19720 has submitted a Risk Assessment and Final Report concerning the remediation of site soil contaminated with arsenic. The Risk Assessment and Final Report were approved by the Department of Environmental Protection on December 15, 2008.

PECO North Wales MGP, North Wale Borough, Montgomery County. George Keil, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Benjamin Henry, P. E., C Energy Company, 2301 Market Street S9-1, Philadelphia, PA 19103 has submitted a Risk Assessment and Final Report concerning the remediation of site groundwater and soil contaminated with organic and inorganic compounds. The Risk Assessment and Final Report were approved by the Department of Environmental Protection on December 8, 2008.

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

Scot Lubricants of PA, Inc., 1801 East Tremont Street, Allentown City, **Lehigh County**. Jeremy W. Bolyn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report (on behalf of his client, Scot Lubricants of PA, Inc., P. O. Box 326, Allentown, PA 18105), concerning the remediation of site soils and groundwater found to have been impacted by No. 2 fuel oil and leaded gasoline as a result of an accidental release during the removal of a 550-gallon fuel oil underground storage tank and a 1,000-gallon leaded gasoline underground storage tank. The report documented attainment of the Statewide Health Standard for soils and groundwater and was approved on December 16, 2008.

Czeitner Property, Lower Woodside Drive, Silver Lake Township, **Susquehanna County**. Dawn L. Washo, Resource Environmental Management, Inc., 8 Ridge Street, Montrose, PA 18801 submitted a Final Report (on behalf of her client, Lori Czeitner, 19 Arlington Street, Johnson City, NY 13790), concerning the remediation of soils found to have impacted by No. 2 fuel oil as a result of a release from a 275-gallon aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard and was approved on December 15, 2008.

The Bethlehem Club, 520 North New Street, Bethlehem City, **Northampton County**. Elizabeth Schamberger, Moonstone Properties, LLC, 1150 Glenlivet Drive, Suite C-31, Allentown, PA 18106 submitted a Final Report (on behalf of her client, The Bethlehem Club, c/o TJ McHale Co., 528 North New Street, Bethlehem, PA 18018), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of an accidental release from the piping of an out-of-service underground storage tank. The report documented attainment of the Statewide Health Standard and was approved on December 9, 2008.

RESIDUAL WASTE GENERAL PERMIT RENEWAL

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

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

General Permit Number WMGR096. The Department of Environmental Protection (Department) has renewed the Department initiated General Permit Number WMGR096. This general permit authorizes the beneficial use of regulated fill as a construction material. The Department issued the renewal on December 24, 2008.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit No. WMGR090SW001 C&D. The Lane Construction Corporation, 1 Rutgers Road, Pittsburgh, PA 15205. Crafton Asphalt Plant, 1601 Chartiers Valley Lane, Pittsburgh, PA 15205 and Springdale Asphalt Plant, 1000 Sherosky Way, Springdale, PA 15144. A residual waste general permit for the processing of reclaimed asphalt pavement materials for beneficial use as a roadway construction material in the City of Pittsburgh/Springdale Borough, **Allegheny County**, was approved by the Regional Office on December 23, 2008.

Persons interested in reviewing the general permit should contact Diane McDaniel, P. E., Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, TDD users should contact the Department 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.

45-301-031GP14: H.G. Smith Crematory (2120 North 5th Street, Stroudsburg, PA 18360) on December 24, 2008, to install and operate a pet and human remains crematory at their site in Stroudsburg Borough, **Monroe 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.

GP5-30-00175A: Atlas Pipeline Pennsylvania, LLC (P. O. Box 611, Moon Township, PA 15108-0611) on December 22, 2008, to install and operate one Caterpillar G3512LE compressor engine with Miratech IQ-22-10-H1 catalytic converter, two Caterpillar G3516 LE compressor engines each rated at 1,340 bhp-hr and replacement of the existing dehydrator with a new NATCO dehydrator rated at .350 mmBtu/hr at their Davis Compressor station in Jefferson Township, **Greene County**.

GP5-63-00940A: Mark West Liberty Gas Gathering, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on December 19, 2008, to install and operate four Caterpillar 3516LE compressor engines, each equipped with a Miratech ZHS-30x31-12-H1 catalytic converter and two NATCO Dehydrators rated at 0.275

mmBtu/hr at their Shaw Compressor Station located in Chartiers Township, **Washington County**.

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

GP-10-324A: Butler Area School District—Butler Area Senior High School (120 Campus Lane, Butler, PA 16001) on December 22, 2008, to operate three natural gas fired boilers (BAQ-GPA/GP-1) in Butler Township, **Butler County**.

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

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

09-0061B: Donaldson Co., Inc.—d/b/a Teratec (85 Railroad Drive, Ivyland, PA 18974) on December 22, 2008, to install a polytetrafluoroethylene extrusion line and drying process, which will be controlled by a Regenerative Thermal Oxidizer, at their facility in North Hampton Township, **Bucks County**. This facility is a Minor facility. There will be 4.4 tpy VOC increase due to this installation. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

66-315-054: Procter & Gamble Paper Products Co. (P. O. Box 32, Mehoopany, PA 18629-0032) for installation of two new Napkin converting lines at their facility in Washington Township, **Wyoming County**.

54-313-088: Air Products & Chemicals (357 Marion Avenue, Tamaqua, PA 18252) on December 16, 2008, to modify their existing Fluorine Operation to include a new scrubber at their facility in Rush Township, **Schuylkill County**.

54-322-008: UGI-CES Generating Station (1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610) on December 11, 2008, to construct and operate a ground flare and siloxane removal system at their site in Foster Township, **Schuylkill County**.

48-316-005: Tree Cycle, LLC (2026 Route 31, Suite 6, Glen Garden, NJ 08826) on December 12, 2008, to construct and operate a wood palletizing facility at their site in Plainfield Township, **Northampton County**.

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

24-017C: Morgan Advanced Materials and Technology (441 Hall Avenue, St. Marys, PA 15857) on December 23, 2008, to construct a second batch coking oven to be controlled by a new thermal oxidizer in St. Marys City, **Elk County**. This is a State-only facility.

24-083P: Carbone of America—Benzinger Plant (215 Stackpole Street, St. Marys, PA 15857) on December 18, 2008, to modify plan approval 24-083N to include three additional carbon mixers (Source ID 129C) in St. Marys, **Elk County**.

25-970B: Wire Weld, Inc.—North East (12069 East Main Road, North East, PA 16428-3641) on December 23, 2008, to modify operating temperature restrictions in Plan Approval 25-970A in North East Township, **Erie County**.

37-243F: INMETCO (One INMETCO Drive, Ellwood City, PA 16117) on December 23, 2008, to modify plan approval 37-243D condition with regards to the CO CEM for the 156,000 acfm baghouse controlling the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility.

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.

23-0009C: Boeing Co.—Philadelphia (P. O. 16858, Philadelphia, PA 19142) on December 22, 2008, to operate a manufacturing aircraft in Philadelphia, **Philadelphia County**.

15-0015C: Sartomer Co., Inc. (502 Thomas Jones Way, Exton, PA 19341) on December 23, 2008, to operate a Control Device in West Chester Borough, **Chester County**.

23-0089: FPL Energy Marcus Hook, LP (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on December 23, 2008, to operate a Control Device in West Borough of Marcus Hook, **Delaware County**.

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

24-083D: Carbone of America—Graphite Materials Div. (1032 Trout Run Road, St. Marys, PA 15857) on December 31, 2008, to construct a CBH Kiln in Benzinger Township, **Elk County**.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

46-0029D: Glasgow, Inc.—Springhouse Asphalt Plant—Quarry (Route 309 and Hartman Road, Montgomery, PA 18936) on December 22, 2008, a minor modification of Plan Approval No. 46-0029D for modification of an existing mineral processing plant in Montgomery Township, **Montgomery County**. Minor language changes were made in the modified Plan Approval. The modification has the same emissions limits and regulatory requirements as the original issuance.

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

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

23-00003: ConocoPhillips (4101 Post Road, Trainer, PA 19061) on December 23, 2008, to renew their Title V

Operating Permit in Trainer Borough, **Delaware County**. The initial permit was issued on February 24, 2003. The facility is a petroleum refinery. As a result of potential emissions of NO_x, SO_x, VOC, CO and PM, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The operation is subject to Compliance Assurance Monitoring under 40 CFR Part 64 and NSPS regulations. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

67-05033: Gichner Systems Group, Inc. (490 East Locust Street, P. O. Box 481, Dallastown, PA 17313) on December 18, 2008, to operate their portable metal building manufacturing facility in York Township, **York County**. This Title V Operating Permit was administratively amended due to a change of ownership. This is Revision No. 1.

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

V07-002: Naval Surface Warfare Center—Carderock Division (5001 South Broad Street, Code 02, Philadelphia, PA 19112) for operation of research, development, testing, evaluation, fleet support and in-service engineering for surface and undersea naval ships facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four wall-fired ship boilers, each with a heat input between 200 and 385 mmBtu/hr, five boilers each with a heat input less than 10 mmBtu/hr, 10 heaters each with a heat input less than 3 mmBtu/hr, five emergency generators, three engine test cells, five diesel engines used for testing, 11 gas turbines, a paint spray booth, wood working and parts cleaner. The facility's air emissions control devices include dust collectors, baghouse and filters.

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.

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

06-05114: Birchcraft Kitchens, Inc. (425 Richmond Street, Reading, PA 19605) on December 22, 2008, to operate their wood cabinet manufacturing plant in the City of Reading, **Berks County**.

36-03056: Weaver Industries, Inc. (425 South 4th Street, Denver, PA 17517-1224) on December 18, 2008, to operate their existing industrial machinery operation facility in Denver Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

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

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

46-00014: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041) the operating permit was amended to incorporate Plan Approval PA-46-0014F for a Metal and Plastic Saw with Cyclone in Upper Hanover Township, **Montgomery County**. Other revisions include the removal of sources no longer operated at the facility, the addition of an exempt emergency generators source and solvent degreasers source and general restructuring and reorganization of sources and permit conditions. Administrative Amendment of Title V Operating Permits is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

36-05119: Signature Custom Cabinetry, Inc. (434 Springville Road, Ephrata, PA 17522-9610) on December 22, 2008, for a coating spray booth at Ephrata Township, **Lancaster County**. This State-only operating permit has been administratively amended to incorporate plan approval 36-05119C for Spray Booth 55, Souce ID 12B. This is Revision No. 1.

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

V04-007: PaperWorks Industries, Inc. (5000 Flat Rock Road, Philadelphia, PA 19127) on December 22, 2008, to incorporate a change of ownership from Altivity Packaging, LLC. The Title V Operating Permit was originally issued on July 12, 2005.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

37-00023: Orion Power Midwest LP—New Castle Power Plant (121 Champion Way, Canonsburg, PA 15317) for their facility in Taylor Township, **Lawrence County**. The de minimis emission increases are related to construction of an auxiliary boiler to provide building heat. The installation of the boiler will begin on or after January 1, 2009. The boiler is rated at 8.2 mmBtu/hr and is fired with No. 2 oil. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(3). The facility has not applied for any other de minimis increases during the term of the current permit which expires December 31, 2001.

The Department of Environmental Protection hereby approves the de minimis emission increase. The following table is a list of the de minimis increases as required by 25 Pa. Code § 127.449(i). This list includes the de minimis increases since the Title V Operating Permit issuance on January 23, 2007.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
12/19/2008	8.2 mmBtu Clayton Ind. No. 2 oil fired auxiliary boiler	0.10	0.71	1.0	0.01	0.25
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

32990103 and NPDES Permit No. PA0212687, TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, permit revision—land use change on Murray Mumau and Paul Wanchisn properties from Wildlife Habitat and Forest to Pasture and unmanaged natural habitat in Grant Township, **Indiana County**, affecting 30 acres. Receiving streams: UNTs to and East Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 15, 2008. Permit issued December 22, 2008.

56693103 and NPDES No. PA0608017. Diamond T Coal Company, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface and auger; reclamation only—water treatment mine to change land use from pastureland to unmanaged natural habitat in Stonycreek Township, **Somerset County**, affecting 828.8 acres. Receiving streams: UNT Lamberts Run, Lamberts Run, UNT Grove Run and Grove Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority; Stonycreek River. Application received April 9, 2008. Permit issued December 22, 2008.

32970105 and NPDES Permit No. PA0234427, TLH Coal Company, 4401 Pollock Road, Marion Center, PA 15759, permit revision—land use change on Murray Mumau and Paul Wanchisn properties from Wildlife Habitat to Pasture or land occasionally cut for hay in Grant Township, **Indiana County**, affecting 42 acres. Receiving streams: UNTs to and East Run classified for the following use: CWF. There are no potable water

supply intakes within 10 miles downstream. Application received October 15, 2008. Permit issued December 22, 2008.

56030102 and NPDES No. PA0249424. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 29.6 acres. Receiving streams: UNTs to and Hays Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 21, 2008. Permit issued December 22, 2008.

32030103 and NPDES No. PA0249416. Britt Energies, Inc., 2450 Philadelphia Street, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface and auger mine in Center Township, **Indiana County**, affecting 175.6 acres. Receiving streams: Tearing Run to Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 16, 2008. Permit issued December 22, 2008.

56803020 and NPDES No. PA0121177. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface coal refuse disposal mine in Summit Township, **Somerset County**, affecting 79.5 acres. Receiving streams: Blue Lick Creek, UNT to Blue Lick Creek and a UNT to the Casselman River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2008. Permit issued December 22, 2008.

56663069, NPDES No. PA0120944 and General Permit GP-12-56980103. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface-auger mine to replace an existing air quality permit for coal processing to coverage under air quality general permit GP-12 in Elk Lick and Summit Townships, **Somerset County**, affecting 3,040.0 acres. Receiving streams: UNT to Casselman River, Casselman River, UNT to Elk Lick Creek and Elk Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 27, 2008. Permit issued December 24, 2008.

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

10970105 and NPDES Permit No. PA0227625. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous strip, auger and coal ash placement operation in Concord and Fairview Townships, **Butler County** affecting 234.7 acres. This renewal is issued for reclamation only. Receiving streams: Three UNTs to Bear Creek. Application received October 27, 2008. Permit issued December 18, 2008.

1642-10070105-E-1. T. C. Mining (252 Lower Hayes Run Road, Kittanning, PA 16201) Application for a stream

encroachment to mine through and reconstruct a 500 foot segment of 100 feet of UNT No. 1A to South Branch Slippery Rock Creek in Concord and Clay Townships, **Butler County** affecting 191.0 acres. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received November 26, 2007. Permit issued December 18, 2008.

Noncoal Permits Actions

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

07070301 and NPDES No. PA0262374. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803-1649, commencement, operation and restoration of a noncoal surface mine and stream encroachments for Schmucker Run and UNTs Nos. 1—3, and Nos. 5—8 in Woodbury Township, **Blair County**, affecting 98.7 acres. Receiving streams: Schmucker Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received March 22, 2007. Permit issued December 23, 2008.

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

03080801. Shirey Farms (225 Water Street, New Bethlehem, PA 16242). Permit issued for commencement, operation and reclamation of a small, noncoal surface mining site located in Redbank Township, **Armstrong County**, affecting 2.0 acres. Receiving streams: UNT to Redbank Creek. Application received May 9, 2008. Permit issued December 22, 2008.

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

25010302. A.C.A. Sand and Gravel, LLC (19170 Route 89, Box 16, Corry, PA 16407) Revision to an existing topsoil and sand and gravel operation to add 3.6 acres and mine below the water table in Concord Township, **Erie County** affecting 124.6 acres. The revision also includes a land use change from cropland and forestland to unmanaged water impoundment and unmanaged natural habitat on the property of Richard J. Darrow. Receiving streams: N/A. Application received April 7, 2008. Permit issued December 18, 2008.

37080303 and NPDES Permit No. PA0258598. Three Rivers Aggregates (P. O. Box 6090, Falmouth, VA 22403-6090) Commencement, operation and restoration of a sand and gravel operation in Plain Grove and Scott Townships, **Lawrence County** affecting 71.0 acres. Receiving streams: UNT to Taylor Run. Application received May 13, 2008. Permit issued December 18, 2008.

3778SM10. Gierlach Crushing & Contracting (206 Patchel Run Road, Franklin, PA 16323-6709) Renewal of existing NPDES Permit No. PA0108812 in the City of Franklin, **Venango County**. Receiving streams: Patchel Run. Application received October 31, 2008. Permit issued December 23, 2008.

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

5777SM4C7 and NPDES Permit No. PA0034690. Barletta Materials & Construction, Inc., (P. O. Box 550, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Nescopeck Township, **Luzerne County**, receiving stream: Susquehanna River and a UNT to Susquehanna River. Application received October 30, 2008. Renewal issued December 22, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

21084169. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for bridge demolition development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is December 10, 2009. Permit issued December 15, 2008.

21084170. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for bridge demolition development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is December 10, 2009. Permit issued December 15, 2008.

21084171. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for bridge demolition development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is December 10, 2009. Permit issued December 15, 2008.

21084172. Newville Construction Services, Inc., 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for bridge demo development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is December 10, 2009. Permit issued December 15, 2008.

21084173. Warrens Excavating & Drilling, Inc., P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is December 15, 2009. Permit issued December 17, 2008.

21084174. Warrens Excavating & Drilling, Inc., P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is December 1, 2009. Permit issued December 17, 2008.

01084115. Warrens Excavating & Drilling, Inc., P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Hamilton Township, **Adams County**. Blasting activity permit end date is December 1, 2009. Permit issued December 17, 2008.

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

39084121. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Laurel Field Estates in Upper Macungie Township, **Lehigh County** with an expiration date of December 21, 2009. Permit issued December 18, 2008.

360841122. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Westwood Green in Manor Township,

Lancaster County with an expiration date of December 1, 2009. Permit issued December 22, 2008.

360841126. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Wellsley Manor in Manheim Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued December 22, 2008.

360841127. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Parkside Development in East Hempfield Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued December 22, 2008.

46084123. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Lower Salford Pump Station in Lower Salford Township, **Montgomery County** with an expiration date of December 19, 2009. Permit issued December 22, 2008.

22084118. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Enclave Project in Derry Township, **Dauphin County** with an expiration date of December 15, 2009. Permit issued December 23, 2008.

54084107. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Northeast Cad in Foster and Cass Townships, **Schuylkill County** with an expiration date of December 18, 2009. Permit issued December 23, 2008.

360841120. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Willow Bends Farms in West Lampeter Township, **Lancaster County** with an expiration date of December 1, 2009. Permit issued December 24, 2008.

40084125. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Curryhill—Avondale Mine Reclamation in Plymouth Township, **Luzerne County** with an expiration date of January 1, 2010. Permit issued December 24, 2008.

67084135. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Friendship Estates in Warrington Township, **York County** with an expiration date of December 1, 2009. Permit issued December 1, 2009. Permit issued December 24, 2008.

67084136. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for White Oak Sewer Interceptor in Newberry Township, **York County** with an expiration date of December 20, 2009. Permit issued December 24, 2008.

67084137. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Thistle Hill in North Codorus Township, **York County** with an expiration date of December 18, 2009. Permit issued December 24, 2008.

360841128. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Lowes of Lancaster in East Lampeter Township and the City of Lancaster, **Lancaster County** with an expiration date of December 31, 2009. Permit issued December 26, 2008.

360841129. Gerlach's Drilling & Blasting, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Edie Enterprises in East Donegal Township, **Lancaster County** with an expiration date of December 31, 2009. Permit issued December 26, 2008.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

E44-138: Department of Transportation Engineering District 2-0, 1924 Daisy Street, P. O. Box 342, Clearfield, PA 16830, Derry Township, **Mifflin County,** United States Army Corps of Engineers, Baltimore District.

To: (1) raze the existing SR 2007 Section A01 bridge, having two spans, a width of 26.0 feet, a total span of

70.0 feet and an underclearance of 10.5 feet over Kishacoquillas Creek (HQ-CWF) (Lewistown, PA Quadrangle N: 21.4 inches; W: 8.4 inches, Latitude: 30° 37' 03"; Longitude: 77° 33' 37"); and (2) construct and maintain a two span bridge approximately 20 feet west of the existing bridge having a width of 35.0 feet, a total span of 98.0 feet and an underclearance of 9.8 feet carrying SR 2007 over Kishacoquillas Creek (HQ-CWF) (Lewistown, PA Quadrangle N: 21.4 inches; W: 8.4 inches, Latitude: 30° 37' 03"; Longitude: 77° 33' 37"). This permit also authorizes the installation of a temporary causeway and cofferdams for the purpose of constructing the new bridge and removing the old bridge. The project will result in 80.0 linear feet of temporary and 50.0 linear feet of net permanent floodway impacts associated with replacement of the SR 2007 Bridge over Kishacoquillas Creek (HQ-CWF) in Derry Township, Mifflin County.

E50-244: John McCrae, Route 1, Box 233, East Waterford, PA 17021, Toboyne Township, **Perry County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 1.0-foot thick, 10.0-foot wide by 75.0-foot long shale access road within the left bank floodway of Horse Valley Run (HQ-CWF) (Blairs Mills, PA Quadrangle N: 6.83 inches; W: 4.0 inches, Latitude: 40° 17' 15"; Longitude: 77° 39' 13") in Toboyne Township, Perry County.

E36-839, Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) a 668-foot long stream channel restoration project in a perennial UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.5 inches; W: 7.6 inches, Latitude: 40° 14' 08" N; Longitude: 76° 18' 22"); (2) a 15 foot extension of a 12-inch stormwater outfall structure discharging to the UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.0 inches; W: 8.1 inches, Latitude: 40° 14' 07" N; Longitude: 76° 18' 30"); (3) a 10 foot extension of an 18-inch stormwater outfall structure discharging to the UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.0 inches; W: 8.0 inches, Latitude: 40° 14' 07" N; Longitude: 76° 18' 27"); and (4) the removal of 287 cubic yards of fill material and the placement of 604 cubic yards of material within the floodway of a UNT to Furnace Run (HQ-CWF) (Lititz, PA Quadrangle N: 20.0 inches; W: 8.0 inches, Latitude: 40° 14' 07" N; Longitude: 76° 18' 27") located within Elizabeth Township, Lancaster County along the Turnpike at Milepost 273.5.

E34-125: SR 0850, Section A06, Laurel Run Bridges, Department of Transportation Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830, Tuscarora Township, **Juniata County**, United States Army Corps of Engineers, Baltimore District.

To: (1) raze the existing SR 0850 bridge having two spans, a width of 35.0 feet, a total span of 52.0 feet and an underclearance of 6.3 feet over Laurel Run (CWF) (McCoysville, PA Quadrangle Latitude: 40° 24' 5.5"; Longitude: 77° 33' 6.3", N: 4.6 inches; W: 7.1 inches); (2) raze the existing T-311 bridge having a single span, a width of 27.0 feet, a total span of 33.0 feet and an underclearance of 5.0 feet over Laurel Run (CWF) (McCoysville, PA Quadrangle Latitude: 40° 24' 7.0"; Longitude: 77° 33' 8.9", N: 4.7 inches; W: 7.2 inches); (3) to raze the existing SR 0075 bridge having two spans, a width of 23.4 feet, a total span of 37.3 feet skewed 75° and an underclearance of 6.7 feet over Laurel Run (CWF) (McCoysville, PA Quadrangle

Latitude: 40° 24' 7.4"; Longitude: 77° 33' 9.7", N: 4.8 inches; W: 7.3 inches); (4) construct and maintain a single span prestressed concrete spread box bridge having a width of 36.5 feet, a clear span of 39.0 feet skewed 75° and a minimum underclearance of 5.11 feet carrying SR 0075 over Laurel Run (CWF) (McCoysville, PA Quadrangle Latitude: 40° 24' 7.4"; Longitude: 77° 33' 9.7", N: 4.8 inches; W: 7.3 inches); (5) construct and maintain a 58-inch by 91-inch concrete elliptical pipe having a length of 78.0 feet carrying SR 0850 over a UNT to Laurel Run (CWF) (McCoysville, PA Quadrangle Latitude: 40° 24' 5.5"; Longitude: 77° 33' 6.3", N: 4.6 inches; W: 7.1 inches); and (6) construct and maintain a 24-inch RCP pipe having a length of 115.0 feet carrying SR 0850 over a UNT to Laurel Run (CWF) (McCoysville, PA Quadrangle Latitude: 40° 24' 7.0"; Longitude: 77° 33' 8.9", N: 4.7 inches; W: 7.2 inches), all for the purpose of replacing the SR 0075 bridge over Laurel Run (CWF) and re-aligning SR 0850 in Tuscarora Township, Juniata County.

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

E32-485. Department of Transportation—District 10-0, P. O. Box 429, 2530 Oakland Avenue, Indiana, PA 15701-0429. To fill and maintain wetlands for the purpose of constructing 2.5 acres in Conemaugh Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District 286 (Avonmore, PA Quadrangle N: 5.0 inches; W: 2.8 inches, Latitude: 40° 31' 40"; Longitude: 79° 23' 42"). To fill and maintain 0.022 acre of PEM wetlands located within the Blacklegs Creek Water Shed (CWF) for the purpose of constructing a 2.5 acre advanced wetland compensation site located adjacent to SR 286.

E63-610. Department of Transportation, District 12-0, 825 North Gallatin Avenue Extension, Uniontown, PA 15401. To replace a bridge between Chartiers and South Strabane Townships, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Washington West, PA Quadrangle N: 14.7 inches; W: 1.15 inches, Latitude: 40° 12' 21"; Longitude: 80° 15' 29"). To remove the existing SR 4049, two lane, single 56.66 ft. span, 27.5 ft. width, steel through girder bridge having an underclearance of 11 ft. over Chartiers Creek (WWF); and to construct and maintain an adjacent, upstream and to the west a two lane, single 82.6 ft. span, 43.4 ft. width, replacement concrete box beam bridge, with an underclearance of 11.2 ft. The project extends between Chartiers and South Strabane Townships.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) 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 Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing 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.

ESCP-0808805 Ted Wurfel Chief Gathering, LLC 6051 Wallace Road Ext. Suite 210 Wexford, PA 15090	Bradford County West Burlington Township	Sugar Creek TSF UNT to Towanda Creek CWF
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SPECIAL NOTICES

NPDES Permit No.: PA-0026107-A1, Sewage, **Wyoming Valley Sanitary Authority**, P. O. Box 33A, Wilkes-Barre, PA 18703-1333. The facility is located in Hanover Township, **Luzerne County**.

In response to a request received from the Wyoming Valley Sanitary Authority, the Department of Environmental Protection (Department) is proposing to change an interim compliance date contained in Part C, Special Condition Five of the Authority's NPDES permit. The due date for Activity 1, Award Contract for Construction or Begin Implementation, will be revised from October 1, 2008, to March 1, 2009. There are no other proposed changes to the permit. The Department hereby notices NPDES Permit No. PA-0026107-A1 for public comment and will consider any comments submitted during the 30-day comment period.

CATEGORICAL EXCLUSION

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

Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Butler Township	Butler Area Sewer Authority 100 Litman Road Butler, PA 16001	Butler County

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 Butler Area Sewer Authority proposes to perform sanitary sewer rehabilitation in the NW Area. The Department of Environmental Protection's (Department) review of the project and the information received has not identified any significant, adverse environmental impacts resulting from this proposal. The Department has categorically excluded this project from the State Environmental Review Process.

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

EGS 02004. Redland Brick, Inc. (5718 Clear Spring Road, P. O. Box 160, Williamsport, MD 21795). Environmental Good Samaritan project issued to eliminate surface expressions of and discharges from the Indianola Mine, located in Harmar Township, **Allegheny County**, affecting 4.2 acres. Receiving stream: Deer Creek. Project proposal received September 11, 2008. Project issued December 23, 2008.

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

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for the Lehigh River Watershed in Carbon, Luzerne and Schuylkill Counties

The Department of Environmental Protection (Department) is holding a public meeting on January 28, 2009, beginning at 10 a.m. at the Pottsville District Office in Pottsville, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. The Lehigh River Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals.

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. Portions of this watershed were heavily mined for coal in the 19th and 20th centuries. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data between 2005 and 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Depart-

ment. To request a copy of the proposed TMDL and an information sheet, contact James Andrews at (570) 621-3118 between 8 a.m. and 4 p.m., Monday through Friday, at Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901. E-mail will be received at jameandrew@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by February 3, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Friday, January 23rd. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for the Stauffer Run Watershed in Westmoreland County

Greensburg District Mining Office: Armbrust Building, 8205 Route 819, Greensburg, PA 15601.

The Department of Environmental Protection (Department) is holding a public meeting on January 22, 2009, beginning at 11 a.m. at the Greensburg District Mining Office, Armbrust Building, 8205 Route 819, Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. Multiple stream segments in the Stauffer Run Watershed have been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals and acidity. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
37927	Stauffer Run	2.25
37928	UNT	0.66
37929	UNT	1.16
37930	UNT	1.06
37931	UNT	1.48
37932	UNT	0.34
37933	UNT	0.49

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and acidity, while maintaining levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation

allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected from 2007 through 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Scott Heidel at (717) 787-1421 between 7:45 a.m. and 3:45 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at scheidel@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by February 6, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Friday, January 16, 2009. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for the Sewickley Creek Watershed in Westmoreland County

The Department of Environmental Protection (Department) is holding a public meeting on January 22, 2009, beginning at 1:30 p.m. at the Greensburg District Mining Office, Armbrust Building, 8205 Route 819, Greensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of the Clean Water Act. One stream segment in each of Sewickley Creek, Welty Run, Buffalo Run and Jacks Run has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
37556	Sewickley Creek	23.7
37662	Buffalo Run	1.3
37702	Jacks Run	1.3
37779	Welty Run	7.8

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0—9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations,

which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected from 2007 through 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Jennifer Orr at (717) 772-5670 between 8 a.m. and 4 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at jeorr@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by February 6, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Friday, January 16, 2009. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

[Pa.B. Doc. No. 09-48. Filed for public inspection January 9, 2009, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance:

DEP ID: 274-0300-005. Title: Applicability Determination and Implementation Procedures for Continuous Source Monitoring Manual Revision No. 8. Description: This technical guidance document outlines the procedures and schedule to be utilized by the owners/operators of affected facilities to comply with Revision No. 8 of the Continuous Source Monitoring Manual (Manual). This technical guidance document also accomplishes the following:

A. It supersedes the previous version of the document titled "Applicability Determination for Continuous Source Monitoring Manual Revision No. 8" that was finalized on December 2, 2006, and posted in the *Pennsylvania Bulletin* on December 27, 2006.

B. It addresses concerns and issues that were not identified or adequately covered in the 2006 version of this document.

C. It incorporates a comprehensive implementation plan that was developed following the completion and testing of the new Continuous Emission Monitoring Document Processing System (CEMDPS).

D. It serves as the official announcement by the Bureau of Air Quality (BAQ), that the upgraded CEMDPS has become functional. The owners/operators of affected facilities are required to implement the requirements of Revision No. 8 of the Manual as outlined in the technical guidance document.

This technical guidance document applies to the owners/operators of monitored sources that must comply with the requirements of 25 Pa. Code § 139.102(3) (Manual), (Document No. 274-0300-001). The Manual contains requirements relative to monitoring system design and performance, testing, recordkeeping, reporting, and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters. The owners/operators of approximately 105 companies currently maintain approximately 1,000 Continuous Source Monitoring Systems that may be affected by this guidance document.

A copy of this technical guidance document is available on the Bureau of Air Quality's CEM web site at: www.dep.state.pa.us/dep/deputate/airwaste/aq/cemspage/cems.htm. Contact: Questions regarding the technical guidance document should be directed to Charles J. Zadakis at (717) 772-3944 or czadakis@state.pa.us. Effective Date: January 10, 2009.

Draft Technical Guidance:

DEP ID: 362-0300-009. Title: Reuse of Treated Wastewater Guidance Manual. Description: This manual provides guidance to domestic sewage treatment plant operators and other parties who are interested in implementing a beneficial wastewater reuse project. It contains information on the design, operation and maintenance requirements for wastewater systems discharging treated water for beneficial reuse. The manual is intended to ensure that wastewater is managed in an environmentally sound manner in accordance with Department regulations and that wastewater discharges are free from substances that

pose a serious threat to the public health, safety and welfare. The manual was originally published as a draft technical guidance document on December 17, 2005. The Department received significant comments that misinterpreted the intent of the guidance. As a result, the guidance has been rewritten and is being republished as a draft technical guidance. Written Comments: Interested persons may submit written comments on this draft technical guidance document by February 9, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Kevin McLeary, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, (717) 783-1820, kmcleary@state.pa.us. Contact: Questions regarding the draft technical guidance should be directed to Kevin McLeary at (717) 783-1820 or kmcleary@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-49. Filed for public inspection January 9, 2009, 9:00 a.m.]

Bid Opportunity

BOGM 08-9, cleaning out and plugging three abandoned gas wells, (Mr. and Mrs. Mark Shirra, Hilda Sefchok and Lori K. Lavorgna Properties), Fallowfield Township, Belle Vernon and Jefferson Boroughs, Washington, Fayette and Allegheny Counties. The principal items of work include cleaning out and plugging three abandoned gas wells, estimated to be 3,400 feet in depth, to the Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on January 9, 2009, and bids will be opened on February 12, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-50. Filed for public inspection January 9, 2009, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Nutrient Trading Program Activities and NPDES Permits

The Department of Environmental Protection (Department) provides notice of the following actions regarding the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken in relation to the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID No. 392-0900-001) (see 36 Pa.B. 7999 (December 30,

2006)). The Policy called for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

The actions described in this notice relate to: (1) submitted proposals; (2) approved proposals; and (3) registered credits, through December 23, 2008.

Background

Before a credit can be used by an NPDES permittee, a three-step process is followed. First, the credit or offset proposal must be approved, second, it must be verified and third, it must be registered.

Approval is also known as certification, which is a written approval by the Department for the use of proposed or implemented activities to generate credits (in some cases the person generating the credits is not permitted to transfer them to another person, in which case they are called "offsets"). Certifications are based on at least: (1) a credit or offset proposal to be submitted describing the qualifying activities that will reduce the nutrient loadings delivered to the applicable watershed; (2) the calculation to quantify the pounds of reductions expected; and (3) a verification plan that, when implemented, ensures that the qualifying nutrient reduction activities have taken place. The proposals, certifications and registrations described in this notice apply to the Chesapeake Bay Watershed.

Once the credits or offsets are certified, they must be verified. Verification means implementation of the verification plan contained in a certified credit or offset proposal as required by the Department. Verification plans require annual submittal of documentation to the Department that demonstrates that the qualifying nutrient reduction activities have taken place for the applicable compliance year.

The credits or offsets also need to be registered by the Department before they can be used in an NPDES permit. Registration occurs only after credits or offsets have been certified and verified, and a trading contract for credits has been submitted to the Department. For the Chesapeake Bay Watershed, the Department will register credits on an annual basis for use during the compliance year in which the qualifying nutrient reduction activities have taken place and will provide such credits with an annual registry number for reporting and tracking purposes.

The Department has received 65 proposals that have been submitted for review to generate nutrient reduction credits in the Chesapeake Bay Watershed. Of those, 43 have been approved, 3 are in review, 1 has been withdrawn and the remaining proposals need additional clarification prior to certification.

Proposals under Review

The following proposals are being reviewed by the Department. Comments will be received on these projects for 30 days.

<i>Proposal Applicant</i>	<i>Proposal Description</i>
1. Herbert Rowland and Grubic, Inc. on behalf of the Alliance for Cooperative Innovation and the Cove Area Regional Digester Board.	Nitrogen and Phosphorus credits generated by installing a manure processing technology.

Certifications:

The Department has approved the following credit-generating proposals.

<i>Applicant and proposal description</i>	<i>Nitrogen Credits</i>	<i>Phosphorus Credits</i>
1. Lancaster County Conservation District: Nitrogen credits generated by implementation of cover crops and no-till and Nitrogen and Phosphorus credits generated by manure export.	14,270	1,335
2. Berks County Conservation District: Nitrogen credits generated by the implementation of grazing BMPs. This proposal will generate credits for multiple years. Implementation began in 2007-2008.	11	
3. PA Environmental Council and Capital RC&D: Nitrogen credits generated by the implementation of no-till in Bradford County. This proposal will generate credits for multiple years. Implementation began in 2007-2008.	3,433	
Total:	17,714	1,335

Verifications and Registrations:

To date, there are no verifications and registrations.

For further information about the information or the Department's Nutrient Trading Program, contact Ann Smith, Water Planning Office, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-51. Filed for public inspection January 9, 2009, 9:00 a.m.]

Pennsylvania Small Business Energy Efficiency Grant Program

The Department of Environmental Protection (Department) announces an upcoming grant opportunity for small businesses undertaking energy efficiency projects. The Small Business Energy Efficiency Grant Program provides a 25% matching grant, to a maximum award of

\$25,000, to enable a small business in this Commonwealth to purchase and install energy efficient equipment or processes that will result in improved energy efficiency.

An eligible applicant must be an independent for-profit small business with 100 employees or less whose business or facility is located within this Commonwealth. Examples of small businesses in this Commonwealth that are eligible include manufacturers, retailers, service providers, mining businesses and agricultural operations. The project to which the grant will apply must save the small business at least 20% annually in energy related expenses with a minimum dollar savings of at least \$1,000 per year. Only project costs incurred after the grant opening date of January 12, 2009, will be eligible.

For questions regarding the eligibility of projects, visit the grant's web site at www.depweb.state.pa.us (DEP Keyword: Small Business Energy Efficiency Grant Program) or contact Dave Barnes, Office of Energy and Technology Deployment, Small Business Ombudsman's Office at (717) 783-8411 or ra-sbgrants@state.pa.us before submitting an application. For assistance in submitting an application, persons may also contact the Small Business Development Center's Environmental Management Assistance Program, EMAP, at www.askemap.org or (877) 275-3627 or the Pennsylvania Technical Assistance Program, PennTAP, at www.penntap.psu.edu or (814) 865-0427.

The grant application and guideline package are available on the Department's web site at www.depweb.state.pa.us (DEP Keyword: Small Business Energy Efficiency). The application package contains the materials and instructions necessary for applying for a grant. Applications will also be available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772 or (717) 783-8411.

The Department will begin accepting applications on January 12, 2009, and applications must be postmarked or hand delivered to the Department between January 12, 2009, and May 1, 2009. Grants will be awarded to eligible applicants on a first-come, first-served basis. A total of \$3 million is available for this grant round.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-52. Filed for public inspection January 9, 2009, 9:00 a.m.]

Proposed General Permit and/or General Operating Permit For Heatset Web Offset Lithographic Printing Presses (BAQ-GPA/GP-25)

The Department of Environmental Protection (Department) proposes to issue General Plan Approval and/or Operating Permit (BAQ-GPA/GP-25 or General Permit) for Heatset Web Offset Lithographic Printing Presses (hereinafter referred to as heatset web presses) which contains predetermined Best Available Technology (BAT) and other regulatory requirements.

This proposed General Permit, developed under the authority of section 6.1(f) of the Air Pollution Control Act (35 P. S. § 4006.1(f) and 25 Pa. Code § 127.611 (relating to general plan approvals and general operating permits), will apply to the construction, operation and modification of both new and existing heatset web presses.

The BAQ-GPA/GP-25 General Permit is designed to serve as a General Plan Approval and/or a General Operating Permit for printers who exclusively use heatset web presses with the following limitations:

Heatset web presses that emit ink oils exceeding 5 pounds per hour must be connected to appropriately designed oxidizers capable of complying with the emission limitations stipulated in the General Permit. To qualify for coverage under this General Permit, all the emissions from the presses and dryers must be captured and sent to the oxidizers.

Control systems for the emissions from the dryers will not be required if the ink oil emissions from the heatset web presses are less than or equal to 5 pounds per hour.

As required under section 1905-A of The Administrative Code of 1929 (71 P.S. § 510-5), a facility owner or operator proposing to use the General Plan Approval/General Permit must submit a copy of the BAQ-GPA/GP-25 Application to each municipality in which the sources will be constructed, modified or operated under this General Permit. The notice must be provided to municipalities at least 15 working days prior to submitting the application to the Department. Proof of the municipal notice must also accompany the application subsequently submitted to the Department.

The proposed General Permit contains conditions that prescribe applicability, emission limitations, compliance, notification, monitoring, recordkeeping and reporting, and administrative requirements. The proposed General Permit establishes restrictions and the BAT requirements for heatset web presses that are consistent with current industrial practices.

This General Permit has been established in accordance with the provisions described in 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and general operating permits) and is not applicable to a heatset web press regulated by any of the following:

a. Any stationary air contamination source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter D (relating to prevention of significant deterioration of air quality).

b. Any stationary air contamination source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter E (relating to new source review).

c. Any stationary air contamination source that is subject to the requirements of 25 Pa. Code Chapter 127, Subchapter G (relating to Title V operating permits).

d. Any stationary air contamination source that is subject to the requirements of 25 Pa. Code § 129.91 (relating to control of major sources of NO_x and VOCs).

Guidance related to the previous requirements may be obtained by contacting the appropriate Air Program Regional Office.

Any heatset web press with an oxidizer that is constructed after the effective date of this General Permit shall comply with the following BAT requirements:

a. The emissions from the press and dryer shall be captured and controlled by an oxidizer with a non-methane hydrocarbon (NMHC) destruction and removal efficiency of at least 98.0% or a postcontrol NMHC concentration of 20 ppmvd or less as methane (CH₄), whichever is less stringent.

b. For any press utilizing an integrated dryer and oxidizer, the post-control NMHC concentration shall be 20 ppmvd or less as CH₄.

To demonstrate compliance with the previous limitations, the permittee operating a heatset web press with

an oxidizer must maintain the oxidizer temperature at or previous the Department approved set-point operating temperature on any 3-hour average. An oxidizer set-point operating temperature shall be set at the time of initial testing after the start-up of the heatset web press.

Prior to initiating construction or modification and operation using this General Permit, the owner or operator of a heatset web press must submit an application form provided by the Department. A permittee using this General Permit shall comply with the terms and conditions of the General Permit.

The authorization to construct and/or operate a heatset web press under this General Permit is granted for a fixed period of 5 years.

The General Permit establishes the following fees:

a. General Plan Approval application fee:

One thousand dollars (\$1,000)

A new application with fee as indicated previously is required each time the permittee installs or modifies a heatset web press. The installation or modification of a heatset web press must be conducted according to the terms and conditions of this General Permit.

b. General Operating Permit fees to be submitted along with General Plan Approval application:

Three hundred seventy-five dollars (\$375)

c. Annual administrative fees, payable on an annual basis:

Three hundred seventy-five dollars (\$375)

The fees shall be due on or before March 1st of each calendar year for the previous calendar year.

d. General Operating Permit renewal fee payable every 5 years:

Three hundred seventy-five dollars (\$375)

Interested parties are encouraged to obtain and review a complete copy of this proposed General Permit by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service (800) 654-5984. Internet users can access a copy of the General Permit at www.depweb.state.pa.us (DEP Keyword: Air Quality Home).

The Department invites written comments on the proposed General Permit. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Virendra Trivedi, Environmental Engineer Manager, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department will also consider written requests that a public hearing be held concerning this proposed General Permit. Written public comments must be submitted to the Department by February 25, 2009. Comments received by facsimile will not be accepted.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-53. Filed for public inspection January 9, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Harrisburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Harrisburg Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.3.2.4 (relating to minimum standards for surgical cystoscopic procedure rooms).

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-54. Filed for public inspection January 9, 2009, 9:00 a.m.]

Application of St. Luke's Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-10.3 (relating to electrical systems), NFPA 70, National Electrical Code.

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

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-55. Filed for public inspection January 9, 2009, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, January 21, 2009, and on Thursday, January 22, 2009.

These meetings will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050 on Wednesday, January 21 from 9 a.m. until 4 p.m. and on Thursday, January 22 from 9 a.m. until 2:30 p.m.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 09-56. Filed for public inspection January 9, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2008

The Department of Transportation (Department), Bureau of Aviation (Bureau), is accepting applications for Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2008.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as that indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in calendar year ending December 31, 2008, is the close of business on February 27, 2009. Applications shall be filed with the Department of Transportation, Bureau of Aviation, P. O. Box 3457, Harrisburg, PA 17105-3457.

Interested persons may direct their request for applications, inquiries or comments regarding the local real estate tax reimbursement program to Karen Heath at kheath@state.pa.us or (717) 705-1205.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-57. Filed for public inspection January 9, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Jeffco Health Services, Inc.

Jeffco Health Services, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Jefferson Manor Continuing Care Community in Brookville, PA. The initial filing was received on December 19, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a

concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-58. Filed for public inspection January 9, 2009, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Richboro SNF, LLC

Richboro SNF, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Richboro Care Center in Richboro, PA. The initial filing was received on November 5, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-59. Filed for public inspection January 9, 2009, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Taylor Health and Rehabilitation Center, LLC

Taylor Health and Rehabilitation Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Taylor Nursing and Rehabilitation Center in Taylor, PA. The initial filing was received on November 5, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed, and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345

Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-60. Filed for public inspection January 9, 2009, 9:00 a.m.]

Capital Advantage Insurance Company; Rate/Rule Filing; Rate Filing

On December 18, 2008, the Insurance Department (Department) received from Capital Advantage Insurance Company, a wholly-owned subsidiary of Capital Blue Cross, a filing for approval of rates and rules for a new Guaranteed-Issue Individual Comprehensive Major Medical Preferred Provider Organization Benefit Program (PersonalBlue PPO) to be offered in the Plan's 21 county service area in Central Pennsylvania and the Lehigh Valley. An effective date of April 1, 2009, has been requested.

Unless formal administrative action is taken prior to March 25, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional Office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to J. Sabater, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-61. Filed for public inspection January 9, 2009, 9:00 a.m.]

Metropolitan Life Insurance Company; Rate Increase Filing for LTC Form 1LTC-97-PA and 2LTC-97-PA; Rate Filing

Metropolitan Life Insurance Company is requesting approval to increase the premium 18% on Long-Term Care policy forms 1LTC-97-PA and 2LTC-97-PA. A total of 1,039 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to March 25, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-62. Filed for public inspection January 9, 2009, 9:00 a.m.]

Metropolitan Life Insurance Company; Rate Increase Filing for Several LTC Forms; Rate Filing

Metropolitan Life Insurance Company is requesting approval to increase the premium 18% on Long-Term Care policy forms LTC-FAC-PA, LTC-VAL-PA, LTC-IDEAL-PA, LTC-PREM-PA, LTC-FAC-PA-ML, LTC-VAL-PA-ML, LTC-IDEAL-PA-ML and LTC-PREM-PA-ML. A total of 4,284 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to March 25, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-63. Filed for public inspection January 9, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Sanitary Sewage Treatment

A-2008-2080416. Casciola Homes Treatment Plant. Application of Casciola Homes Treatment Plant for approval of the abandonment or discontinuance of Sanitary Sewage Treatment to the public in the Commonwealth of Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 26, 2009. The documents filed in support of the application are available for

inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Casciola Homes, Inc.

Through and By Counsel: Thomas A. Casciola, President, 17 Ridgewood Drive, McDonald, PA 15057

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-64. Filed for public inspection January 9, 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 January 26, 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-2008-2062647. Just In Time Transportation Service, LLC (P. O. Box 948, Waynesboro, Franklin County, PA 17268), a limited liability company of the Commonwealth—persons, upon call or demand service in the Borough of Waynesboro, Franklin County, and within an airline distance of 15 statute miles of the limits of said borough.

A-2008-2062658. Just In Time Transportation Service, LLC (P. O. Box 948, Waynesboro, Franklin County, PA 17268), a limited liability company of the Commonwealth—persons, in airport transfer service, from points in the County of Franklin to the Philadelphia International Airport, the Harrisburg International Airport and the Lehigh Valley International Airport, excluding service under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2079979. Whiz Kidz Shuttle, LLC (P. O. Box 817, Lansdowne, Delaware County, PA 19050), a limited liability company of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2008-2079919. American Medical Response Mid-Atlantic, Inc. (6200 South Syracuse Way, Suite 200, Greenwood Village, CO 80111), a corporation of the

Commonwealth—persons—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* William A. Gray, Esquire, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Waynesburg Cab Service, Inc.; Doc. No. C-2008-2042209

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 Waynesburg Cab Service, Inc. (respondent) is under suspension effective June 27, 2008 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1470 East High Street, Suite 3, Waynesburg, PA 15370.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 6, 2007, at A-00123043.

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-00123043 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. Excel Transport, Inc.;*
Doc. No. C-2008-2071223

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 Excel Transport, Inc. (respondent) is under suspension effective January 25, 2008 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 996 Woodland Drive, Southampton, PA 18966.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 05, 1999, at A-00115812.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250.00 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 \$250.00 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-00115812 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 \$250.00 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-65. Filed for public inspection January 9, 2009, 9:00 a.m.]

